

## THE CITY OF FREDERICK ETHICS COMMISSION

### ADVISORY OPINION 21-03

The City of Frederick Ethics Commission, pursuant to the Ethics Ordinance, Chapter 21 of the Code of The City of Frederick, convened virtually on November 1, 2021 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; Jerry Jones, Vice Chair; Phil Bowers, Commissioner; Maureen Connors, Commissioner; Sandra Nickols, City Attorney; Phyllis Hane, Legislative Clerk; and the individual requesting the advisory opinion.

The Ethics Commission has the responsibility pursuant to Section 21-2(b) of the Ethics Ordinance to “interpret this chapter and advise persons subject to it as to its application.” The request for an advisory opinion was submitted by an individual who is a candidate for Alderman in the City’s 2021 election. The individual requested an advisory opinion concerning the potential conflict of interest between the individual’s employment and the individual’s future position, if elected, as a City elected official.

The individual previously submitted information to the Commission stating that the individual is a registered lobbyist with the State of Maryland and several local jurisdictions, but is not a registered lobbyist with The City of Frederick. The individual’s clients consist of both paying and pro bono clients. The individual provided additional information to the Commission during the meeting.

After reviewing the Ethics Ordinance, the material previously submitted, and the testimony of the individual, the Ethics Commission determined that the Ethics Ordinance does not prohibit the individual from maintaining the individual’s employment as a registered lobbyist with the State of Maryland and several local jurisdictions, not including The City of Frederick, once the individual becomes an elected official. Although such employment is not prohibited, it has the potential to raise several concerns. The individual should be aware of the following sections of the Ethics Ordinance:

- Section 21-4(b)(2) prohibits an elected official from participating in any matter in which any of the following is a party: (A) a business entity in which the official has a direct financial interest; and (C) a business entity with which the elected official is negotiating employment or has any arrangement concerning prospective employment;
- Section 21-4(c)(1)(B) prohibits an elected official from holding any outside employment that would impair the impartiality or independence of judgment of the elected official;

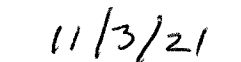
- Section 21-4(c)(1)(C) prohibits an elected official from representing any party, whether or not for compensation, before the Board of Aldermen or any board or commission of the City; and
- Section 21-4(f) prohibits an elected official from using the prestige of office or public position for the private gain of that elected official or the private gain of another.

If the elected official is disqualified from participating in a particular matter due to a conflict of interest, the elected official shall disclose the nature and circumstances of the conflict and shall not participate in that particular matter.

As general guidance, the Ethics Commission recommends that all future candidates review the City's Ethics Ordinance early in the election process and consult the Ethics Commission concerning any questions or clarifications.



Richard L. Stup, Chair



Date