



City of Bowie Ethics Commission
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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 there would be a conflict of interest under the City’s Public Ethics Ordinance if you accept employment from a business entity that is a current vendor for the City of Bowie. For the reasons that follow the Commission advises you to recuse yourself from participating in any matter relating to the City’s vendor which would come before the City in order to avoid a conflict of interest or any perceived conflict of interest per the City ethics law, and that, under the facts presented, your being employed by this vendor, in and of itself, would not present a conflict of interest or appearance of a conflict of interest.

You advised the Commission that you have received a job offer from an employer who is a current vendor for the City. The nature of the work you are being hired to do does not, and would not, involve any tasks associated with local governments, or with the contract the City presently has with the vendor. Additionally, the described work involves interaction with the Federal government. Further, you described your intent to recuse yourself from business that comes before the City Council related to the vendor. The vendor advised the City that it would wall you off from working on state/local matters and would ask that you recuse yourself from any matter with the City in which the vendor may be involved so long as you remain a Councilmember.

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.

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

City Code § 2-70.A.1.b.3. prohibits an elected official from participating in any matter involving “[a]ny business entity with which the official or employee or, to the knowledge, of the official or employee, a qualified relative is negotiating or has any arrangement concerning prospective employment”.

City Code § 2-70.B. provides that:

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.

The Commission finds that, based upon the facts that you and your prospective employer have provided, your employment by that business entity would not, in and of itself, present a conflict of interest or appearance of a conflict of interest in violation of § 2-70.B. and would not be prohibited under the City’s Ethics Ordinance.

However, because, as noted above, participation in matters involving your prospective employer would present a conflict of interest under § 2-70.A., the Commission cautions you to refrain from any such participation to avoid any such conflict.

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



Ismael V. Canales, Chair
For the Bowie Ethics Commission