



City of Bowie Ethics Commission
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P: 301-809-3075
F: 301-809-2302
www.cityofbowie.org/ethics

February 19, 2016

[REDACTED]
[REDACTED]
City of Bowie

Re: Advisory Opinion

Dear [REDACTED]:

You asked the Bowie Ethics Commission (“Commission”) for an advisory opinion as to whether your potential lobbying activities before the Maryland General Assembly on behalf of a private business client while you are serving [REDACTED] constitutes a conflict of interest under the City’s Public Ethics Ordinance. For the reasons that follow the Commission advises you that your potential private lobbying activity before the Maryland General Assembly described below is not prohibited by the City ethics law.

You advised the Commission that a private business client is interested in engaging you to have State legislation drafted that would allow slot machines to be located in BWI Airport. The Commission takes note that BWI Airport is located in Anne Arundel County, approximately 22 driving miles from Bowie. The Commission further takes note that the City of Bowie does not regulate gaming or the location of slot machines. Finally, the Commission takes note that, based upon information supplied by the City Manager’s office, your potential client does not do business with the City of Bowie, and that to the best of the Commission’s knowledge, your client does not engage in any activities that are regulated by the City.

Under §2-68.F. of the City’s Ethics Ordinance, a person “employed by the City” is subject to the Ordinance. §2-70.B. of the Ethics Ordinance prohibits certain types of secondary employment held by City officials and employees. §2-70.B. provides:

B. Employment and Financial Interest Restrictions.

1. Except as permitted by regulation of the Commission when such interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

a. Be employed by, or have a financial interest in, any entity subject to his authority, or to that of the City agency, committee, board, or commission with which he is affiliated, or any entity that is negotiating or has entered a contract with the City; or

b. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

2. The prohibitions of paragraph B.1 of this section do not apply to:

a. An official or employee who is appointed to a regulatory or licensing authority, municipal association or trust organization serving governmental bodies, pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it;

b. Subject to other provisions of law, a member of a board, or commission in regard to a financial interest or employment held at the time of appointment, provided it is publicly disclosed to the City and the Commission; or

c. An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with regulations adopted by the Commission; or

d. Employment or financial interests allowed by the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

Your employment as a lobbyist to pursue State legislation on behalf of this client that does not do business with the City and is not regulated by the City does not run afoul of this prohibition. The Commission further believes that because the City of Bowie does not regulate gaming and the location of slot machines, and the distance of BWI Airport from the City, your proposed engagement would not impair your impartiality or independence of judgment with respect to City of Bowie matters.

However, the Commission cautions you as follows:

1. You should not intentionally use the prestige of your position in the City of Bowie in furtherance of your State lobbying activities, in violation of Section 2-73A.E.1. of the City Ethics Ordinance.

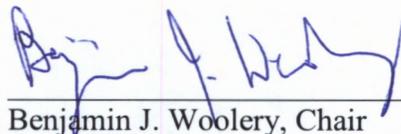
2. You should not disclose in furtherance of your State lobbying activities any confidential information not otherwise available to the public that you may acquire in your City position, in violation of Section 2-73A.G. of the City Ethics Ordinance.

3. You should not participate in any way in the formulation, debate or vote on any position that the City of Bowie may desire to take in connection with your State legislative proposal. Such participation may violate Section 2-70.A.1 of the City Ethics Ordinance.

4. A different view might be expressed if such lobbying activities involved gaming activities in Prince George's County.

In summary, subject to the Commission's cautionary advice in paragraphs 1, 2, 3 and 4 above, and based upon the Commission's understanding of the relevant facts, the Commission advises you that your prospective engagement to lobby for State legislation that would allow slot machines to be located in BWI Airport would not violate the City's ethics law.

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



Benjamin J. Woolery, Chair
For the Bowie Ethics Commission