

January 24, 2001
Re: IO-01-11

You inquired whether you may contract with a title company in the process of refinancing your mortgage, since the company that you may be interested in contracting with is a company that does business with Anne Arundel County. You stated that your spouse is an employee in the finance office, whose job includes sending bills to title companies and other entities.

From your description of your spouse's job duties, it appears that her participation in matters involving title companies is of an administrative or ministerial nature. Your spouse does not have the discretion to determine the amount of the bills -- sends, but follows the directions of other people who decide what the charges should be. In the absence of any discretionary responsibilities in the matter of billing, §3-101 of the Public Ethics Law has no applicability.

Therefore, your spouse may contract with the title company of -- choice.

Thanks for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director