



*Queen
Anne's
County*

QUEEN ANNE'S COUNTY ETHICS COMMISSION

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Advisory Opinion from special meeting on June 1, 2011

The Commission considered a request regarding a proposal to be presented to the Animal Control Board regarding an exchange for veterinary services, on the one hand, and a lease of clinic space, on the other, and whether there could be a conflict of interest and a violation of the County Public Ethics Law if the Chairperson of the Animal Control Board, who is also a veterinarian, participated in the discussion and decision of the Animal Control Board regarding the proposal.

Based on the facts that were provided, the Commission viewed this situation as one in which the Animal Control Board Chairperson, who provides professional veterinary services in Queen Anne's County in his private practice, would be participating in a process for deciding whether to grant a proposal that would have the effect of favoring a potential competitor who would offer similar professional veterinary services in the same market. Through this prism, the Commission determined that the Chairperson would have an actual conflict of interest or an appearance of a conflict of interest under three separate provisions of the County Public Ethics Law if he participated in this matter.

First, the Commission determined that based on the facts provided there would be a violation of the County Public Ethics Law, specifically §8-11 (A) (1) if the Chairperson participated in the discussion and decision of the Animal Control Board regarding the proposal. The Chairperson would be acting on behalf of the County in a matter that potentially would have a direct financial impact on him because he currently provides the same or similar services in the same market (Queen Anne's County) as the requestor would be providing under the proposal.

Second, the Commission determined there would be a violation of the County Public Ethics Law, specifically §8-11 (A) (3). The Chairperson holds employment that could impair his impartiality and independent judgment as the Board chairman in regard to this proposal.

Finally, the Commission determined that there would be an appearance of a violation under §8-11 (A) (7), in that an informed member of the public reasonably could perceive that the Chairperson could use the prestige of his Board position to benefit himself.

These conflicts, or appearances of a conflict, may be cured if the Chairperson recuses himself from all discussion and decisions of the proposal. In response to the request regarding the definition of recusal under such circumstances, the Commission provided a prior opinion in which the Commission has addressed that question.

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