



FREDERICK COUNTY GOVERNMENT

FREDERICK COUNTY ETHICS COMMISSION

Office of the County Attorney

Jessica Fitzwater
County Executive

Douglas P. Jones, Chairman

Ethics Commission Guidance

Use of Prestige of Office

April 2024

This Guidance is issued to provide guidance to County officials and employees on compliance with the County's Ethics Ordinance when using County property such as County stationery or County-controlled electronic resources such as the County's website to communicate with others. This guidance is not intended to amend or replace any County, division or department policies or procedures on the use of County property.

Section 1-7.1-5(F) of the Ethics Ordinance makes it a conflict of interest for a County official or employee to intentionally use the prestige of his office or public position for the private gain of that official or employee or the private gain of another. This provision applies to elected officials¹, officials appointed to County boards and commissions, and County employees. (The Ethics Ordinance expressly permits, however, elected official to perform usual and customary constituent services, if the elected official does not receive additional compensation for such services.)

It is also important to keep in mind that the Ethics Ordinance exists to serve the following public purpose:

Frederick County, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

It is evident that this confidence and trust is eroded when the conduct of the county's business is subject to improper influence and even the appearance of improper influence.

For the purpose of guarding against improper influence, the County enacts this [Ethics] law to set minimum standards for the conduct of county business.

It is the intent of the county that this chapter, except for its provisions for criminal sanctions, be construed liberally to accomplish this purpose.

Officials and employees must exercise caution so that County property such as County stationery and the County's website is used only for purposes related to County business. Use of this property for other purposes may mislead the public into believing that the County government supports the subject matter of the communication or that the communication is being made on the

¹ "Elected official" is defined as an individual who hold elective office as the County Executive or a County Council member.

County's behalf. This should be avoided when the communication is intended to support one's personal opinions on matters of public interest, one's political philosophy, one's personal financial interests, or the financial interests of another person or entity. Keeping this guidance in mind will help to avoid potential conflicts of interest, as well as the appearance of impropriety, and will further the goal of ensuring that the "impartiality and independent judgment" of County officials and employees is maintained.

Any person subject to the Ethics Ordinance may request an advisory opinion from the Ethics Commission regarding the applicability of this provision to their circumstances. Advisory opinions are meant to be requested and issued prior to a contemplated action.