



**Anne Arundel County  
Ethics Commission**

February 23, 2011

***By Electronic Mail Only***

Re: AO-11-09

As a member of the county council, you inquired whether your sponsorship and participation in Bills 6-11, 7-11, 8-11, and 9-11 would violate the ethics laws concerning non-participation in matters in which you have an interest. For the following reasons, the ethics commission advises that your participation in these bills would not constitute a conflict of interest.

The bills now pending are intended to streamline the approval processes for grading, site development, subdivision, and adequacy of facilities applications. You have an interest in a project that is currently being developed and a project that you anticipate will be developed at a future time. As to the current project, you have received all necessary permits and approvals save for a construction plan approval which will be approved shortly. As to your future project, you anticipate seeking a modified grading permit in the spring of 2011. You have stated that none of the changes in the law proposed by these bills will affect either the current project or the anticipated future project.

There are two provisions of the ethics law that are relevant to your inquiry. The first provision, §7-5-110 prohibits a council member from participating in legislative activity where the council member has an interest in an enterprise that would be affected by the council member's vote on proposed legislation, subject to exceptions not relevant here.<sup>1</sup> As to the first project, which is a restaurant, you have already acquired all the permits that would be affected by the proposed legislation. Therefore, you have no current interest in the legislation as it relates to the restaurant project. As to the second project you have stated that due to the permit requirements anticipated for this project, the legislation, if enacted, will have no impact on those permits. Based upon your statement, the ethics commission finds that you have no current or future interest in the outcome of this legislation. Additional projects in which you may have an interest are not currently in development, so any interest you would have in this legislation as to those projects is at best, remote.

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<sup>1</sup> One of the exceptions to the prohibition would permit a council member to participate in legislation that would affect, in addition to the member's own interests, the interests of the general public or a large class of the general public. Although it is not necessary for the commission to consider whether this legislation would affect a large class of the general public, it notes that the application processes addressed by this legislation would indeed seem to potentially affect a large class of the general public.

Section 7-5-101 also prohibits a council member from participating in any matter if the member has an interest in the matter. Since you have no current interest in the outcome of this legislation, this section of the law does not apply.

For these reasons, the ethics commission advises that you may fully participate in the above-referenced bills.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

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