

August 1, 2005  
Re: IO-05-48

You inquired whether you may assist a non-profit organization that plans to construct a new building in Anne Arundel County. You would serve as a volunteer on a committee that would determine the feasibility of selected site development. As part of the committee's responsibilities, you would help select an engineering firm to conduct the feasibility study, analyze the results, and assist the organization through the permitting and construction phases of the project. You are an administrator in the department of inspections and permits, and have supervisory authority over the building, grading, and zoning inspectors.

The ethics commission advises that you may not assist this entity in its plans. Section 5-104 prohibits an employee from assisting or representing an entity in any matter in which the county has an interest. Since the county – specifically your agency - will have an interest in the development of this project, you may not assist this entity in this project, even on a non-compensated basis. Since your agency has regulatory relationships with engineering and other development related entities, a person might reasonably assume that any of those entities selected to work for the organization which you represent would have an unfair advantage, or be unduly pressured to provide price or other breaks to the organization. Your very position with the county could encourage contractors to offer the organization better than market rates for contractual services. As an administrator, you will also have regulatory authority over the very organization you seek to assist and represent.

Additionally, because of your spouse's known membership on the board of the organization, you might consider taking affirmative steps to advise contracting entities that you are taking no part in the project.

Thank you for your inquiry. If you have additional questions, please call the ethics commission office.

Sincerely,

Betsy K. Dawson  
Executive Director