



# FREDERICK COUNTY ETHICS COMMISSION

## FREDERICK COUNTY, MARYLAND

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### FREDERICK COUNTY ETHICS COMMISSION ADVISORY OPINION 04-07

The Ethics Commission has been asked to issue an advisory opinion on the efforts taken by the Frederick County Department of Development Review Planning to ensure that there is no violation of the Ethics Ordinance or conflict of interest on the part of a planner in that Department. The planner possesses a real estate license, but has advised the Department that he does not intend to use the license while employed by Frederick County. The planner has further disclosed that his parents, through use of a business trade name, invest in properties located in Frederick County. The planner does not have an interest in the joint venture.

The planner's primary responsibility is to review land design, subdivision and site development planning. The Department states that it has advised the planner of the need to avoid acting on behalf of the County in any matter that would, to his knowledge, have a direct financial impact on himself or family members. The Department further advises that it "will make every attempt possible to route plans to other [planners] to avoid any potential conflict of interest."

Section 1-7.1-4(A) of the Ethics Ordinance, "Conflicts of interest," provides that a Frederick County employee shall not "[a]ct on behalf of the county in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public



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generally, on them, their spouse, parent, parent-in-law, child, brother, sister, or a business entity with which any of the aforesaid are affiliated.” In order to avoid a conflict of interest, the Department should not allow the planner to work on any projects that directly affect property owned by a member of the planner’s family. In addition, the Commission agrees that the planner should not use his real estate license in Frederick County while he is employed by Frederick County.

Date: August 16, 2004

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/s/

Ronald W. Peppe, Chairman