



ETHICS COMMISSION
Advisory Opinion 85-2

The Ethics Commission has been asked for an advisory opinion as to whether or not a conflict of interest exists for a citizen who is a member of the College Park Economic Development Committee and also a member of the College Park Design Review Board. This person, in addition to his service as a member of these City committees, is also a private architect. Among his clients is one firm that retained him to perform a feasibility study for the construction of a hotel within the limits of the City of College Park. The architect's function in connection with the feasibility study was to determine what size hotel could be constructed on the given site, giving due consideration to zoning, parking and set-back requirements, while at the same time attempting to maximize the economic efficiency of the hotel in terms of the number of rooms. That feasibility study has now been completed.

Further factual information in connection with this inquiry includes the following: at no time did the hotel feasibility study come up for consideration before either one of the two committees the architect serves on; nor was it likely to during the term of the feasibility study. There is no scintilla of evidence that the architect was selected to perform the feasibility study because of his involvement with the two committees.

Section 19-1 of the Code of Ethics of the City of College Park makes the College Park Ethics Ordinance applicable to all City of College Park members of appointed boards, commissions and committees. Section 19-3 of the Ordinance enumerates the conflict of interest prohibitions of the Ordinance. If any part of that section were applicable, it would be subsections 7 and 8, which prohibit one from using the prestige of their office [that of serving on a committee], for their own benefit or that of another; or to use confidential information acquired in their official City position for their own benefit or that of another.

It seems clear that the facts of this situation do not run counter to the prohibitions of the Ordinance. Therefore, it was the unanimous opinion of the College Park Ethics Commission members in attendance that there was not any conflict of interest involved in the hotel feasibility study taken by the architect who is also a member of the College Park Economic Development Committee and the Design Review Board. To conclude otherwise would be to hold that people such as engineers, architects, realtors and lawyers who might at one time or another be involved in a private transaction within the City of College Park, could not serve on City committees, thereby depriving the City of valuable talent for its various committees and boards.

We commend this citizen and contributor to our City boards for his sensitivity in seeking an advisory opinion.

Eugene Blevins
Harry Grayson
Robert C. Smaldore, Chairman
College Park Ethics Commission