



Queen
Anne's
County

QUEEN ANNE'S COUNTY ETHICS COMMISSION

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The Ethics Commission

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Advisory Opinion Issued on November 19, 2007

The Commission considered the facts regarding the application of §8-5B(1) of the Queen Anne's County Public Ethics Law and a clarification of how it should be applied; either to specific titles or to specific job functions.

The Commission determined that the language is ambiguous. Specifically, although the capitalization of the titles in the printed text might be inferred to indicate a reference to job titles, such a restrictive construction would not seem to be consistent with the statute as a whole, including its stated purpose and policy in the preceding section. In resolving this ambiguity so as to construe the application of §8-5B(1), the Commission concluded that sound principles of statutory construction required the Commission to construe it in light of the statute as a whole. The Commission determined that the capitalization of the titles in the printed text of the Ethics law was a typographical error and did not mean that there was a reference to a specific title. Therefore, the Commission determined that the job function was the determining factor, not the title, and they suggested a two-step analysis in determining to whom §8-5B(1) would apply. First, is the individual in a position that is a grade 12 or above? Second, if so, is the individual in a position that is managerial, supervisory, or administrative in nature? If the answer is yes to both questions, then §8-5B(1) applies to that individual.