

Index to Advisory Opinions

2020

20-01 § 5 Prohibited Conduct and Interests (b) Employment and financial interest restrictions:

The Director of the St. Mary's County Metropolitan Commission seeks an advisory opinion on whether a Metropolitan Commission ("MetCom") employee is prohibited from having secondary employment with an electrical contractor performing contractual work for Metcom for electrical improvements and maintenance to its facilities.

2019

19-01 No Advisory Opinion was Issued

19-02 § 5 Conflicts of Interest (a) Participation Prohibitions

A St. Mary's County Government employee seeks a St. Mary's County Ethics Commission Advisory Opinion as to whether her participation in the Mattapany Rural Legacy Area represents a conflict of interest.

2018

No Advisory Opinions Requested

2017

17-01 § 5 Conflicts of Interest:

No Advisory Opinion Issued

2016

No Advisory Opinions Requested

2015

15-01 § 5 Conflicts of Interest: (A) Participation prohibitions

An employee asked whether their participation on a committee that considers recommendations for referral of clients to a potential provider with which they have a professional services contract is permissible under the St. Mary's County Public Ethics Ordinance.

2014

No Advisory Opinions Requested

2013

13-01 § 5 Conflicts of Interest: (A) Participation prohibitions

An employee requested an advisory opinion to address the question whether the St. Mary's County Public Ethics Ordinance permits an employee of the St. Mary's County Department of Public Works & Transportation to provide compensated services as a non-public school bus operator.

2012

12-01 § 5 Conflicts of Interest

A citizen requested an advisory opinion concerning serving on the Leonardtown Planning and Zoning Commission (LPZC) while employed as an assistant engineer with the St. Mary's County Metropolitan Commission (MetCom). The citizen asked whether their simultaneous LPZC service and MetCom employment would violate the St. Mary's County Public Ethics Ordinance.

2011

11-01 § 6 Financial Disclosure (F): Indebtedness

A citizen posed three questions concerning the interpretation of the requirement pursuant to §158-6.F.5 of the St. Mary's County Public Ethics Ordinance to report the names and addresses of certain creditors in the annual financial disclosure statement.

2010

No Advisory Opinions Requested

2009

09-01 § 5 Conflicts of Interest: (C) Outside Employment Restrictions

No Advisory Opinion Issued

09-02 § 5 Conflicts of Interest: (D) Solicitation or Acceptance of Gifts

Members of the St. Mary's County Plumbing and Fuel Gas Board asks to charge vendors a small table fee at the upcoming expo and in turn donate the monies collected to the St.

Mary's County Department of Recreation and Parks to aid in funding programs within the County.

92-03 § 5 Conflicts of Interest: (A) Participation Prohibitions

At St. Mary's County Commissioner requested an advisory opinion concerning a text amendment being presented to the Board of County Commissioners for approval. The text amendment concerns changes in zoning which could directly impact the Commissioner's property.

2008

08-01 § 5 Conflicts of Interest: (D) Solicitation or Acceptance of Gifts

An employee of the Public Safety Office asks to solicit funds from local businesses for the purchase of emergency preparedness kits to be given away as prizes during Emergency Preparedness Week. The Ethics Commission advises that solicitation of monetary donations from local vendors by a County entity would be improper.

08-02 § 5 Conflicts of Interest: (E) General Restrictions

An employee of a County facility claimed wrongful termination. The Ethics Commission finds no conflict in the termination as covered by the Ethics Ordinance.

08-03 Not used for Advisory Opinion

08-04 § 5 Conflicts of Interest: (A) Participation Prohibitions

Deputy County Attorney asked for guidance on requirements for filing Financial Disclosure Statements for the Compensation Review Commission. The Ethics Commission advises that members should file Financial Disclosure Statements.

08-05 § 5 Conflicts of Interest: (C) Outside Employment Restrictions

Advisory Opinion requested concerning an employee of the Public School who also has contracts with the school system to provide bus services. The Ethics Commission advises that the individual has no apparent conflict of interest; however, the employee may not hold a supervisory position over bus contracting or budgets. Additionally, the employee should file a Financial Disclosure Statement to ensure no conflict exists.

2007

07-01 § 5 Conflicts of Interest: (A) Participation Prohibitions, (C) Outside Employment Restrictions

A citizen alleges that a member of the Rural Preservation District Task Force, whose occupation as a developer in the county will impair his impartiality and/or independence of judgment for service on the Task Force and create the appearance of, if not an actual

conflict of interest in violation of the Ethics Ordinance. The Ethics Commission determines that the complaint against the Respondent is without merit.

07-02 § 5 Conflicts of Interest: (A) Participation Prohibitions, (C) Outside Employment Restrictions

A citizen alleges that a member of the Rural Preservation District Task Force, whose occupation as a developer in the county and who holds a financial interest in over 700 acres located in the RPD will impair his impartiality and/or independence of judgment for service on the Task Force and create the appearance of, if not an actual conflict of interest in violation of the Ethics Ordinance. The Ethics Commission determines that the complaint against the Respondent is without merit.

2006

06-01. § 5 Conflicts of Interest: (C) Outside employment restrictions.

Request withdrawn.

06-02. § 5 Conflicts of Interest: (A) Participation prohibitions.

A member of the County's Planning Commission requests an advisory opinion regarding whether a conflict of interest arises between his service on the commission and his candidacy for election to the Board of County Commissioners. The Ethics Commission determines that there is no conflict of interest.

06-03. § 5 Conflicts of Interest: (D) Solicitation or acceptance of gifts

A member of the County's Employees Association asks whether discounts to county employees offered by organizations belonging to the St. Mary's County Chamber of Commerce, of which county government is a member through the Economic Development Council, constitutes a violation of the Ordinance. The Ethics Commission advises that such discounts are not allowed.

2005

05-01 § 5 Conflicts of Interest: (C) Outside employment restrictions

Under Ordinance Section 5.C.3.b., a county office specialist who on her own time has received training may perform contract work outside office hours under a grant awarded to the division in which she is employed.

05-02 § 5 Conflicts of Interest: (A) Participation prohibitions, (C) Outside employment restrictions, (D) Solicitation or acceptance of gifts

An elected board official may have a lease agreement with an administrative official under supervision of that board so long as (1) the agreement and its terms are disclosed in the annual Financial Disclosure Statement of both, (2) adequate and lawful consideration can be demonstrated by the parties to the lease, and (3) there is no participation by the elected official in the consideration by the board of candidacy by the administrative official for career advancement. This decision is dependent on facts as presented to the Ethics Commission.

05-03 § 5 Conflicts of Interest: (A) Participation Prohibitions; (C) Outside employment restrictions; (E) General Restrictions

If elected to the Board of County Commissioners, a Commissioner will avoid a conflict of interest with his employment by a nonprofit organization that has a lease agreement with St. Mary's County Schools by recusing himself from Board of Education budget discussions and/or vote over the lease.

05-04 § 5 Conflicts of Interest: (A) Participation Prohibitions; (C)

Outside employment restrictions A member of the Economic Development Council is required to file a Financial Disclosure Statement regardless of *ex officio* and non-voting member status.

2004

04-01 § 5 Conflicts of Interest: (A) Participation Prohibitions

An official may participate in matters affecting family members other than spouse, parent, child, or brother/sister. The official may participate when the family member is part of a larger group being affected by the matter under consideration.

04-02 § 5 Conflicts of Interest: (A) Participation Prohibitions

An official may not participate in matters in which there may be influence or the appearance of influence upon the official by a spouse, parent, child, or brother/sister with a financial interest in those matters.

04-03 § 5 Conflicts of Interest: (A) Participation Prohibitions

An official may participate in a matter affecting a group or class of individuals, even when there will be concomitant benefit to his/her spouse. It is not a conflict of interest for an official's spouse to receive a benefit as one member of a larger group or class affected by the participation of the official as long as the spouse receives no peculiar benefit not accruing to the others.

04-04 § 5 Conflicts of Interest: (C) Secondary Employment

An employee of St. Mary's County Public Schools whose role is ministerial or administrative may form contracts with voluntary organizations and personnel within the school system for purposes of profit-sharing through his/her secondary employment.

04-05 § 5 Conflicts of Interest: (A) Participation Prohibitions

Elected officials may participate and vote in a ministerial or administrative decision even when they have the appearance of a personal financial or business interest that could be affected by the decision.

04-06 § 5 Conflicts of Interest: (A) Participation Prohibitions

County Commissioners may vote whether to institute an ordinance prohibiting cigarette smoking in outdoor eating establishments even though they may have business interests in grocery stores that sell cigarettes and even though they have an interest in collecting tax revenues generated by tobacco sales.

04-07 § Conflicts of Interest: (A) Participation Prohibitions &
(C) Outside Employment Restrictions

There is no conflict of interest for a Deputy Sheriff to be appointed by the Board of County Commissioners to the Sheriff's Office Retirement Plan Board of Trustees when the Deputy is also president of the Fraternal Order of Police and has been recommended for appointment by Covered Employees in the Plan.

2003

03-01 § 5 Conflicts of Interest: (A) Participation Prohibitions & (C) Outside Employment Restrictions & (D) Solicitation or Acceptance of Gifts.

An official of the Historical Preservation Commission may provide training to realtors in the marketing of historical properties.

03-02 § 5 Conflicts of Interest: (A) Participation Prohibitions

An official may not vote on a matter that will benefit a business entity in which that official's spouse, child, parent, or brother/sister has an interest.

03-03 § 5 Conflicts of Interest: (A) Participation Prohibitions

An official may not vote on a matter, except in the exercise of an administrative or ministerial duty, that will provide benefit to that official, and/or the official's spouse, child, parent, or brother/sister.

03-04 § 5 Conflicts of Interest: (A) Participation Prohibitions

An official/employee may not act on a matter from which they will benefit or that will benefit a business entity in which that official's spouse, child, parent, or brother/sister has an interest. The procurement clauses reviewed are more restrictive than the Ethics Ordinance in their actions and less inclusive in the application.

2002

02-01 § 5 Conflicts of Interest: 5(D) Solicitation or Acceptance of Gifts

A principal in a business entity that does business with and is regulated by the County asks whether gifts to County officials valued at \$25.00 or more should be reported on his/her Financial Disclosure Statement. The Ethics Ordinance does not provide a threshold amount but rather regulates the intent or appearance of intent to impair the impartiality of an official of the County.

02-02 § 5 Conflicts of Interest: 5(D)(1) &(2)(a) Acceptance of Gifts

A County agency director asked about the acceptability of allowing a contractor to buy lunch for both of them when they are in the field and it is convenient and/or between appointments. Meals and beverages may be accepted unless, in the judgment of the receiving official, such a gift is of significant value or the recipient believes it is intended to impair his/ impartiality or give the appearance of doing so.

2001

No advisory opinions issued.

2000

00-01 § 5 Conflicts of Interest: 5(A) Participation Prohibitions

A department head is considering hiring an applicant whose parent provides assistance to citizens, companies, and/or corporations who have dealings with the prospective applicant's department. There are two issues: (1) does the applicant have a conflict of interest and (2) does the conflict extend to the department head.

00-02 § 5 Conflicts of Interest: 5(A) Participation Prohibitions

The head of a county agency participated in the awarding of a contract to a company with which the agency head's adult child is a prospective employee. The agency head participated in the selection process (though not in the final decision) for the awarding of a contract to the company. If the son/daughter is hired, is there a conflict of interest or appearance thereof for the agency head.

00-03 § 5 Conflicts of Interest: 5(A) Participation Prohibitions

A St. Mary's County employee seeks to become a member of a college advisory board created by the State of Maryland. Advisory Opinion is sought to determine whether being a member of such a board is contrary to any provision of the Ethics Ordinance.

1999

99-01 § 5 Conflicts of Interest: 5(C) Outside Employment Restrictions

A County Commissioner who has a relative that is a County employee asked specific questions regarding what restrictions should be placed on the relative's participation. An opinion was issued addressing any possible conflicts of interest or participation prohibitions in accordance with the Ethics Ordinance, also citing Maryland Ethics Ordinance 81-14.

99-02 § 5 Conflicts of Interest: 5(C) Outside Employment Restrictions

A member of St. Mary's County Recreation and Parks Advisory Board would not have a conflict of interest when his business provides computer services within the community and to the St. Clements Island – Potomac River Museum since the member's position was primarily ministerial and he would not typically be in a position to influence decisions that could be directed towards his business.

99-03 § 5 Conflicts of Interest: 6(A-E) Financial Disclosure

An official of the St. Mary's Public Schools requested an opinion regarding the requirement for members of citizen advisory board/committees to the St. Mary's County Board Of Education to file financial disclosure statements. The Boards/Committees identified were not specifically mandated in the Ordinance to file financial disclosure statements.

99-04 § 5 Conflicts of Interest: 5(A) Participation Prohibitions

The Ethics Commission used its discretionary authority to render an opinion concerning restriction on the participation of members of advisory boards to the St. Mary's County Commissioners. The advisory opinion specifically addresses participation by members in matters where a company or close relative has a financial interest.

1998

98-01 § 5 Conflicts of Interest: 5(E)(1) General Restrictions

The solicitation of funds by a county employee creates the appearance of a conflict of interest. The employee may be involved in a lesser role provided his name and county position are not mentioned in correspondence related to such solicitations.

98-02 § 5 Conflicts of Interest: 5(A)(1) Participation Prohibitions

A commissioner whose grandparent is a resident of the Nursing Center does not have a conflict of interest or appearance of conflict of interest because a grandparent is not considered in the definition of "immediate family." Should the relationship be changed to a guardianship or other legal arrangement, the Ethics Commission would examine the new facts.

98-03 § 4(F) Administration

A request for an advisory opinion by a third party, not governed by the ordinance, regarding a conflict of interest concerning county officials and a real estate matter was not granted at the discretion of the Ethics Commission.

98-04 § 5 Conflicts of Interest: Sections 5(A)(1) and 5(A)(2)(a) Participation Prohibitions

A commissioner whose parent was a resident of the Nursing Center may vote on matters of general policy and legislation but must recuse himself from responding to an application which may benefit a segment of the Center when his parent is a member of that segment.

98-05 § 5 Conflicts of Interest:

Six questions from a county official regarding conflict of interest in real estate matters.

98-06 Request for advisory opinion was withdrawn.

98-07 § 5 Conflicts of Interest: 5(A)(2)(a) Participation Prohibitions.

A county official who owns stock in a company doing business with the county does not have a conflict of interest if ownership is less than five (5%) of a business entity or a person receives no more than \$1,000 income in a calendar year.

98-08 § 5 Conflicts of Interest

An anonymous complaint made regarding a county commissioner was not answered for failure to follow specific procedures for a complaint and lack of sufficient information. No opinion was issued. The complainant did not contact the Commission directly.

98-09 § 5 Conflicts of Interest: 5(A)(1) Participation Prohibitions.

A county official whose close relative was a friend of an individual who was party to litigation which involves St. Mary's County would not have a conflict of interest as long as there is no financial relationship between the official's relative and the friend involved in the litigation.

98-10 § 5 Conflicts of Interest: 5(C) Outside Employment Restrictions

A member of St. Mary's County Planning Commission would not have a conflict of interest when his business provides services to county properties since the member's position was primarily ministerial and he would not typically be in a position to influence decisions that could be directed towards his business.

1997

97-01 § 5 Conflicts of Interest: (C) Outside Employment Restrictions

An individual has no financial interest under \$1000.00 therefore, is not prohibited from dual employment.

97-02 § 5 Conflicts of Interest: (A) Participation Prohibitions

A family member's administrative position at MetCom does not prohibit their spouse from submitting a competitive procurement bid to MetCom.

97-03 § 5 Conflicts of Interest: (C) Outside Employment Restrictions. &(C)(2) & (E) General Restrictions. (1).

A deputy who is a canine handler from the Office of the Sheriff is not prohibited from secondary employment opening a canine obedience school.

97-04 § 5 Conflicts of Interest: (C) Outside Employment Restrictions. & (C)(2) &(E) General Restrictions. (1)

A deputy from the Office of the Sheriff who seeks secondary employment performing background investigations is prohibited because of the potential for the appearance of a conflict of interest.

97-05 § 5 Conflicts of Interest: 5(A) through §3 Participation Prohibitions

A member of the Nursing Center Advisory Board does have a conflict of interest when said member has a spouse, child, parent, brother, or sister residing at the Nursing Center.

97-06 § 5 Conflicts of Interest: 5(A) Participation Prohibitions.

A member of the legal department does not have a conflict of interest when an immediate relative has a listing on a piece of property in the immediate vicinity of property involved in a county real estate transaction.

97-07 § 5 Conflicts of Interest: 5(C) Outside Employment Restrictions

A DPZ Inspector does not have a conflict of interest, following certain conditions, when working in a secondary employment position in which he may inspect such property.

97-08 § 5 Conflicts of Interest: 5(A)(2)(a) Participation Prohibitions

A member of the Airport Commission does not have a conflict of interest operating a FAA approved testing center in St. Mary's County as long as such operation does not occur at the St. Mary's County Airport. [Note: The Airport Commission was abolished in 2001.]

1996

96-04 § 5 Conflicts of Interest: (B) General Restrictions.

A contract for legal services can be awarded to a former County Attorney.

96-05 § 5 Conflicts of Interest: (A) Participation Prohibitions. & (B) General Restrictions.

A County Commissioner is prohibited from participation when the spouse's firm submits a contract to St. Mary's County.

96-06 § 5 Conflicts of Interest: (C) Outside Employment Restrictions.

A county employee is not restricted when annual revenue from a business venture is less than \$1,000.00.

96-07 § 5 Conflicts of Interest: (A) Participation Prohibitions.

A county official is not in violation of the ordinance regarding a potential issuance to him of a parochial school bus contract.

96-08 § 5 Conflicts of Interest: (A) Participation Prohibitions.

There is no conflict of interest when a county official is currently serving on the Planning Commission and dually seeks a potential position on the Board of Education.

1995

95-01 § 5 Conflicts of Interest: (A) Participation Prohibitions. & (C) Outside Employment Restrictions. & (E) General Restrictions.

An elected official is not in violation when an open official action benefit's another even when they had a previous relationship.

95-02 § 5 Conflicts of Interest: (A) Participation Prohibitions. (A)(1) & (A)(2).

A Planning and Zoning Inspector cannot participate in projects that employ his adult sons.

95-03 § 5 Conflicts of Interest: (A) Participation Prohibitions. (A)(1) & (2).

A member of the Planning Commission, who is a local insurance agent, must disqualify themselves from participation in matters concerning their client.**95-04 § 5 Conflicts of Interest:** (B) General Restrictions. (4.)A former member of the Board of Appeals should refrain from serving as counsel for a period of one year to any person, organization or business entity, with which they had an application, or appeal or any other request before the Board of Appeals.

95-05 § 5 Conflicts of Interest: (A) Participation Prohibitions.

An award of a contract to an adult son of a Division Head in the Department of Public Works would create a conflict.

95-06 § 5 Conflicts of Interest: (E) General Restrictions. (4.)

There is no violation in the employment of a former county administrative official.

1994

94-01 § 5 Conflicts of Interest: (A) Participation Prohibitions.

An owner of waterfront land to be developed into an oyster farm can remain on the Agriculture and Seafood Commission. However, must disqualify themselves from any involvement of monetary gain.

94-02 § 5 Conflicts of Interest:

The subject matter raised is not within the jurisdiction of the Ethics Ordinance.

1993

93-01 § 5 Conflicts of Interest: (A) Participation Prohibitions.

An executive of a construction company can serve on the board of directors of the St. Mary's County Community Development Corporation.

93-02 § 5 Conflicts of Interest: (D) Solicitation and Acceptance of Gifts. & (D)(2).

A county official who brought an action for libel against a local publication may accept donations for litigation expenses if certain precautions are followed.

93-02(A) § 5 Conflicts of Interest Supplements 93-02 with guidelines for the fundraising.

93-03 § 5 Conflicts of Interest: (A) Participation Prohibitions. & (E) General Restrictions.

An official is not prohibited from exercising the duties of their office, when they share an attorney with a third party, in a matter that will come before the official.

93-04 § 5 Conflicts of Interest: (A) Participation Prohibitions. & (E) General Restrictions.

A member of the Planning Commission was not in violation even though a project was contracted to a corporation where he owned 40% and his sons owned 20%.

1992

92-01 § 5 Conflicts of Interest: (C) Outside Employment Restrictions.

A procurement officer seeking secondary employment is cautioned not to be employed by clients he is involved with because of his county duties.

92-02 § 5 Conflicts of Interest: (A) Participation Prohibitions.

A member of the Mental Health Authority Board of Directors may continue to serve even though their future spouse is a social worker for the county.

92-03 § 5 Conflicts of Interest: (A) Participation Prohibitions.

A member of MetCom may continue as a member of this commission even though he is part owner of property where sewer will be installed.

92-04 § 5 Conflicts of Interest: (A) Participation Prohibitions.

A Commissioner can vote and discuss an issue concerning a corporation where a family member is employed, because the Commissioner holds no financial interest.

Also, a Commissioner can vote on an issue concerning a corporation that buys gravel from him at a fixed rate decided upon earlier.

92-05 § 5 Conflicts of Interest: (A) Participation Prohibitions. & (E) General Restrictions.

The Director of the Office of Planning and Zoning may purchase property for their residence in a subdivision previously processed through that office.

92-06 § 5 Conflicts of Interest: (E) General Restrictions. (1) & (4).

The County Volunteer Fire Department may accept a bid on the construction of a substation from a construction company in which a member of the Board of County Commissioners has financial interest.

1991

91-01 § 5 Conflicts of Interest: (A) Participation Prohibitions. & (C) Outside Employment Restrictions. & (E) General Restrictions.

An attorney to the county water and sewer agency and a new member of the agency, which have a relationship, may continue to serve as participants of the agency.

91-02 § 5 Conflicts of Interest: (A) Participation Prohibitions & (C) Outside Employment Restrictions.

An airplane owner who leases his plane and rents tie down space from the county may participate as a member of the Airport Commission. [Note: The Airport Commission was abolished in 2001.]

91-03 § 5 Conflicts of Interest: (A) Participation Prohibitions.

A County Commissioner can participate in the development and legislative process for the creation of an agricultural land preservation plan.

1990

90-01 § 5 Conflicts of Interest: (A) Participation Prohibitions & (C) Outside Employment Restrictions & (D) Solicitation or Acceptance of Gifts.

An official of the Planning Commission may purchase land for residential use, which they had participated in the review that led to the commission's approval of the subdivision.

90-02 § 5 Conflicts of Interest: (A) Participation Prohibitions. (2).

A County Commissioner is not prohibited from voting on the adoption of a new zoning ordinance.

90-03 § 5 Conflicts of Interest: (A) Participation Prohibitions (2). Same as 90-02.

90-04 § 5 Conflicts of Interest: (C) Outside Employment Restrictions. & (C)(1) & (C)(2)

An ad-hoc committee member is not subject to a one-year employment restriction.

90-05 § 5 Conflicts of Interest: (C) Outside Employment Restrictions.

A newly appointed member of the Airport Commission who is part owner of a hanger at the County Airport may not continue in both capacities. [Note: The Airport Commission was abolished in 2001.