

**THE CITY OF FREDERICK ETHICS COMMISSION
ADVISORY OPINION 17-2**

The City of Frederick Ethics Commission (hereinafter referred to as "Ethics Commission") pursuant to the City of Frederick Ethics Ordinance, Chapter 21 of The Code of the City of Frederick, convened on October 5, 2017 to hear a request for an advisory opinion concerning the conflict of interest provisions of the Ethics Ordinance. Present at the meeting were Richard L. Stup, Chair; Phil Bowers, Commission Member; Norman Covert, Commission Member; Neil Fay, Vice Chair; Jerry Jones III, Commission Member; Saundra Nickols, City Attorney; Phyllis Hane, Legislative Clerk and the candidate requesting the advisory opinion.

The Ethics Commission has the responsibility pursuant to Section 21-2(b) of the Ethics Ordinance "to be the advisory body responsible for interpreting this chapter and advising persons subject to it as to its application." The request for an advisory opinion came from a candidate for Alderman (the "Candidate") who, as his primary employment, holds a senior position with another government entity involving frequent interaction with municipalities, including the City. The Candidate requested an advisory opinion concerning the potential conflict of interest between his full time employment and his role as Alderman, should he be so elected.

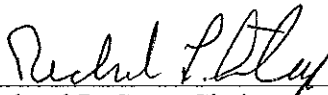
Section 21-4(a)(2)(B) of the Ethics Ordinance addresses participation in certain matters by those City officials and employees who are subject to the Ethics Ordinance. An official or employee generally may not participate in any matter in which one of the parties is a business entity for which the official or employee is an officer or employee. In the present case, the Candidate is employed by Frederick County Government. The Candidate's position requires him to serve as a liaison with municipal governments and to take part in developing policies which may affect the City. The question presented to the Commission is whether this position creates a conflict of interest and, if a conflict is found to exist, to what extent the Candidate may or may not participate in matters before the Board of Aldermen which involve Frederick County Government.

Based on the testimony presented by the Candidate, the Commission determined that a clear conflict of interest exists between the Candidate's roles of Frederick County employee and Frederick City elected official, and that the Candidate's particular position and role in policy development for Frederick County Government accentuate this conflict. The Commission further determined the conflict of interest provisions of the City Code prohibit the Candidate, should he be elected as Alderman, from participating in any matter in which Frederick County Government is a party.

The Commission advises the Candidate, should he be elected, to seek to remedy the conflicts where possible in order to enable his participation and encouraged him to return to the Commission for guidance once these remedies are in place.

In summary, the Ethics Commission determined that conflict of interest provisions prohibit the Candidate from participating, deliberating or voting on any matter involving his employer, Frederick County Government.

Date: 10/9/17


Richard L. Stup, Chair