

FREDERICK COUNTY ETHICS COMMISSION



SANFORD BLUM
CHAIRMAN

BRUCE COURTNEY
RICHARD M. HORCH
MEMBERS

Erminie Wars
~~XXXXXXXXXXXXXXXXXXXX~~
ALTERNATE MEMBER

care of:

Office of the County Attorney
Winchester Hall
12 E. Church Street
Frederick, Maryland 21701
(301) 694-1030

March 20, 1987

TO: Public Officials and Members of Appointed Boards,
Commissions and all Persons covered by the
Frederick County Ethics Ordinance

FROM: Ethics Commission *AB*

SUBJECT: Guidelines for Conflict of Interest Situations

Attached for your attention are guidelines developed by
the Ethics Commission in response to inquiries from boards and
individuals.

They will be used by the Commission on matters brought
to them, and should be used by other covered individuals in their
own public service actions.

The Commission welcomes comments and suggestions on
these guidelines which could add clarification or strengthen
their use.

jld
Attachment

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POSTURE AND GUIDELINES CONCERNING CONFLICT OF INTEREST INTERPRETATIONS

Frederick County Ethics Commission

A. ASSUMPTIONS

1. Elected and appointed officials on boards or commissions, are assumed to be honest and to have a sincere interest and desire to perform their county connected assignments to the best of their abilities and in the best interests of the county and its citizenship. Therefore, no assumption of guilt is applied to any covered official on the principle of conflict of interest for their personal gain.
2. The composition of the county officials on boards and commissions at this time continues to reflect the current culture of the community; therefore, this naturally recognizes that most persons appointed to boards and commissions are widely known and have normal and regular inter-relationships in a social, religious and business capacity with those whom they may be required to hear on official county business.

B. OBSERVATIONS AND PRELUDE TO GUIDELINES

Recognizing the above assumptions, a completely conservative posture in an indirect conflict of interest by this Commission is unrealistic. To avoid any hearing or ruling on any case in which an official has any kind of relationships with the lawyer or his client presenting a case for a county decision appears to be too constrictive.

Furthermore, if an ultra-conservative point of view were taken by this Commission, it could well prevent many cases from coming to a conclusion since it would force a large number of officials or appointees to abstain from involvement. Also, this approach could act in a discriminatory way against the legal profession who present many cases each year to county boards and are or become well known. Finally, it could become a disincentive for anyone to accept appointments to county positions due to their broad acquaintance network in the county, even to the extent of political contributions made to parties to which they belong.

Therefore, the following guidelines are presented based upon the above assumptions and conditions and the reality of the consequences of any definition which would prevent the officials covered by the Ethics Ordinance to reasonably and effectively participate in and contribute to decisions which come before them.

C. GUIDELINES FOR USE IN CONFLICT OF INTEREST CONSIDERATIONS

1. The Commission expects and assumes that officials on boards and commissions will act in a responsible manner in behalf of the priorities and objectives set by the electorate for the welfare, protection and positive promotion of Frederick County and its citizens. Therefore, except where a direct financial gain can be identified or a direct employer/employee business or family relationship exists, as referred to in the Frederick County Ethics Ordinance No. 83-19-286, the Ethics Commission will not view indirect relationships between elected and appointed officials as de facto conflicts of interest. Evidence, of course, would be considered by the Commission where personal gain is charged.
2. As a further precautionary guideline, officials are expected to "read their hearts" prior to becoming involved in a hearing or vote on a case; and if they recognize that they cannot render a fair and impartial decision based upon the facts at hand due to a prior positive or negative relationship to the presenter or his legal representative, they should remove themselves from the case.
3. If the official recognizes a conflict, or a strong appearance of a conflict, it is recommended that they declare this conflict prior to the hearing, physically remove themselves from the hearing room, and avoid any contact with fellow officials until a decision is rendered by those remaining. (The one exception to

removing oneself from the hearing room is when
commission or board members have cases presented which
involve property which they solely own.)

ETHICS COMMISSION

Richard M. Horch - Member
Erminie Wars - Member
Joseph E. Emerson - Counsel
to the Commission


Sanford Blum, Chairman