



March 14, 2024

By Electronic Mail Only

AO-24-06

The Ethics Commission recently received an inquiry and informal complaint from a concerned citizen alleging that the County Executive violated the Prestige of Office provisions contained in Section 7-5-107 of the County Ethics Code by endorsing a candidate for public office in his weekly newsletter dated November 8, 2023. At the end of that newsletter the County Executive referenced Senator Sarah Elfreth and wrote:

‘Tomorrow morning, I will be up early, on the road at 6:30, and at the Fox45 studio by 7:30 to do my part to put another extraordinary talent in a position to have great impact for many years to come. I will meet my friend Senator Sarah Elfreth in the studio to publicly endorse her to succeed our mutual friend John Sarbanes as the Representative of Maryland’s Third District in the United States Congress.’

Section 7-5-107(a)(1)(i) provides: *‘an employee may not intentionally use the prestige of office or public position for that employee’s gain or the gain of another.’* In the past, on several occasions, the Commission has found that Section 7-5-107 prohibits the use of county resources for political purposes. The County Executive’s weekly newsletter is sent out on a county owned server, using a county owned email list, and county employees edit, format and publish it on a county owned website. The Commission has on multiple occasions advised county employees and officials that part of that prestige of office is the right and ability to use county resources, such as the county’s website, to conduct county business, and that such use of county resources should not be used to promote or support any commercial, charitable or political entity. See AO-09-49 and AO-20-37.

However, Section 7-5-107(b) of the Code provides an exception: *‘The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a)’*. The Commission is of the opinion that the County Executive was merely attempting to communicate his daily agenda to county citizens, but in doing so, he came very close to crossing the line of using his prestige of office for the political benefit of another, which would be a violation of Section 7-5-107 of our Ethics Code. While the Commission is hesitant to take any further action at this time, such as filing a formal complaint and issuing a reprimand or sanctions, it cautions against the use of language that could be interpreted as an attempt to bestow political favor on a candidate for public office using county supplied and owned resources.

As we said less than four years ago, in AO-20-37, *'use of county resources to support a political candidate, even if just perceived support, is a violation of the County Ethics Code. The preamble contained in Section 7-1-102 is clear that even the appearance of a conflict of interest is not acceptable if we are to ensure that all citizens of Anne Arundel County maintain the highest trust in county officials and that impartial and independent judgment is the standard by which the county conducts business.'* As such, we should strive to avoid even the appearance of partisan politics or support for a political candidate when using county supplied resources.

Anne Arundel County Ethics Commission