

May 29, 2003

Re:10-03-50

You filed a Disclosure of Apparent Conflict of Interest Statement concerning what you called "Budget actions with regards to teachers." You stated that your spouse is a teacher in the county public schools but that your spouse is on a leave of absence this year. I believe that your concern is whether you may vote on the budget bill, despite the fact that the budget for the board of education is included in that bill.

The ethics commission advises that you may participate and vote on the overall budget bill. In a number of previous opinions, the ethics commission has advised that participation in the budget bill and voting on the overall budget is permitted even where a conflict of interest exists as to part of the budget bill. See, AO-99-87, AO-98-39,10-00-105, and 10-98-50. Since your spouse is a teacher, §3-102(b)(2)(iv) presumes that there is a conflict of interest in your participation in any legislation in which your spouse has an interest. Your spouse has interests in that part of the education budget that may affect salary and other conditions of employment. Therefore, you may not participate in any discussion or vote on those portions of the budget bill that specifically deal with those interests.

I hope that I have properly characterized your inquiry. If you have any additional questions or concerns, please give me a call.

Sincerely,

Betsy K. Dawson  
Executive Director