



Ethics Commission Opinion 83-2

The College Park Ethics Commission has been asked for an advisory opinion by a member of the City Council as to whether he should abstain from voting on a matter related to zoning. The facts relating to the zoning application are as follows:

The City Councilmember's personal residence has a mortgage held against it by a mortgagor who also has some other property being considered for rezoning by the City Council. The City Councilmember desires to know whether his voting on the zoning question could be considered as an apparent conflict of interest.

In response to an urgent appeal from the City Councilmember, since a vote on the property in question is due to be heard shortly, the Ethics Commission met the evening of October 24, 1983, at 7:00 p.m. in the Municipal Center to consider the request. The requestor was invited to attend the meeting to answer possible questions relating to the matter and he did so.

All members of the Ethics Commission and Mr. Morris Topf, the City Attorney, were present and evaluated the facts of the case.

It is the opinion of the Ethics Commission that the requestor should refrain from voting on the proposed zoning action in order not to give the appearance that a vote favorable to the mortgagor could be construed as a means of receiving a reciprocal benefit on the mortgage being held against the requestor's personal residence by the mortgagor.

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College Park Ethics Commission