



THE PRINCE GEORGE'S COUNTY GOVERNMENT BOARD OF ETHICS

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The Honorable Covette Rooney, Chair
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BOARD OPINION

April 1, 2014

[REDACTED]
[REDACTED]
[REDACTED]

RE: Case Number AO14-0022

Dear [REDACTED],

You, as an employee of Prince George's County, appeared before a closed session of the Board of Ethics on March 14, 2014. You sought an advisory opinion regarding the snow removal and ice control services contract between [REDACTED] and the Prince George's County Government.

The Board understands that you work for the Department of Public Works & Transportation (DPWT) [REDACTED]. A search of the State Department of Assessment and Taxation revealed that you are the registered agent for [REDACTED] which functions as an umbrella corporation for several subsidiary businesses. These subsidiaries include a snow plowing and removal service operated by your brother. This service is the awardee of an annual contract with the Prince George's County Government for snow removal and plow services. Importantly, the contract is awarded not by DPW-T, but rather by the Office of Central Services (OCS) on an annual basis. You noted that you have neither financial interest, nor decision making authority, in the terms or conditions of the contract.

We understand your personal vehicle is the vehicle used for all the subsidiary business services provided by the umbrella corporation. In addition to snow removal, those services include the provision of children's entertainment in the form of a "moon bounce" and a "video game trailer," and general hauling services.

Your only connection to the contract is that your "personal vehicle" is used for the performance of services. We further understand that you use the vehicle for the other subsidiary businesses under your control, and pay for all routine maintenance and repairs to the vehicle.

The applicable portion of Prince George's County Code of Ethics 2-293(b) Employment Restrictions is dispositive. It states:

(1) (A) Except as permitted by regulation of the Board when such interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by, or have a financial interest in, any entity subject to his authority or that of the County agency... with which he is affiliated or any entity which is negotiating or has entered a contract with that agency...(emphasis added).

As detailed above, because you have no financial interest in the entity subject to the authority (the LLC), nor are you affiliated with the County agency with whom the LLC contracts, we find there is no conflict. In reaching this decision, the Board of Ethics has relied on upon the facts you have presented. However, we recommend that you seek an opinion from this Board, and depending upon the circumstances, legal counsel, if at any time you determine that a conflict of interest, an appearance of a conflict of interest, or violation of the Code of Ethics may occur.

If you require additional information, please do not hesitate to contact this office.

Sincerely,

/s/ Covette Rooney

Covette Rooney
Board Chair