

February 23, 2007

Re: AO-07-17

You inquired whether you may participate in legislative action that would limit, restrict, or prohibit smoking in bars or other establishments in the county. In addition to serving on the county council, you also are the holder of a class D liquor license and you own a tavern in the county. There has been no legislation of this nature introduced and it may not be introduced, depending on action that is currently pending before the State General Assembly. However, although your inquiry is speculative, the ethics commission is required to provide advice upon request to any employee. §7-3-101. Bearing in mind that it can only speculate on the nature of the proposed legislation, the ethics commission advises that you may not participate in any legislative activity that may have an effect on your tavern.

Under §7-5-101(a), you are prohibited from participating in any matter in which you have an interest that is “distinguishable from that of the public generally.” Since anti-smoking legislation may have an economic impact on your tavern and on your liquor license, your interest in the outcome of the legislation is certainly distinguishable from the interest of the public generally.

Should legislation be proposed that you believe could not affect your economic interest, the commission will be glad to reconsider this matter upon request.

Thank you for your inquiry.

Anne Arundel County Ethics Commission

By: _____
Betsy K. Dawson, Executive Director