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Burgess

Commissioners
Larry K. Bussard
Thomas S. Catania
Richard L. Dietrick
Jennifer J. Falcinelli
Christopher I. Goodman

Middletown

Celebrating 250 Years 1767 - 2017



Ethics Commission

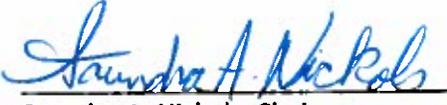
Advisory Opinion 18-01

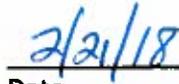
The Ethics Commission, pursuant to the Middletown Public Ethics Ordinance, Title 4 of the Middletown Municipal Code, convened on February 14, 2018 to hear a request for an advisory opinion. A member of the Town Board of Commissioners has requested an opinion as to whether he is prohibited from participating and voting on an upcoming Annexation Resolution due to the fact that his sibling owns real property adjacent to the real property that is the subject of the Annexation Resolution.

Chapter 4.16 of the Ordinance addresses conflicts of interest and sets forth those circumstances under which an elected official is prohibited from participating in a particular matter. Section 4.16.030.A of the Ordinance states that an elected official may not participate in any matter in which the official or a qualified relative of the official has an interest. The term "qualified relative" is defined in Section 4.16.010 of the Ordinance as a spouse, parent, child or sibling. Therefore, the Commissioner's sibling is a "qualified relative".

The Ordinance does not define the term "interest" as it relates to conflicts of interest. Therefore, the Ethics Commission looked to the Maryland Public Ethics Law for guidance. Section 5-101(t) of the Maryland Public Ethics Law, General Provisions Article of the Annotated Code of Maryland states that "interest" is defined as a legal or equitable economic interest that is owned or held. Based on this definition, the Commissioner's sibling does not have an "interest" in the real property proposed for annexation. The Commissioner's sibling owns property adjacent to the real property proposed for annexation, but does not have a legal or equitable economic interest in the actual property that is the subject of the Annexation Resolution. Therefore, there is no "interest" in the particular matter that will be voted upon by the Board of Commissioners.

In conclusion, the Ethics Commission unanimously held that the Ordinance does not prohibit a member of the Town Board of Commissioners from participating and voting on the upcoming Annexation Resolution due to the fact that his sibling owns real property adjacent to the real property that is the subject of the Annexation Resolution.


Sandra A. Nickols, Chair


Date