



## THE PRINCE GEORGE'S COUNTY GOVERNMENT BOARD OF ETHICS

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County Executive

Robin Barnes-Shell  
Executive Director

Cassandra Burckhalter, Chair  
The Honorable Covette Rooney, Member  
Curtis Eugene, Member  
Sharon Theodore-Lewis, Esq., Member

February 28, 2020

[REDACTED]  
5301 Marlboro Race Track Road, Suite 100  
Upper Marlboro, MD 20772

RE: Prohibited Conduct – Conflict of Interest

Dear [REDACTED]

As a County employee, you have inquired as to whether you may be actively involved with the decision making and sale of jointly-owned family farm property to a developer, Michael Companies (hereinafter, the developer), that has matters currently before the Soil Conservation District of which you are [REDACTED]. For the reasons discussed below, you are prohibited from actively engaging in the sale of your family property and participating in any matter involving the developer pending before the Soil Conservation District pursuant to Section 2-293(a)(2)(D) of the Prince George's County Code of Ethics. The Board of Ethics (Board) is willing to extend a waiver of this provision in the event you are able to identify to the Board appropriate safeguards you will have in place to remove you from being involved in any matter that impacts the developer to whom you are selling the proposed family-owned property.

### **BACKGROUND**

You currently serve [REDACTED] the Prince George's County Soil Conservation District (Soil Conservation District). In your role you oversee five broad programs that include agricultural conservation, urban development and conservation, agricultural land preservation, urban agricultural conservation and education outreach. In your request you stated that you have a minor role in current projects that the developer has before the Soil Conservation because there are six full time engineers that are responsible for the review and approval of these projects. You further indicated that [REDACTED] your role is minor as it relates to the urban development and conservation sections because they are managed by a registered professional civil engineer who has the authority to act on behalf of the District in all matters related to the review and approval of these projects. You acknowledge that the developer who is

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the proposed buyer of your family-owned property will most likely have a constant volume of projects that require review and approval by the Soil Conservation District.

You have indicated that you wish to pursue the sale of your family-owned property with the developer with the following safeguards to eliminate any potential conflicts of interest or the appearance thereof. Firstly, you propose to recuse yourself from any input or decision making related to the developer's commercial property projects that come through the Soil Conservation's urban program. You acknowledge that these projects have a tremendous potential for monetary profit and have two professional civil engineers working in that program area who are able to make final decisions within the Soil Conservation's program guidelines and mandates. Secondly, you propose to continue providing technical assistance related to the three farms currently owned and operated by the developer. You indicated that the Soil Conservation and Water Quality Plans (SCWQP) require multiple signatures, which include the owner, technical staff, USDA-NRCS District Conservationist and yourself as the representative for the Soil Conservation District. You proffer that the technical advice provided related to the farms address soil and water conservation-related concerns and do not necessarily increase the property value of the land. Moreover, you indicated that preservation of these properties through one of the Soil Conservation programs extinguishes the profit potential through the development of the farm.

### **ANALYSIS**

Section 2-293(a)(2)(D) of the Ethics Code states that an official or employee may not participate in any matter involving a business entity that is a party to an existing contract with the official or employee or his relatives (spouse, brother, sister, parent child), if the contract could reasonably be expected to result in a conflict between the private interest of the official or employee and his official duties. The intent of the restriction is to avoid improper influence or the appearance of improper influence in order to maintain public trust in County government. The County's Code of Ethics is to be liberally construed to accomplish this purpose.

Firstly, you propose to recuse yourself from any input or decision making related to the developer's commercial property projects that come through the Soil Conservation's urban program. However, the proposed safeguard for your staff to have the final decision is insufficient to eliminate the appearance of a conflict of interest, especially given these projects have a tremendous potential for monetary profit. Instead, the Board of Ethics stipulates that these decisions would require review by someone in authority over your position or who would be neutral to the process, such as one of the Board Members for the Soil Conservation District, the Deputy Chief Administrative Officer over Government Operations, or another appropriate individual you may identify to the Board. This additional level of review would eliminate the perception that your staff can be influenced by you to make favorable decisions for the developer.

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Secondly, you propose to continue providing technical assistance related to the three farms currently owned and operated by the developer. You indicated that the SCWQP process requires multiple signatures other than your own and technical advice provided related to the farms do not necessarily increase the property value of the land. However, the Board of Ethics interprets the County's Code of Ethics broadly to promote public trust in County government, and as such, stipulates that you refrain from providing technical assistance until the sale of your family-owned property is complete without any remaining obligations or interests remaining related to you or your family members as delineated in the County's Code of Ethics. Any added value to the developer's interests through your involvement in matters impacting the developer presents a conflict of interest, inclusive of your signature to agreements that affect the developer's interests.

### **CONCLUSION**

For the reasons discussed herein, we conclude that based on the facts as presented by you in your request and the information reasonably obtained by OEA, you are prohibited from actively engaging in the sale of your family property and participating in any matter involving the developer pending before the Soil Conservation District without identifying to the Board appropriate safeguards you will have in place to remove you from being involved in any matter that impacts the developer to whom you are selling the proposed family-owned property.

If you still desire the Board to consider your request, please provide the Board with appropriate safeguards within thirty (30) days of the date of this letter.

Sincerely,

A handwritten signature in black ink that reads "Cassandra Burckhalter". The signature is written in a cursive, flowing style.

Cassandra Burckhalter  
Board Chair

cc: Robin Barnes Shell, Executive Director

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