



**Anne Arundel County
Ethics Commission**

May 13, 2009

By Electronic Mail Only

Re: AO-09-32

You inquired whether you may co-sponsor Bill 35-09, legislation that would “extend the existing property tax credit for the spouses of fallen law enforcement officers and rescue workers to disabled law enforcement officers and rescue workers.” You are a county council member whose spouse is a career firefighter.

In keeping with the conclusions of a number of its previous opinions, the ethics commission advises that the ethics law does *not strictly prohibit* your participation in this matter. However, your participation in legislation that affects firefighters, and may affect your spouse and yourself should your spouse become disabled, *creates an appearance of a conflict of interest*. As the commission stated in [AO-98-105](#):

Participation as a council member, in any matters involving the fire department by the spouse of the firefighter, will create at least an appearance of a conflict of interest. A vote that *benefits the firefighters* or even vocal support during discussions of fire department issues will be suspect. The assurance of impartiality of its legislators is the stock and trade of honest government. (See also, [AO-07-67](#).)

In [AO-07-87](#), the commission summarized the many opinions it has issued to you over the years. It noted that:

That the ethics commission may defer to the council member’s judgment does not mean that the commission cannot or will not acknowledge the appearance of a conflict of interest. On the contrary, the ethics commission considers it to be part of its essential function to advise employees when specific conduct creates an appearance of a conflict of interest.

Based upon these precedents, the ethics commission again advises that your participation in this legislation, while conforming to the “*minimum ethical standards*” imposed by §7-1-102 of the ethics law, will not provide assurance to the public that the “impartiality and independent judgment of County officials and employees will be maintained.”

The Anne Arundel County Ethics Commission

/s/

By: _____

Betsy K. Dawson, Executive Director