



**THE PRINCE GEORGE'S COUNTY GOVERNMENT
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May 31, 2023

[REDACTED]
1300 Mercantile Lane, Suite 108
Largo, MD 20774

RE: Advisory Opinion: Prohibited Conduct – Conflict of Interest Case# 23-0119

Dear [REDACTED],

As a former Prince George's County Councilmember, you inquired as to whether it is a conflict of interest under the County's Code of Ethics Post-Employment provision for you to enter into a paid contract with the Owner of Nobody Property to advocate to William Tyler, Director of the Prince George's County Department of Parks and Recreation and Peter Shapiro, Chairman of the Prince George's County Planning Board on a series of projects associated with a \$35 million allocation as you were leaving office as your term ended as a County councilmember on December 5, 2022.

Background

In your request, you indicated that you were interested in pursuing new ventures within Prince George's County but needed to be assured that you were following the proper ethical protocols during your first year out of office as a County Council Member. You further explained that you are aware that you are not allowed to directly advocate and request funding to the County Council Members. CR-119-2022 is a Resolution concerning Maryland-National Capital Park and Planning Commission for the purpose of approving certain transfers of appropriations within the Approved FY 2022-2023 Operating Budget of the Maryland-National Capital Park and Planning Commission to the Approved Fiscal Year 2023-2028 Capital Improvement Program of the Maryland-National Capital Park and Planning Commission. Additionally, within Appendix A of the Approved Fiscal Year 2022-2023 Commission Budget, a specific Recreation Fund appropriation in the amount of \$35 million was approved with the express purpose to "support athletic facility partnerships between the Commission

and PGCPs and/or various boys and girls clubs” in Prince George’s County.¹ 5/12th of the \$35 million allocation with the remainder of the funds, specifically, the \$35 million allocation was for programming in the County, and was divided by the eleven (11) County Council Members including yourself. As the outgoing County Council Member, you received 5/12th of the \$35 million allocation with the remainder of the funds deferred to the incoming County Council Member for your district. Pursuant to Section 25-806, Land Use Article, Annotated Code of Maryland, the County Council provided a list of organizations and projects to the Prince George’s County Planning Board for which the County Council directed that the Commission proceed to initiate appropriate support for the recreational or athletic-related activities which included Artworks Now. To provide a new vitalization in Mt. Rainier and provide scholarship opportunities for a twenty (20) year period, Artworks Now was assigned to paint certain murals. You explained that the murals have an educative aspect as they provide a wall for students at Northwestern High School and scholarship opportunities. However, at this time, the County Council has not moved forward with this specific initiative. Thus, it is your goal to re-engage with and advocate to the Prince George’s County Planning Board to support the Artworks Now project.

Post-Employment Criteria

When considering post-employment limitations, Section 2-293(b)(2)(B) provides “until the conclusion of one calendar year from the date the official leaves County office, a former member of the County Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.” Therefore, it must be further determined if the post-employment matter you wish to work on is the subject of legislative action².

County Council Position and Proposed Post-Employment Position

In your previous position you served as the Council Member representing [REDACTED]. All legislative powers of the County are vested in the County Council. In addition, the County Council sits as the District Council on zoning and land use matters, and as the Board of Health-on-health policy matters. With the post-employment position, you are being offered a paid contract by the Owner of Nobody Property to advocate to William Tyler, Director of the Prince George’s County Department of Parks and Recreation and Peter Shapiro, Chairman of the Prince George’s County Planning Board on a series of projects associated with a \$35 million allocation as you were leaving office. Specifically, you would like to re-engage with and advocate to the Prince George’s County Planning Board to support the Artworks Now project.

ANALYSIS

Pursuant to Section 2-293(b)(2)(B) a former member of the County Council may not assist or represent another party for compensation in a matter that is the subject of legislative action until the conclusion of one calendar year from the date the official leaves County office. In this case, you indicated that you have an interest in ensuring that the proposed allocated funding to Artworks Now

¹ At the time of adoption of CB-055-2022, the County Council expressed its intent to revisit the \$35 million appropriation to the Recreation Fund within the current Fiscal Year to provide more specific guidance and funding for certain partnerships and projects.

²Legislative action is defined as the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by any committee or subcommittee thereof, or by a member or employee of the legislative body of the local government agency acting in his or her official capacity. <https://www.lawinsider.com/dictionary/legislative-action?cursor=Ci8SWWoVc35sYXdpbnNpZGVyY29udHJhY3RzcjsLEhpEZWZpbml0aW9uU25pcHBldEdyb3VwX3YzNyIbbGVnaXNsYXRpdmtYWN0aW9uIzAwMDAwMDBhDKIBAmVuGAAgAA%3D%3D>

is used to support the Artworks Now project or athletic-related activities. It is evident that the \$35 million allocation for programming in the County stems from Council Bill No. CB-55-2022 and CR-119-2022, which is the subject of legislative action. It is important to note that you, as a Council Member at that time, were a recipient of a portion of those allocated funds. Thus, the post-employment matter you wish to work on is the subject of legislative action. Therefore, at this time, you are prohibited from entering into a paid contract or receiving compensation to advocate to William Tyler, Director of the Prince George's County Department of Parks and Recreation and Peter Shapiro, Chairman of the Prince George's County Planning Board on the series of projects, including the Artworks Now project, associated with the \$35 million allocation as you were leaving your office as the Council Member for [REDACTED].

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 the Office of Ethics of and Accountability, you are prohibited from entering into a paid contract or receiving compensation to advocate to William Tyler, Director of the Prince George's County Department of Parks of Recreation and Peter Shapiro, the Chairman of the Prince George's County Planning Board on the Artworks Now Project, which is a matter that is the subject of legislative action, until the conclusion of one calendar year from the date you left County office. However, you can revisit this issue once you have been out-of-office one calendar year from the date you separated from the County.

I trust the information provided herein will be of assistance to you. If you have any questions or need further information, please contact the Office of Ethics and Accountability at (301) 883-3445.

Sincerely,



Cassandra Burckhalter
Board Chair