



*ETHICS COMMISSION  
ANNE ARUNDEL COUNTY*

August 28, 2007

***By Electronic Mail Only***

RE: AO-07-58

You inquired whether your active membership with a local singing group that contracts annually with the Maryland Renaissance Festival to perform would require you to recuse yourself from participating in a task force established by the county executive to examine community concerns about the festival. The ethics commission advises that you should recuse yourself from participating in the task force.

For the last several years you have belonged to the Singers Madrigale, a local *a cappella* singing group that performs at different venues throughout the county. Because the group performs music that is particularly suited to the renaissance era, the Renaissance Festival has annually contracted with your group to perform about six performances during the run of the festival. The group is paid for these performances, with 50% of the proceeds being kept in the group's treasury and 50% being divided equally among the 20 members to help with individual expenses associated with performing, primarily travel expenses.

Issues have arisen concerning traffic congestion in the area surrounding the festival. The county executive has created a task force to study these concerns. The task force includes representatives of the planning and zoning office, the department of inspections and permits, the department of public works, the police department, and members of the county administration.

The ethics law, §7-5-101(a)(1) provides that an employee may not participate in any matter in which the employee has an interest that is distinguishable from the interest of the public generally.<sup>1</sup> Arguably, your singing group has an interest in continuing to perform at the festival, and as a member, you have an interest in promoting opportunities for the group.

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<sup>1</sup> Other subsections of this provision prohibit participation in matters in which an employee has some type of relationship to an entity that is a party to the matter. In this case, the Renaissance Festival may well have an interest in the outcome of the matter, but even if it is considered a party to the matter, your relationship to that entity is remote. It is not an entity that is generally subject to regulation by your agency. It has previously sought special exceptions from your office, but none since 1990.

At the very least, this situation creates the appearance of a conflict of interest. On the one hand, your group has an interest in promoting the festival, thereby ensuring its annual contract with the festival. On the other hand, as planning and zoning officer, you are required to promote the county's best interests. The interests of the festival, along with its contractors, may not be the same as the county's interests. For this reason, and to avoid even the appearance of a conflict of interest, the ethics commission advises that you should recuse yourself from participating in the task force.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

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By: Betsy K. Dawson, Executive Director