



**ETHICS COMMISSION  
ANNE ARUNDEL COUNTY**

July 3, 2007

*By Electronic Mail Only*

Re: AO-07-46

You inquired whether, as the planning and zoning officer, you may designate one of the assistant planning and zoning officers to serve in your place on a matter in which you are disqualified from participating due to a conflict of interest. The ethics commission advises that if you are legally permitted to delegate this authority, you should certainly do so. In the event that you are required by law to act and cannot delegate this authority, the commission advises that you may participate in the matter to the extent required by law.

You explained that there is an entity that has presented a proposed development project to be reviewed by the staff of your office. As the head of the office, you would normally be consulted by the review team on various issues arising with the project. You would also sign off on any modification letters and plats.

With this particular project, your spouse has a contract with the entity to provide the interior design work on this proposed development. As you are aware, under the ethics law, §7-5-101(a)(iv), an employee may not participate in any matter in which a party to the matter has a contract with the spouse of the employee. Under this provision of the law, as you correctly pointed out, you are thereby disqualified from participating in the proposed development review process.

The ethics law, §7-5-101(c) provides that where an otherwise disqualified employee is required by law to act or is the only employee authorized to act and cannot delegate that authority, the employee shall disclose the nature and circumstances of the conflict and may then participate.

You intend to recuse yourself from all deliberations, discussion, or decision-making in this matter. You plan to designate an assistant planning and zoning officer to serve as the acting planning and zoning officer with respect to this project. You indicated that you have contacted or will be contacting the Office of Law to see if you are legally

permitted to delegate your normal duties to an assistant planning and zoning officer with regard to this project. If the office of law advises that you may do so, that action on your part, along with your disclosure of the conflict, would constitute full compliance with the ethics law. In the event that you may not delegate these duties, you should make full disclosure of the conflict of interest to all parties in interest and then you may act as you are required by law to do.

Thank you for bringing this matter to the attention of the ethics commission, and for taking the initiative to recuse yourself fully from this matter. If you have any additional questions, please contact the commission staff.

The Anne Arundel County Ethics Commission

/s/

By: Betsy K. Dawson  
Executive Director