

## Complaint Opinion 12 - 04

A complaint was filed by a group of citizens against a County Commissioner alleging two separate violations of the County Ethics Law.

The first allegation was that the County Commissioner violated 8-11 A (1) by not recusing himself on two specific legislative actions that had a direct financial impact on him and his business as a realtor in the County. The Ethics Commission dismissed the Complaint as legally insufficient and plainly frivolous under 8-10 G (3), as the alleged conduct was that of a potential action, not an actual action, as no facts were alleged that provided any evidence of an actual private gain to make the complaint ripe to bring before the Commission. See In the Matter of Barry Waterman, Queen Anne's County Circuit Court, #17-C-11-15807 (2011).

The second allegation was that three County Commissioners violated 8-11 A (7) by taking action regarding the sewer line for Route 8 that was believed to be using the prestige of their office for the private gain of themselves or another citizen. The Ethics Commission determined that one part of the complaint regarding one County Commissioner referencing himself as a County Commissioner in his business advertising violated 8-11 A (7) was legally sufficient to move forward with the Complaint. The County Commissioner filed a response and took affirmative action to remove the references from his business advertising. The Ethics Commission determined that the affirmative action of the County Commissioner made the issue moot and dismissed the complaint under 8-10 G (3).