

May 30, 2000
Re: IO-00-92

You inquired whether you may participate as a board member in a matter before the Board of Appeals involving a party with whom you have a casual friendship. You indicated that you previously served on a county board and worked with the spouse of the party. You also stated that at one time, you and the party owned interests in a race horse together.

The Public Ethics Law, §3-101, prohibits an employee, including a member of a county board, from participating in any matter in which one of the parties to the matter has a business, contractual, or other financial relationship with the employee. Since your business and financial relationships with the party and the party's spouse have been severed, this section of the law does not apply to you. Therefore, your participation in the matter would not violate the conflict of interest provision of the ethics law, and it is not necessary for you to disclose the former connections or existing relationship with this party.

The ethics law does not prohibit participation in matters in which an employee has a casual relationship with a party to the matter. However, a close or long-term social relationship may create the appearance of a conflict of interest. Since the legislative policy of ethics law seeks to avoid even an appearance of a conflict, you should determine whether your relationship with this party would prevent you from rendering an impartial or independent judgment on the matter, or would create a reasonable appearance of a conflict of interest. If either situation exists, you should recuse yourself from participation in this matter. You may also choose to disclose the relationship, although you are not required by the ethics law to do so.

Thank you for your inquiry. If you have any additional questions, call any time.

Sincerely,

Betsy K. Dawson
Executive Director