



THE PRINCE GEORGE'S COUNTY GOVERNMENT
Board of Ethics

Rushern L. Baker, III
County Executive

Robin Barnes-Shell
Acting Executive Director

BOARD OF ETHICS

OPINION

February 7, 2014

RE: Conflict of Interest

Dear [REDACTED],

You (hereinafter, "Contractor") have asked the Board of Ethics for an opinion to determine if there are any ethical violations involving your business contracted to perform snow removal for the County and your wife's position as an Administrative Aide in the [REDACTED]. Based on the information in your letter dated February 3, 2014, there are no ethical violations as prescribed by the Prince George's County Code of Ethics. A more detailed analysis is explained below.

Facts

In a letter dated February 3, 2014, Contractor, doing business as [REDACTED] (hereinafter [REDACTED]) requested an opinion to determine whether his contract for snow removal services with the Department of Public Works and Transportation violates the Code of Ethics because his wife works as an Administrative Aide in the [REDACTED]. Based on the information received, [REDACTED] has had a contract with Prince George's County, Maryland since approximately 2004 for snow removal services. The current contract is in response to bid number [REDACTED] dated September 9, 2010. The contract is for snow operation removal during the months of November through March.

On or about February 13, 2012, Contractor's spouse began working as an Administrative Aide with another agency in Prince George's County. This office conducts public hearings for zoning related matters. In her position, Contractor's spouse performs the following functions: (1) assists the [REDACTED] in recording proceedings, marks exhibits, creates the record of public hearings; (2) processes and receives zoning cases; (3) types, proofreads, edits and formats documents; (4) drafts advertisement for public hearings and (5) performs other duties as assigned. As stated in the letter, a function performed by Contractor under his contract with the Department of Public Works and Transportation does not involve the agency where his spouse works.

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Legal Analysis

The Code of Ethics is codified under Prince George's County Code Section 2-289 et seq. The purpose of the law as stated in Section 2-290 provides:

(a) The Prince George's County Council, 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.

The Code of Ethics prescribes conduct and interests that are prohibited. Specifically, Section 2-293 states:

(a) Participation Prohibitions. Except as permitted by Board regulations or opinion, an official or employee may not participate in:

(1) Any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he, his spouse, parent, child, brother, or sister has an interest therein.

In the matter sub judice, as an Administrative Aide in a separate County agency, Contractor's spouse is exercising "administrative or ministerial duties." Additionally, her duties as described above, do not affect the "disposition or decision" of her husband's business being awarded a contract for snow removal services. Neither Contractor's wife nor the employing agency participate in the procurement process for awarding contracts for snow removal. Consequently, the contract for snow removal services performed by [REDACTED] and the Contractor's spouse employment with the County do not violate the provisions under the Prince George's County Code of Ethics.

Sincerely,



Covette Rooney
Board Chair

cc:

