

QUEEN ANNE'S COUNTY ETHICS COMMISSION



*Queen
Anne's
County*

The Liberty Building
107 North Liberty Street
Centreville, Maryland 21617

Telephone 410-758-4406
Facsimile 410-758-6913

Tina Miles, Clerk
Lynn Knight, Attorney

The Ethics Commission

Robert Mueller, Esquire, Chairman
Kendall Ruffatto, Esquire
Reverend Nanese A. Hawthorne
Benjamin C. Tilghman, Jr.
Harold O. Wilson

Advisory Opinion from November 17, 2008

The Commission reviewed a request for an Advisory Opinion at a meeting on November 17, 2008 regarding a potential conflict of interest between the Chief Operating Officer and his spouse, who was recently elected to the Board of Education (BOE). The Commission considered the facts that were provided regarding a possible perception of a conflict of interest and a proposed remedy.

In the context of the COO's wife being a member of the Board of Education, the Commission determined that, in actively supporting the preparation of the County's operating and capital budgets for the County Commissioners, one aspect of which is the Board of Education operating and capital budgets, the County COO would be "...acting on behalf of the county in any matter that would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them or a family member..." in violation of § 8-11.A(1). This also would be the case in any aspect of the implementation of the budget in which the COO is called upon to exercise discretion in reacting to requests by the Board to amend its budget, once approved.

The Commission further determined that these same activities by the COO would give rise to a perception of a violation of the County Public Ethics Law, specifically §8-11 A(7) in that an informed member of the public could reasonably believe that confidential information could pass between the spouses, either intentionally or unintentionally, because of the nature of their relationship and their respective positions with the County.

Further, the Board concurred with the proposed remedies of the violations, to include recusal from budget preparation, discussions, recommendation, implementation and oversight of the BOE budget beyond purely ministerial functions, and recusal from any negotiations between the BOE representatives and their unions.

Advisory Opinion 08-28