



ETHICS COMMISSION
ANNE ARUNDEL COUNTY

September 5, 2007

By Electronic Mail Only

Re: AO-07-60

You inquired whether your office may contract with an entity that is owned by a “qualified relative”¹ of a maintenance supervisor in your office. The ethics commission advises that your office may contract with this entity regardless of the supervisor’s relationship with the entity. However, if the supervisor has a financial, contractual, or employment relationship with the entity, the employee will have to terminate that relationship as soon as contract negotiations have commenced and while the contract is in effect. The commission also advises that the supervisor may not participate in any matters concerning the contract.

Section 7-5-103 of the Public Ethics Law, prohibits an employee, in this case the maintenance supervisor, from being employed by, being an agent of, or being an independent contractor of a party to a contract with the county if the employee’s duties affect the contract and the contract binds the county to pay more than \$1000. Section 7-5-102(a) prohibits an employee from being employed by, having a contract with, or a financial interest in any entity that has a contract with the county that is administered by the employee’s agency. While there is no provision that would prevent your agency from contracting with an entity, these provisions would prohibit the supervisor from maintaining any financial relationship with the entity during contract negotiations or after the contract is awarded.

You indicated that the “normal awarding of the contract would be done by the shop supervisor. . . but the [maintenance] supervisor does have the authority to approve or disapprove any transactions the shop supervisor may make.” You also stated that the maintenance supervisor takes over the duties of the shop supervisor when the latter is absent. Section 7-5-101 prohibits an employee from participating in any matter in which a “qualifying relative” of the employee has an interest in the matter, distinguishable from the public generally. For this reason, if the contract is awarded to this entity, the maintenance supervisor may not be involved in any way in any matter relating to the contract, even during the shop supervisor’s absence.

¹ A qualified relative includes a spouse, parent, child, brother, or sister. See §7-1-101(22).

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

The Anne Arundel County Ethics Commission

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By: _____
Betsy K. Dawson, Executive Director