

W-90-004 [**Waiver 1990-4**]

May 7, 1990

Mr. Leonard Taylor, Jr.
Architects Latham & Taylor, P.C.
[Address withheld]

Dear Mr. Taylor:

The Commission is in receipt of your letter of April 19, 1990 requesting a waiver allowing you to bid on and, if chosen, accept a contract with Montgomery County to provide architectural services described in RFP 05940 while serving on the Historic Preservation Commission.

The Ethics Commission grants this waiver request with the provision that you recuse yourself as an HPC Commissioner from participation on any work which comes before that Commission for review as a result of the contract. In the event that you must recuse yourself from any decision of the HPC, you must inform the Ethics Commission of the recusal. These recusals must become a part of the official records of the HPC's meetings with reasons for each. If the contract requires work to be performed for DHCH, you will require a waiver from the Ethics Commission for each specific DHCH related task.

You have further requested our opinion as to what would be appropriate if you were asked to renovate an historic resource. Assuming that this resource is privately held, you may accept the work. However, you would be required to recuse yourself from any decisions that might be required of the HPC concerning work permits, etc., regarding this resource. These recusals would become part of the official records of the HPC and must be reported to the Ethics Commission. Acceptance of this type of work would be conditioned on your not recommending and voting on a historic designation for a resource whose owner is a client of yours at that time. In any of the instances where you must recuse yourself, you may request a waiver which, under some circumstances, may be granted.

We trust that this response answers all of your questions. If the Commission may be of further assistance, please contact our office.