



City of

Annapolis

## ETHICS COMMISSION

c/o CITY OF ANNAPOLIS OFFICE OF LAW  
160 DUKE OF GLOUCESTER STREET  
ANNAPOLIS, MARYLAND 21401

CITY LIAISON:  
City Attorney

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September 17, 2019

Memorandum to: DaJuan K. Gay  
Alderman, Ward 6  
City of Annapolis

Re: Request for Advisory Opinion

In a September 5th email you asked the Ethics Commission “if there would be any conflicts with [you] serving on the Housing and Human Welfare Committee [including] general matters regarding HACA and other housing issues within the city.” The Ethics Commission considered your request at their meeting on September 16, 2019.

Our review revealed that the Housing and Human Welfare Committee, a City Council standing committee, considers issues of housing and matters affecting the general health, welfare and quality of life of the residents of the City, and reviews all proposed amendments to Title 8 (Animals), Title 10 (Health and Safety), and Title 18 (Landlord and Tenant Relations) of the City Code. The committee primarily reviews legislative proposals.

As an aldermanic member of the Housing and Human Welfare Committee you would also be appointed to Housing and Community Development Committee. This committee plans and implements the housing and community development projects throughout the City, exercises all of the powers and functions of redevelopment and urban renewal, manages and improves the housing stock in the City, coordinates the Federal, State and private resources toward development activities in the City, and other duties and functions as assigned by City Council. In addition the committee reviews and approves all personnel involved in housing and community development activities. Simply put, this committee determines how housing monies are spent within the City.

The City’s Ethics Law provides that “...an official...may not participate in...any matter in which, to the knowledge of the official..., the official...or a qualified relative of the official ...has an interest.”, Annapolis City Code 2.08.040.A.1(a). By definition “official” includes an elected official and “qualified relative” includes siblings and parents, Code 2.08.020.A.11&13. “Interest” is defined as a “...legal or equitable economic interest...”, Code 2.08.020.A.9.

It is our understanding that you do not reside in housing provided by the Housing Authority of the City of Annapolis (HACA) but your mother, Heaven White, and brother, D’Andre Covert, are residents of HACA provided housing. The Ethics Commission opinion is that you may be appointed to both of the above named committees but you must recuse yourself from any

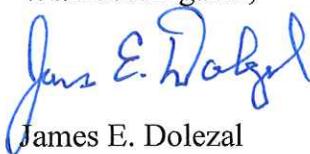
committee deliberations in which you, your mother, or brother have a pecuniary interest. Your attention is directed to Code 2.08.040.A.2, which provides that “[a] person who is disqualified from participating under paragraph A.1 of this subsection shall disclose the nature and circumstances of the conflict...” to the other committee members.

This opinion is general in nature. If a specific question arises regarding whether an “interest” is at issue you are encouraged to seek further advice from the Commission.

Please note that Code 2.08.030.C.2 requires the Ethics Commission to file advisory opinions with the City Attorney’s Office. Section 2.08.030.C.2 also provides that advisory opinions may be made public at the discretion of the Ethics Commission. The Commission has determined that this opinion will be publicly posted to the City’s web site because of its usefulness to the public and other City officials.

The Commission appreciates your diligence in seeking to assure your activities are in conformance with the City’s Ethics Code.

With best regards,



James E. Dolezal  
Chairman