



**Anne Arundel County  
Ethics Commission**

September 16, 2009

***By Electronic Mail Only***

Re: AO-09-60

You inquired whether the ethics law would restrict your ability to participate in legislative activity concerning the Anne Arundel County Housing Commission if your father accepts an appointment to serve as a commissioner with that organization. On the one hand, the ethics commission advises that §7-5-101(a)(2)(ii) of the ethics law would prohibit you from participating in any legislative activity involving the housing commission if your father accepts the county executive's appointment.

On the other hand, the county council has very little business with the housing commission. The commission is funded almost exclusively by federal funds and to a small degree by state grants. On occasion, these infrequent state grants to the housing commission must go through the county council for approval. In those cases, you would not be able to participate in the approval process, unless you first obtained a suspension of the disqualification pursuant to §7-5-111(a)(2). If this approval process is essentially *pro forma* and does not involve county funds or county oversight, it is certainly possible that the ethics commission would seriously consider this option. However, in the absence of a specific legislative matter to consider, the ethics commission cannot offer you more definitive advice.

The housing commission is a creation of state law, the Housing and Community Development Article, Titles 12 and 14 of the [Annotated Code of Maryland](#). It operates under a Certificate of Organization and since 1968, a Cooperation Agreement with the county. It has extensive enumerated powers and is virtually independent of county oversight. Its members are appointed by the county executive, but the county council's approval is not required. The members may only be discharged by the county executive under certain circumstances, again without the input of the county council. It is true that changes to the Cooperation Agreement would have to be considered by the county council, but in view of the fact that the existing agreement has been in effect since 1968, the possibility that changes will be made seems unlikely.

For these reasons, the ethics commission advises that while the ethics law could affect your ability to participate in legislative activity concerning the housing commission upon your father's appointment to that organization, the likelihood of its having a significant effect on your activities is probably remote.

Thank you for your inquiry. Please call if you have any additional questions.

The Anne Arundel County Ethics Commission

/s/

By: \_\_\_\_\_  
Betsy K. Dawson, Executive Director