



**ANNE ARUNDEL COUNTY
ETHICS COMMISSION**

June 26, 2009

By Electronic Mail Only

Re: AO-09-41

You inquired whether your spouse, the owner of a business, may submit a bid to be accepted as a contractor with the department of public works, bureau of highways, to cut weeds on specified lots in the county. You are an employee of the public works department, but you work in a separate division, the bureau of utilities, wastewater operations. Your own division contracts with a different company for weed cutting needs at wastewater facilities.

The ethics commission advises that your spouse may participate in the bid and any resulting contract with the department that may be awarded. The ethics law applies only to county employees- not private entities – so the ethics law does not apply to the activities of your spouse. The ethics law applies to you, as an employee and the relationship, if any, that you have to the business entity owned and operated by your spouse.

The ethics law, §7-5-102(a), provides that an employee may not be “employed by, have a contract with, or have a financial interest in” any entity that has contracted with or is negotiating for a contract with the county, if that contract is administered by the employee’s agency. The ethics commission has considered and applied this provision in other situations involving employees’ family members who contract with the county. See e.g., [AO-07-55](#), [AO-07-60](#).

You stated that you have no financial or legal interest in your spouse’s business and that you are not employed by the business. Receiving the benefit of your spouse’s earnings is not the same as having a financial interest in your spouse’s business. Under these circumstances, the ethics commission advises that there no ethics issues raised by your spouse’s bid, or possible contract with the county.

Section 7-5-101 prohibits an employee from participating in any official duty in which a qualifying relative (including a spouse) has an interest. Section 7-5-104 prohibits an employee from assisting a person or entity in any matter before any county employee or in which the county has an interest. Although it seems unlikely that provisions would apply to your situation, you should be aware of them. Please contact the ethics commission if the circumstances pertaining to your relationship with your spouse’s business should change, or if you have any other questions.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director