

Ethics Update

A newsletter from the Anne Arundel County Ethics Commission

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In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.

- Immanuel Kant, (1724-1804)

GETTING TO KNOW THE ETHICS LAW- Recusal

Recusal means disqualification because of self-interest or bias. Under the ethics law, an employee must be recused from participating in matters in which that employee has a personal interest. An employee has a personal interest in a matter if the employee's finances or legal rights may be affected by the outcome of the matter, or if the finances or legal rights of certain relatives may be affected by the outcome of the matter. The relatives whose interests may require an employee to recuse are: spouse, parent, child, or sibling. Although the law does not require recusal, an employee may choose to recuse where any other close relative, or even a close friend, has an interest in the outcome of the matter.

Recusal can be imposed upon an employee – by a supervisor for example- or an employee can “choose to recuse.” There are no magic words or necessary steps to follow. If an employee suspects or knows that there is a conflict between official duties and personal financial or legal interests, the employee simply tells the supervisor about the conflict of interest and the necessity of recusal. If the supervisor doesn't

buy it, the employee may contact the ethics commission for help.

Since every employee must comply with the ethics laws, an employee must recuse from participating in a matter in which there is a conflict of interest, regardless of whether the supervisor approves.

Values are like fingerprints. Nobody's are the same, but you leave 'em all over everything you do.

Elvis Presley, (1935-1977)

SUMMARY OF RECENT OPINIONS

Summaries of opinions issued since the last *Ethics Update* follow. Do not rely on a summary for guidance. Full opinions are available at: <http://www.aacounty.org/Ethics/indexOpinions.cfm>

IO-06-88: A civilian employee of the police department may apply for and hold a liquor license in another county.

IO-06-92: An employee may accept reasonable travel expenses from a controlled donor to attend a conference where the employee will be a featured panel speaker.

IO-06-95: A member of the Board of Appeals may serve in the House of Delegates for an eight-day term under the limited circumstances described in the opinion.

IO-06-96: The county executive may not accept free admission to

an event sponsored by a chamber of commerce because it is not a cultural, charitable, or political event.

AO-06-99: A former county attorney may represent a client with business before the county, but not on a specific matter in which the attorney participated significantly as an employee or acquired confidential information.

IO-06-100: A county employee may not serve on the Board of Appeals, and a member of the Board of Appeals may be precluded from working for state government, depending on the position held in the state.

AO-07-01: A council member may not use the prestige of office to provide character or any type of testimony for compensation before the board of appeals, but the ethics law does not apply to factual testimony provided in response to a subpoena.

AO-07-02: A member of the board of appeals may not participate in any matter in which the community association to which the member belongs has an interest or takes a position.

AO-07-03: An elected official may accept complementary ticket to a cultural event from the sponsor of the event.

AO-07-04: Police officers may not accept employment with private security firms to work as uniformed security guards.

AO-07-06: A council member may vote on legislation affecting the fire department, where the member's spouse is a firefighter, because the spouse has no interest in the legislation and it will have no impact on the spouse's terms or conditions of employment.

AO-07-08: The administrative officer to the county council may engage in secondary employment as an inspector for the liquor board.

AO-07-09: The Anne Arundel Economic Development Corporation may solicit sponsorships for a planned event, following the guidelines set forth in the opinion.

AO-07-12: A member of the Severn River Commission who is also an employee of the United States Naval Academy may not participate in any matter before the SRC in which the Academy has an interest.

AO-07-13: An employee who participates in the administration of pension benefits may participate in those matters that involve employees that work in the same department as the employee's spouse, but the employee may not participate in any matter concerning the employee's spouse's benefits.

AO-07-14: A member of the PAB, who is also the president of the NAACP, may not assist or represent the NAACP in any matter either before a county agency or employee, or in which the county has a potentially adversarial interest.

AO-07-17: A member of the county council who also owns a tavern may not participate in

legislation having to do with smoking inside bars and restaurants since the member has an interest in the outcome of the legislation.

AO-07-18: A member of the disabilities commission may not assist or represent private clients in proposed legal action against the school board because the county has an interest in the matter.

AO-07-19: A volunteer who is required to file financial disclosure but who does not have access to certain information that is required to be disclosed, may in lieu of complete disclosure, disclose only the nature of the interest and other facts of which the volunteer has specific knowledge.

AO-07-20: Public safety officers may accept a discount on rental property where the discount is part of an offer made to large groups of people and where the recipients will still be required to pay legal and adequate consideration for the rental property.

Art, like morality consists of drawing the line somewhere.
- G.K. Chesterton, (1874-1936)

ANSWERS TO THE LAST TEST

You were asked to choose the correct answer to the following questions. The correct answers are shown in **bold**.

1. How many American workers, responding to a study conducted by a legal research firm, said that they would choose an ethical workplace even if it meant a lower paycheck?

a. 5%

b. 10%
c. 50%
d. **80%**

2. How many of the same workers said that they have witnessed unethical or illegal activities in the work place?

a. 10%
b. **25%**
c. 45%
d. 75%

3. Of the workers who left a job because of poor ethical values or dishonest behavior, what did the majority say was the main problem?

a. Pressure to engage in illegal conduct
b. **Pressure to compromise values**
c. Pressure to forego vacation time

ETHICS TRAINING

Each session begins at 9:00 a.m., ends at noon and includes a 20-minute video. Training may also be scheduled for your own group at your own work location. Just call to arrange it.

Upcoming classes are currently scheduled for:

Wednesday, April 18, 2007
Wednesday, May 16, 2007
Wednesday, June 13, 2007

These will be the last training sessions scheduled until the fall of 2007, except by request.

Any party which takes credit for the rain must not be surprised if its opponents blame it for the drought.
- Dwight Morrow (1873-1931)