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Middletown

Celebrating 250 Years 1767 - 2017



Ethics Commission

Advisory Opinion 19-01

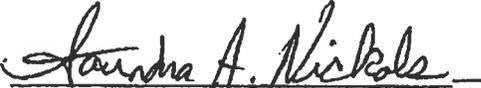
The Ethics Commission, pursuant to the Middletown Public Ethics Ordinance, Title 4 of the Middletown Municipal Code, convened on January 29, 2019, to hear a request for an advisory opinion from an employee who holds the position of Town Planner. The employee attended the meeting to explain the facts surrounding the request and to answer questions asked by the Ethics Commission.

As a Town Planner, the employee is responsible for reviewing and providing comments and recommendations on annexation petitions, subdivision plats and site plans. The employee has asked whether she may review and provide comments and recommendations to the Planning Commission with respect to a subdivision plat submitted by a church of which she is a member. The employee stated that she has no financial interest in the church. The employee further stated that as a member of the church, she has no decision making responsibilities related to the subdivision plat.

Section 4.16 of the Ethics Ordinance addresses conflicts of interest and sets forth those circumstances under which an employee is prohibited from participating in a particular matter. Section 4.16.030(A) of the Ethics Ordinance states that an employee may not participate in any matter in which the employee has an interest.

The Ethics Ordinance does not define the term "interest" as it relates to conflicts of interest. Therefore, the Ethics Commission looked to the Maryland State Ethics Law for guidance. Section 5-101(t) of the Maryland State Ethics Law, General Provisions Article of the Annotated Code of Maryland states that "interest" means a legal or equitable economic interest. Therefore, with respect to the request before us, a conflict of interest would exist if the employee has a legal or equitable interest in the church.

Based a review of the Middletown Public Ethics Ordinance and the facts provided by the employee, the Ethics Commission unanimously concluded that the Ethics Ordinance does not prohibit the employee from reviewing and providing comments and recommendations to the Planning Commission with respect to a subdivision plat submitted by a church of which she is a member.



Sandra A. Nickols, Chair



Date