

November 5, 2007

*By Electronic Mail Only*

Re: AO-07-76

You inquired whether your decision to recuse yourself from participating in a particular amendment to Bill 69-07 was necessary, in view of the restrictions on participation in legislative acts set forth in [§7-5-110](#) of the ethics law. You also asked whether you may participate in the overall consideration and vote on this bill. You have also asked for general guidance on potential conflicts of interest that may arise from your participation in legislation affecting liquor licenses. You indicated that your spouse owns a wine store and that as required by law, you are a named licensee.

[Bill 69-07](#), which is currently pending, contains many amendments to the zoning law. One amendment to the bill that was recently approved provides as follows:

**18-10-103. Alcoholic beverage uses as accessory to other uses.**

An alcoholic beverage use that is accessory to another use shall comply with all of the following requirements.

(3) An off-sale alcoholic beverage license use shall be located away from public parks, schools, and religious facilities by at least the distance required by Article 2B, § 9-203(c), of the State Code. FOR THE PURPOSES OF THIS SUBSECTION, THE BALTIMORE AND ANNAPOLIS TRAIL PARK DOES NOT CONSTITUTE A PUBLIC PARK. For structures, the distance shall be measured in a straight line from entry to entry except that when measuring distance from a public park, the distance shall be measured from the entry of the off-sale alcoholic beverage use to the lot line of the park.

The effect of this amendment will presumably, make it possible to acquire an off-sale alcohol beverage license within a certain distance of the B & A Trail. When this amendment was introduced you recused yourself, citing the fact that you are the holder of a liquor license. In retrospect, you believe that your recusal may have been unnecessary, since your spouse's store is not located anywhere near the Trail, and for this reason, will not be affected in any way by the passage or defeat of this amendment.

Since Bill 69-07 is on the agenda for the next council meeting, the ethics commission advises that you may participate in the overall bill as amended. The ethics commission further advises that your recusal on the amendment above-cited was not

required by the ethics law. You have stated that because of the distance between the B & A Trail and the location of your spouse's wine store, there will be no impact on your spouse's business. In that case, neither you nor your spouse has an interest in the outcome of this legislation.

Even when participation is permitted, the ethics commission believes that it is always appropriate to disclose any connection between the legislation and you or your relatives' interests, no matter how remote the connection may be. Disclosure helps assure the public the county's business is being conducted with impartial and independent judgment.

Finally, in response to your request for guidelines on future participation in legislation, the commission directs you to AO-07-78 for reference. Please contact the commission if you have questions about particular issues.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

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