



**ANNE ARUNDEL COUNTY
ETHICS COMMISSION**

September 4, 2008

By Electronic Mail Only

Re: AO-08-56

You inquired how the ethics law applies to the proposed sale of a lot you own with your spouse that is located in a critical area. You are an assistant planning and zoning officer. You indicated that last year, when you put this property on the market, potential purchasers came to the planning and zoning office to inquire about feasibility studies to determine whether the lot is buildable. You took your property off the market because of your concern that this activity would raise an appearance of impropriety. You ask whether you should apply for permits yourself and refrain from putting your property back on the market until any permits are approved.

The ethics commission advises that you may sell the property as is, or you may apply for permits prior to putting your house on the market. As a property owner, you have the same rights to use your property as any other property owner. The only ethics law of relevance to your situation is §7-5-101(a)(1), which prohibits you from participating, *in an official capacity*, in any matter concerning your property. That means that you must avoid any involvement in any permitting process or any study pertaining to your property. You must also avoid being kept informed, in your official capacity, of any information pertaining to your property. You may of course, participate in the process as an applicant or as the seller of property for which potential purchasers are seeking permits, and you may be kept informed in the manner and to the same extent as property owners are generally kept informed.

The commission strongly recommends that you actively instruct all the employees who may become involved in any process involving your property, that you are not to be consulted or otherwise notified of any activity to which you would not be consulted as a property owner.

Thank you for your inquiry. If you have any additional questions, please call the ethics commission office.

The Anne Arundel County Ethics Commission

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By: _____
Betsy K. Dawson, Executive Director