

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY
COMMISSION

ADVISORY OPINION # A-06-01

SUBJECT: CONFLICT OF INTEREST: REQUEST FOR OPINION AS TO WHETHER EMPLOYEE'S ACCEPTANCE OF NOMINATION TO THE ENVIRONMENTAL JUSTICE COMMISSION CREATES A CONFLICT OF INTEREST

By request dated March 2, 2006 an employee of the Washington Suburban Sanitary Commission (WSSC), seeks advice as to whether his acceptance of a nomination to the Environmental Justice Commission creates a conflict of interest under the WSSC Code of Ethics.

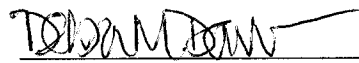
The Environmental Justice Commission (EJC) was established by the Maryland General Assembly in 2003. *See* Maryland Annotated Code, Environment Article, § 1-701. Duties of the EJC include, among other things, advising State government agencies "on environmental justice and related community issues" and recommending "options to the Governor for addressing issues, concerns, or problems related to environmental justice..." *Id.* at § 1-701(h). The EJC consists of 15 members. Ten of the members are appointed by the Governor to represent a variety of interests, including "local government." *Id.* at § 1-701(c). Members of the Commission do not receive compensation for their service, however, they are entitled to reimbursement for their travel expenses. *Id.* at 1-701(g).

In the Board's view, the requestor's service on the EJC would not *per se* create a conflict of interest with the requestor's job duties. Per Article 3 of the WSSC Code of Ethics, the requestor's service on the Committee is not prohibited. In addition, the General Assembly clearly contemplated participation from representatives of local government.

Having determined that there is no *per se* conflict of interest, the Board recognizes that specific issues involving WSSC could arise during the requestor's participation on the EJC that may create a conflict or an "appearance of a conflict" which would require the requestor to recuse himself from participation. The Board urges the requestor to seek further advice from this Board should the requestor have any concern as to whether any particular issue poses a conflict of interest under the Code of Ethics.

Finally, the Board advises that the requestor disclose his service on the EJC in Section X of his Financial Disclosure Form.

On Motion by Charles Kuderna, seconded by Sharon Constantine, the Board agreed at its meeting held on April 13, 2006 to adopt the foregoing advisory opinion.



Debra M. Davis
Chair, WSSC Board of Ethics

4/13/06

Date

Note: Advisory Opinion A 06-01 was hand delivered by L.Morris, Admin. Asst. in a CONFIDENTIAL envelope addressed to Mr. Steve Gerwin on 04/14/06 @ 9:05 a.m.