

[Advisory Opinion 1995-8]

April 11, 1995

[Name1 withheld]

Dear [Name1 withheld]:

The Montgomery County Ethics Commission has received your request for a waiver of the Ethics Law.

You have provided the Commission with the following information:

You have been asked to represent and provide legal services to the estate of [Name2 withheld]. [Name2 withheld]'s son and personal representative, [Name3 withheld], is owner of [facility]. This lodge is located at the Poolesville Golf Course which has a lease with the Revenue Authority. You are a member of the Montgomery County Revenue Authority Board and may be asked to vote on matters pertaining to said lease. The lease in question, however, is not renewable for another 35 years and you have advised us that you do not expect any matter to come before your Board which would affect said lease or business.

After consideration of the information you provided, the Commission determined that there is no conflict of interest at this time in your representing the estate. However, if the [facility] defaults in their agreement with the Revenue Authority or if any other circumstances arise which bring said lease to the Revenue Authority for your consideration and action, you should then disclose your relationship with the estate and recuse yourself from any discussion or vote in the matter.

The Commission hopes that this decision addresses your concern and invites you to call the Commission office if you have any questions.

Sincerely,

[signed]

Jay L. Cohen, Chairman