



*Anne Arundel County
Ethics Commission*

May 7, 2009

By Electronic Mail Only

Re: AO-09-28

You inquired whether you may sit on the board of directors of the Crownsville Conservancy, Inc. You are a forester in the code compliance division of the department of inspections and permits. Your duties include, among other things, working with citizens, private organizations, and developers to help them have their properties designated as forest conservation easements. If the property needs reforestation plans, you help develop those plans, in accordance with state law guidelines. You also work with your department's approved contractors to execute the reforestation plan.

The Crownsville Conservancy, Inc., is a private §501(c)(3) organization¹ that was created to encourage, purchase, and hold conservation easements in the Crownsville area. Founded in 2005, the conservancy received a grant of \$44,870 from the county's Conservation Trust Fund toward the purchase of these easements. Grants from this trust fund come through a committee consisting of the grants administrator, an employee of the department of recreation and parks and the department of public works. Your agency is not involved in the award of these grants.

The ethics commission advises that you may serve on the board of the Crownsville Conservancy, subject to three significant conditions.

First, §7-5-102(a) prohibits a county employee from having a contract with any person or entity that is subject to the authority of an employee's agency, is negotiating or has entered into a contract administered by the employee's agency, or is a subcontractor on a contract with the county that is administered by the employee's agency. In order to ensure that your service on the conservancy board complies with this provision, you must affirmatively determine that the conservancy has no contracts or subcontracts with the county that involve your agency. You must also ensure that the conservancy is not subject to the authority of the department of inspections and permits. If the land trust is, or becomes subject to the authority of your agency, or negotiates or enters into any contracts or subcontracts involving your agency, you will have to terminate your service on the board of the conservancy. See, [AO-08-53](#), [AO-07-26](#). Recusal in this situation would not be an acceptable alternative.

¹ <http://www.crownsvilleconservancy.org/index.html>

The second condition - or limitation - on your service as a board member of the conservancy involves §7-5-104(a) of the ethics law, which provides in pertinent part, that:

[An] employee may not, other than in the course of the employee's official duties, assist or represent a person in any matter:

- (1) before any governmental unit or employee of the County; or
- (2) in which the County has an interest

This provision means that as a board member, you may neither communicate on the conservancy's behalf with any county employee nor assist the conservancy in any matter in which the county has a legal or economic interest. You may not, for example, be involved in any request by the conservancy for county conservation trust funds.

Finally, §7-5-104(a) provides that an employee may not use the prestige of the employee's position for the gain of another. This provision means that you may not use your county title or any county resources in your work for the conservancy. You may communicate with the public and identify yourself as a forester (assuming that you are a licensed forester), but you may not advertise yourself as a county forester.

Thank you for your inquiry. If you have any other questions or concerns, please contact the ethics commission staff.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director