



## CHARLES COUNTY ETHICS COMMISSION

### Advisory Opinion 2018-01

DATE: March 14, 2018

This matter came before the Ethics Commission ("Commission") by referral from the County Attorney Office for an advisory opinion. The question presented to the County Attorney was as follows:

Whether or not a Charles County employee can serve on the Charles County Democratic Central Committee ("CCDCC") and if so, would there be a conflict of interest with the federal Hatch Act?<sup>1</sup>

The request was received by email from the requestor on February 15, 2018. A response was requested before February 26, 2018, the deadline to file for the position with the CCDCC. The County Attorney Office immediately responded to the requestor that the request was essentially one for an advisory opinion and the Ethics Commission is charged with providing advisory opinions. Moreover, the Ethics Commission has 60 days to provide a response. Therefore it was unlikely a response could be given by February 26, 2018 as requested; however, the County Attorney would try to see if the Commission could issue an opinion at its next meeting scheduled for March 14, 2018.

The County Attorney requested a job description from the requestor and information on the duties of a Democratic Central Committee member. The requestor provided the following information as to the duties of the CCDCC members:

The Charles County Democratic Central Committee members are the official Democratic Party leaders in Charles County. Committee members are elected and appointed volunteers that work directly in the trenches, on behalf of the State Democratic Party, to organize an on going presence, through grass roots-efforts at the local level. <https://www.charlescountydems.org/>

They are the people who do the organizing and actual tasks of helping get Democrats elected. They are not managers or members of a board of directors, but worker bees themselves. They help organize and when necessary do the:

- fundraising;
- staff party booths/events;

<sup>1</sup> The County Ethics Code states that the Commission provides advisory opinions as to the application of Chapter 170 of the County Code. As such, this Commission will not provide an opinion as to the Hatch Act.

- precinct organizing and canvassing;
- distributing political literature;
- performing voter registration;
- phone banking;
- and all of those tasks needed to be successful in an election.
- <https://www.charlescountydems.org/about-ccdcc/ccdcc-responsibilities/>

The County Attorney advised that she reviewed the website for the CCDCC and the above information provided by the requestor is an accurate summary of the duties. In addition, attached is a copy of relevant pages from the CCDCC webpage. Moreover, the County Attorney advised that the job duties of the requestor generally involve business development in the County, including locating, attracting and retaining businesses in Charles County. The requestor also has direct involvement with the Small/Local Business Enterprise and the Minority Business Enterprise Programs.

The relevant County Code provision is §170-5, Prohibited conduct and interests<sup>2</sup>, which the Commission has reviewed. Based upon the information provided by the requestor and the County Attorney, there is no evidence of conflict of interest, or an appearance of a conflict of interest, between the duties of a CCDCC committee member and the requestor's County job duties.

The CCDCC is generally involved with advancing the goals and initiatives of the State Democratic Party. This does not relate to requestor's job duties. The County Attorney advised that she spoke with the appointing authority of requestor's department who advised there is no known or anticipated need for the requestor, in her position with the County, to interact with the CCDCC. Notwithstanding, it is this Commission's opinion, that the requestor should be advised that should she serve with someone in relation to her involvement with the CCDCC and who has business interests in the County, she needs to disclose the relationship to her appointing authority and recuse herself from any dealing with said person/business as it relates to her County job duties.

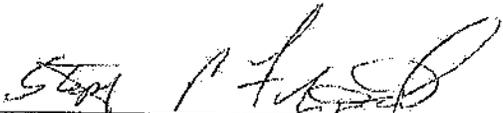
Finally, as a County employee, requestor must take care to abide by the applicable portions of Chapter 170 of the County Code. The Commission notes that this Advisory Opinion is limited to the facts presented in this matter.

APPROVED THIS 17<sup>th</sup> day of MARCH, 2018.

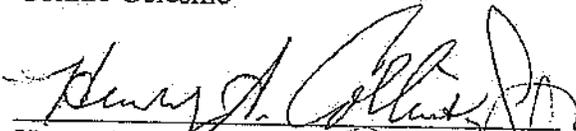
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CHARLES COUNTY, MARYLAND

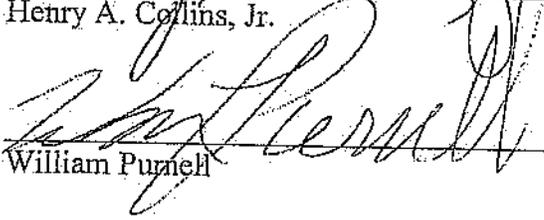
  
Rev. Robert C. Buehler, Chairman

<sup>2</sup> "Interest" is broadly defined, in part, as a "legal or equitable economic interest". See Charles County Code at §170-3.

  
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Stephen P. Fitzgerald, Esq., Vice Chairman

  
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Connie Celesine

  
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Henry A. Collins, Jr.

  
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William Purnell