

January 10, 2007

By Electronic and Interoffice Mail

Re: AO-07-1

You inquired whether you would be prohibited from participating in the selection of members to the Board of Appeals because you may become a witness in a matter that is pending before the Board of Appeals. You also asked what “rules or policies, if any apply to a Councilman serving as a witness against a community in a Board of Appeals case?” These are questions that were presented to you in an e-mail communication from the president of a community association that has an interest in the pending matter.

The ethics commission advises that there are no ethics issues raised by the allegations made in the communication. Your participation in the selection process for the members of the Board of Appeals did not violate any ethics law. As to the second question regarding policies and guidelines, the commission has issued a couple of previous opinions on this subject. *See, e.g.,* [IO-04-28](#), [IO-02-141](#), and [IO-97-27](#). The ethics law, §7-5-107, would prohibit you from serving as a paid expert witness before the Board of Appeals, or from providing so-called “character” testimony on behalf of a party. However, the ethics law is not applicable to a witness who is subpoenaed to testify before the board.

Thank you for your inquiry. Please call if you have any questions.

By Anne Arundel County Ethics Commission

By: _____
Betsy K. Dawson, Executive Director