



City of Bowie Ethics Commission
15901 Excalibur Road, Bowie, MD 20716
P: 301-809-3075
F: 301-809-2302
www.cityofbowie.org/ethics

ADVISORY OPINION – March 16, 2021



Re: Advisory Opinion

Dear [REDACTED]:

You asked the Bowie Ethics Commission (“Commission”) for an advisory opinion as to whether a conflict of interest under the City’s Public Ethics Ordinance would be presented if you were to participate or vote on any matter involving non-profit community organizations in which your spouse is a non-compensated officer or director, but not an employee. For the reasons that follow the Commission advises you that your participation in or vote on any matter relating to an organization where your spouse is an officer, director, trustee, partner or employee would be a conflict of interest prohibited by the City Public Ethics Ordinance. The Commission notes, however, that being married to a community volunteer does not, in and of itself, present any conflict of interest for you (or your spouse) under the Public Ethics Ordinance.

You advised the Commission that your spouse is active in the community, serving in a number of unpaid and volunteer capacities. For these non-profits your spouse also serves in roles of Vice President, Executive Board Member, and a member of a steering committee. The Commission further takes note that from time to time one or more of these organizations may come before the City Council on matters that require review and vote by the City Council.

The Bowie Public Ethics Ordinance is found at § 2-66, *et seq.*, of the Bowie City Code (“City Code”).

City Code § 2-68.A. states a “Business entity” means any corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.”

Under § 2-68.E. of the City Code, you are an “Elected official” and are subject to the Ordinance. Under § 2-68.O. a “Qualified relative” includes a spouse.

City Code § 2-70.A.1.b.2. prohibits an elected official from participating in any matter

when “[a]ny business entity for which the official, employee or qualified relative of the official or employee is an officer, director, trustee, partner, or employee” is a party to the matter.

The Commission cautions you that if matters come before the City Council regarding a business entity, including a non-profit, for which your spouse is an officer, director, trustee, partner or employee you would have a conflict of interest if you were to participate in or vote on that matter. The Commission cautions you to recuse yourself from participating in or voting on any such matters.

In summary, based upon the Commission’s understanding of the relevant facts, the Commission advises you that participation in or voting on matters under the circumstances described would violate the City’s Public Ethics Ordinance.

Thank you for contacting the Commission and let us know if you have further questions.



Ismael V. Canales, Chair
For the Bowie Ethics Commission