

January 9, 2006
Re: IO-05-85

You inquired whether there is a conflict of interest between your position as co-counsel to the Board of License Commissioners for Anne Arundel County and your position as an assistant state's attorney in the office of the State's Attorney of Anne Arundel County. The ethics commission has concluded that there is no conflict. According to the liquor board's chairperson, it is the usual custom for violations of the liquor laws to be handled administratively, not by criminal prosecution. And in cases of criminal prosecution, the liquor board's jurisdiction is stayed, pending the outcome of the prosecution. In either case, violations are handled by one or the other agency, not by both. Even were that not the case, there is nothing to suggest that the interests of the liquor board and the state's attorney's office would be adverse or that information available to one agency would not be available to the other.

You should be aware that the county ethics commission only has jurisdiction over you in your capacity as an employee of the liquor board. As an assistant state's attorney, you are subject to the state ethics law, and you should contact the Maryland State Ethics Commission for an opinion as to the possibility of a conflict of interest under state law.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director