

**Baltimore County Ethics Commission
Advisory Opinion 24-004**

The Baltimore County Ethics Commission (the “**Commission**”) issues this Advisory Opinion in response to an inquiry made by an employee (the “**Employee**”) of Baltimore County Government who is a member of Morning Star Baptist Church.(the “**Church**”) as to Employee’s recusal obligations from discussions between Baltimore County Government and the Church about a potential sale of property in Baltimore County. The Employee is not in a leadership role at the Church, he/she is just a member.

In considering whether the Ethics Code precludes Employee from being part of discussions or negotiations about the sale of the property from the Church to Baltimore County, the Commission carefully reviewed Subtitle 3 of the Ethics Code (“Prohibited Conduct and Interests”). Section 7-1-301 of the Ethics Coder requires a public official to recuse himself or herself from participating in a “matter” if he or she has an interest in the matter or if he or she has a contract with an entity which is participating in a “matter.” It provides, in pertinent part:

§7-1-301 – PARTICIPATION PROHIBITIONS.

(a) *Prohibitions.* Except as otherwise provided in subsection (c) of this section, a public official may not participate in a matter if:

(1) **The public official** or a qualified relative of the public official **has an interest in the matter** and the public official knows of the interest.

(2) **Any of the following is party to the matter:**

* * * * *

(ii) A business entity, including a limited liability company or a limited liability partnership, of which any of the following is an officer, director, trustee, partner, or employee:

(1) The public official; or

(2) If known to the public official, a qualified relative of the public official.

(Emphasis added).

Section 7-1-301 applies to Employee because as a Baltimore County government employee,, he/she is a public official. See § 7-1-101(1) (defining “public official” to include within its meaning, subject to certain exceptions not applicable here, “[a]n individual elected or appointed to serve on any county board, agency, commission, or similar entity”). Thus, the Commission concludes that §7-1-301(a) prohibits Employee from participating on behalf of either the County

or the Church, in any matter to which Church is a party, including the potential sale of real property.

The Employee is also cautioned to remember that under Section 7-1-307, he/she “may not disclose or use confidential information acquired by reason of the individual’s public position . . . and not available to the public.”

Thus, under the Ethics Code, Employee must decline to participate, in any discussion, vote, or presentation regarding a matter as to which the Church is a party. Likewise, he/she should not participate, as an Employee, in (a) the review or approval of meeting minutes to the extent that those minutes reference the matter as to which he/she has recused him/herself; (b) any pre- or post-meeting discussions regarding the matter; or (c) any other discussions, monitoring, or deliberations by the County or the Church regarding the matter.

/s/ *Laura E. Ray*
Laura Ray, Commissioner

6/24/2024
Date

/s/ *Kevin Murphy*
Kevin Murphy, Commissioner

6/24/2024
Date

/s/ *Sasha Rousseau*
Sasha Rousseau, Commissioner

6/24/2024
Date