



**ETHICS COMMISSION**  
*ANNE ARUNDEL COUNTY*

September 6, 2007

***By Electronic Mail Only***

Re: AO-07-60 (Revised)

You inquired whether your office may contract with an entity that is owned by a “qualified relative”<sup>1</sup> 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 7-5-102(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. This prohibition applies regardless of the amount of the contract.<sup>2</sup> While there is no provision that would prevent your agency from contracting with an entity, this provision 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.” 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, the maintenance supervisor may not be involved in the decision to award the contract or in any other matter relating to the contract.

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

<sup>2</sup> 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. You indicated that it is unlikely that this contract would approach the \$1,000 trigger of this provision, so this section would probably not apply to the maintenance supervisor.

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

The Anne Arundel County Ethics Commission

/s/

By: \_\_\_\_\_  
Betsy K. Dawson, Executive Director