



**ANNE ARUNDEL COUNTY
ETHICS COMMISSION**

February 10, 2009

By Electronic Mail Only

Re: AO-09-03

You inquired whether you may serve as the president of the board of directors of Maryland Hall for the Creative Arts, Inc. Maryland Hall has received a county grant for annually for many years, most recently in FY 2009, for \$100,000. You have served in your personal capacity, on the board of directors for 13 years, prior to your appointment to serve as a special assistant to the county executive for Base Realignment and Closure Act (BRAC) matters.

The ethics commission cautiously advises that you may serve as the president of the board, subject to certain ethics law limitations on your activities. Those limitations,¹ which apply equally to your present service on the board, are:

(1) You may not use your job title in any advertising, fundraising, or publicity for the organization. §7-5-107(a);

(2) You may not target controlled donors in fundraising activities for the organization. §7-5-106. In your situation, this limitation means that you may be involved in general fundraising on behalf of Maryland Hall, you should avoid direct personal solicitation of any potential donor who is or may become involved with the county generally, and BRAC specifically. Any of these potential donors may have a financial interest that can be substantially and materially affected, in a manner distinguishable from the public generally, by the performance of nonperformance of your official duties.

(3) You may not assist or represent the organization before any county employee or county agency, or in any matters in which the county and the organization may have competitive or adversarial interests. §7-5-104(a). This limitation means that you may not participate in any grant request or event promotion on behalf of Maryland Hall before any county employee or agency. You should be aware that even if you completely avoid participating in these activities, your status as an appointee of the county executive will likely create the appearance of a conflict of interest; namely, that a grant request from Maryland Hall will be facilitated by your service as its board president. Although the funding for the grant comes from the chief administrative officer's budget, and is not therefore administered by the county executive's office, both offices work closely together – both literally and figuratively- so the appearance of a conflict of interest is not surprising.

¹ See for example, [AO-08-88](#)

(4) You may not participate in any official duties in which the organization is a party or has an interest. §7-5-101(a).

Subject to these limitations, and mindful of the appearance of a conflict of interest that your service on the board of directors may create, the commission advises that you may serve as the president of the board of directors of Maryland Hall. If you have additional questions, please contact the ethics commission office.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director