



*Queen
Anne's
County*

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The Ethics Commission

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Advisory Opinion Issued on July 16, 2007

The County Department Head who had ownership in a Corporation that has been hired to do business as a painting contractor for Queen Anne's County would have a conflict of interest and this financial relationship would violate the Conflict of Interest section of the Queen Anne's County Public Ethics Law, specifically §8-11A(2) (b), and A(7).

- Section 8-11A(2)(b) prohibits an employee from being employed by or having a financial interest in an entity that is doing business with the employee or with the governmental unit with which that employee is affiliated.
 - Section 8-6 defines "doing business with" as having a contract that involves commitment of \$1,000 or more of County funds in a calendar year.
 - This Commission has construed "governmental unit" as referring, at a minimum, to a County department.
 - Under the facts presented by the employee, the Commission concluded that it was reasonable to infer that the contract would involve services on behalf of the employee's department, and that the value of those services would exceed \$1,000 annually.
- Section 8-11A(7) prohibits an employee from "[i]ntentionally using the prestige of [the employee's] office, or confidential information acquired in [the employee's] County position," for the private gain of the employee or of another.
 - Section 8-4B reflects that the County's Public Ethics Law prohibits conduct in which County business is "subject to improper influence or even the appearance of improper influence."
 - The applicable standard for determining whether a situation presents an appearance of a conflict of interest is: Could an informed member of the public reasonably conclude that there would be a conflict of interest?
 - Under the facts presented by the employee, an informed member of the public could reasonably conclude that a County department head's prestige of office and/or exposure to confidential information would be a factor in the entity's securing or performing its contract with the County.