

CONFLICT OF INTEREST -  
RECUSAL

CAMBRIDGE ETHICS COMMISSION  
C/O ROBERT S. COLLISON, ESQ.  
311 HIGH STREET  
CAMBRIDGE, MD 21613

ADVISORY OPINION  
OPINION 01-2012

HAVING MET ON MARCH 7, 2012, AND CONSIDERED THE REQUEST FOR AN ADVISORY OPINION BY TED BROOKS AND HAVING CONSIDERED THE LEGAL OPINION OF ROBERT S. COLLISON, ESQ., COUNSEL FOR THE ETHICS COMMISSION, WHICH IS ATTACHED HERTO,

THE CAMBRIDGE ETHICS COMMISSION BY UNANIMOUS VOTE HEREBY ADOPTS MR. COLLISON'S LEGAL OPINION OF MARCH 6, 2012 AS THE OPINION OF THE COMMISSION;

AND FURTHER REQUESTS THE CLERK OF THE CITY OF CAMBRIDGE TO PLACE THIS OPINION ON THE WEBSITE OF THE CITY OF CAMBRIDGE AND MAKE COPIES AVAILABLE TO THE PUBLIC WHEN REQUESTED.

  
STEPHEN W. RIDEOUT, COMMISSIONER  
ON BEHALF OF THE COMMISSION

March 9, 2012

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March 6, 2012

Cambridge Ethics Commission  
311 High Street  
Cambridge, Maryland 21613

RE: Advisory Opinion  
Ted A. Brooks

Dear Commission Members:

I am writing to provide you with my legal analysis for the advisory opinion requested by Ted A. Brooks, on January 11, 2012. Mr. Brooks requests an opinion as to his ability to serve on a City Board if individuals or companies for whom he performs professional services come before the Board. Mr. Brooks inquires if there is a minimal threshold of contact or business or creditor relationship before he would be required to recuse himself from participation.

It is my opinion that any business relationship or contact, no matter how small would prevent Mr. Brooks from participating on the matter before the Board. Section 4(a) of the Ethics Code provides:

- (a) A conflict of interest exists where the participation in the negotiation of or approval of any negotiated contract or arrangement or the expenditure of City funds could reasonably be expected to result in a conflict between the private interests of the official or employee and the official duties of that person.

Furthermore, subsection 1(d) provides:

(d) Subject to the exceptions in subparagraph (a), an official or employee subject to this ordinance may not participate in the discussion of any contract or matter or vote on or make a substantive decision about any contract or matter in which s/he or a qualified relative has a specific interest, regardless of whether a business entity is involved or about any contract or matter that will impact directly or indirectly:

- (1) A business entity in which the official or employee or a qualified relative has a direct financial interest;

...

(6) A business entity that:

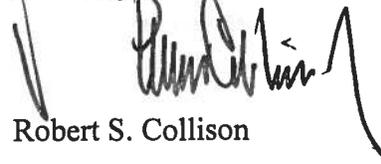
(A) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value;

(B) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

Any individual or entity directly doing business with Mr. Brooks, would require his disclosure and recusal. As to creditors of Mr. Brooks, any applicant known to be a creditor of Mr. Brooks would require his recusal, as set forth in item (6)(A) above.

If you should have any questions regarding these matters, please contact me at 410-228-1911.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Collison", written over a rectangular box.

Robert S. Collison