

## ADVISORY OPINION 90-6 [1990-6]

You have requested that we review and comment on certain advice which you have rendered to an HOC Commissioner. We have carefully reviewed your letter of July 20, 1990 and the additional information you subsequently provided pursuant to our request.

As we understand the facts, this commissioner is purchasing services from some of the same entities who are under contract to provide other services to HOC. We further understand that HOC contracts under \$50,000 are awarded directly by its Executive Director, and that only contracts in excess of \$50,000 come to the Commission for a vote.

As its legal counsel, you rendered advice to the HOC Commissioner regarding this matter. Your advice was that to avoid the appearance of impropriety, any Commissioner should recuse in those instances in which a contract is in existence between the contractor recommended to be approved by the Commission staff and which may also be under contract to any entity in which the Commissioner has an interest or which may be negotiating for such a contract with an entity in which the Commissioner has a business interest.

The Ethics Commission agrees that the best course of action would be recusal on all matters which come before the HOC and which involve persons or companies that also independently contract with the Commissioners' businesses. The Commission further adds that specific waivers could be sought on individual matters prior to voting or acting on them. In addition, the Commission cautions you that our concerns extend beyond contract modification, enforcement, and termination.

Date of Issue: November 26, 1990