

BEFORE THE WASHINGTON SUBURBAN SANITARY COMMISSION
BOARD OF ETHICS

COMPLAINT NO: C-09-02

SUMMARY OF DECISION

On or about April 27, 2009, the Board of Ethics (Board) received a Complaint alleging that a Washington Suburban Sanitary Commission (WSSC) employee had violated various sections of the WSSC Code of Ethics, including Section 3-2. The Complaint alleged, among other things, that the WSSC employee was a plumbing inspector in the Regulatory Services Group and that the employee's spouse was the owner of a plumbing company that was doing business in the Washington Suburban Sanitary District (WSSD). Thus, this entity was subject to regulation by WSSC.

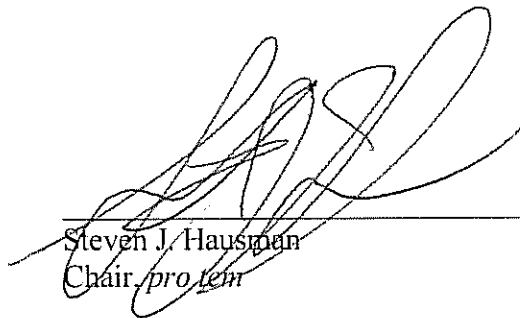
The Complaint was heard by the Board on September 10, 2009. The proceedings were conducted pursuant to Section 2-4(g) of the Code of Ethics, Article VII(D) of the WSSC Board of Ethics Rules of Procedure, and WSSC's "Procedure for Adjudicatory Hearings", WSSC Standard Procedure No. L-07-02.

After considering evidence and argument, the Board issued an opinion holding that the WSSC employee had violated Section 3-2(b)(1) of the Code of Ethics for the period of December 2008 through September 3, 2009. Section 3-2(b)(1) of the Code prohibits a WSSC employee from being employed by or from having a "financial interest" in any business that is regulated by WSSC. The Code's definition of "financial interest," in pertinent part, includes "ownership of more than 3% of a business entity by an employee, or *spouse* or significant other of an employee." (*emphasis added*). The parties stipulated that the spouse of the WSSC employee owned a plumbing company between December

of 2008 and September 3, 2009. The company did business in the WSSD during that time period and was therefore subject to regulation by WSSC. The employee and the employee's spouse divested themselves of the financial interest in the plumbing company on September 3, 2009.

Thus, for violating the Code of Ethics, the Board issued a reprimand to the WSSC employee who was the subject of the Complaint and also recommended that a comprehensive "recusal letter" be prepared by appropriate WSSC management stating that the employee would not participate in any matters having to do with the plumbing company at issue.

On this 25th day of February, 2010, the Board approved the foregoing summary of its opinion issued November 6, 2009 for posting on the WSSC Board of Ethics internet page.



Steven J. Hausman
Chair, *pro tem*