

January 19, 2001

Re: IO-01-08

**NOT CONFIDENTIAL**

You submitted a sworn statement that you are able to vote fairly, objectively, and in the public interest with regard to Bill 1-01. You stated that the ethics commission had previously advised that you could participate in Bill 70-00 “without limitation except for amending Lt./Capt. Promotions.” After reviewing the commission’s files, I was unable to find any opinion, advisory or informal, with regard to your participation in Bill 70-00. I did find commission opinions to you with regard to Bills 80-00, 42-00, 43-00 and also a letter with regard generally to legislation concerning LOSAP, “508” funds, and the staffing and equipment for fire companies. Based on that letter, dated April 11, 2000, you attended a commission meeting, for the purpose of clarifying what you perceived to be over broad limitations on your participation in legislation. The commission, in response to your concerns, sent you a letter, dated August 1, 2000. In that letter, the commission stated that “the interest of your husband in the business of the fire department extends at the very least to matters affecting his salary, pension, conditions of employment, and matters of general concern to the firefighter’s union.”

Throughout this series of communications, the ethics commission has advised you that you may participate in bills that affect all county personnel, including fire department employees, as long as you restrict your participation in those portions of the bills that affect the fire department. This advice suggests that while you may vote on the overall bill, you may not participate in discussions concerning the fire department’s portion of the bill, or vote on any amendments affecting only those portions of the bill. The commission has also suggested that there may be bills or other matters that affect the fire department, but do not affect your husband’s interest in the fire department, such as the location of new fire stations.

The purpose of Bill 1-01 is for, “adoption certain Fire Department pay schedules; providing for increases in the pay of certain Fire Departments employees; and altering work week schedule designations for certain Fire Department employees.” Specifically, this bill changes the pay scale for fire lieutenants and captains to conform to their re-inclusion into the bargaining unit. This bill is not like Bill 42-00, or 43-00 which encompassed a broad range of personnel – not just fire department personnel.

And if your spouse is on the lieutenant’s promotion list, as you stated during the commission meeting of July 10, 2000, this bill may well affect his future income and other conditions of his employment.

For these reasons, the ethics commission concludes that your participation in this bill would create a presumption of a conflict of interest under §3-102(b)(2)(iv). In the absence of any facts to rebut this presumption, the ethics commission advises that you not participate in Bill 01-01.

Sincerely,

Betsy K. Dawson  
Executive Director