

ADVISORY OPINION **1990-4A** [W-90-09]

June 19, 1990

[Name1 withheld]

Dear [Name1 withheld]:

You have requested a waiver of the Ethics Law, if required, to avoid a conflict of interest concerning your wife's employment and your position with the Historic Preservation Commission. As explained to the Ethics Commission, prior to your marriage to [Name2 withheld], she worked for [Name3 withheld] over the years on various aspects of an historic resource project. Most recently, she has been invited to perform additional work on this project. You have a concern about this most recent employment as [Name3 withheld] has hired [Name4 withheld], Esq. as his attorney on this project and [Name4 withheld] is also representing a case that is coming before the Historic Preservation Commission of which you are a member.

In response to your request for a waiver, the Ethics Commission has found that based on your representation that your wife works for and at the direction of [Name3 withheld], not [Name4 withheld], no conflict of interest exists within the definition of the ethics law and no waiver is required. Of course, you always have the prerogative to recuse yourself from the HPC's actions in [Name4 withheld]'s case if you feel that this business relationship will influence your decisions as a Commissioner.

Thank you for bringing this matter to the Commission's attention and let us know if we may be of further service.