



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

CITY LIAISON:  
D. Michael Lyles, City Attorney

Telephone (410) 263-7954  
Facsimile (410) 268-3916

November 18, 2021

Mr. Jon Arason  
Land Use Professionals  
P.O. Box 3274  
Annapolis, MD 21403

Re: Request for Advisory Opinion

Dear Mr. Arason,

This opinion is in response to your November 11, 2021, letter, which requests an Ethics Commission advisory opinion regarding you possibly testifying as a land use expert on behalf of the developers of the Village at Providence Point ("Project"). That project envisions the development of a continuing care community at the intersection of Spa Road and Forest Drive.

You were employed by the City of Annapolis as the Director of Planning and Zoning from 1996 until January 2014. The City's Ethics Code ("Code") 2.08.040.C.1, provides that "a former official or employee may not assist or represent any party other than the City in a case, contract, or other specific matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee (emphasis added)."

In a Determination issued on January 26, 2016, the Ethics Commission concluded you inappropriately participated in matters relating to a proposed development at the same location as the Project. That development was then referred to as Crystal Springs.

You have suggested that the proposed development has changed significantly since your involvement as a City employee to the extent that your involvement now would no longer be in violation of the City's Ethics Law. In this regard, the Commission consulted with Tom Smith, the City's Chief of Current Planning, who has been involved in efforts to develop the subject property since the time of the Crystal Springs proposal. Based upon that consultation the Commission finds your suggestion meritorious.

The original proposal for development of the 175-acre Crystal Springs property was extensive. Over 50 percent of the property was proposed to be built as a mixed-use development including market rate residences, commercial uses, including a grocery store,


and a continuing care community. That proposal was abandoned by the present developer of the project, which now only includes a continuing care community.

The new developer is National Lutheran Communities and Services. The Project will be built upon only 17 percent of the subject property, with a focus on environmental sensitivity. It reflects the result of protracted negotiations between the new developer, the City, and concerned citizens.

Considering the above, the Commission concludes the character of the Project is very much different than the original proposal for the subject property in which you were involved as Planning and Zoning Director. Hence, the Commission advises you testifying as a land use expert on behalf of the developers of the Project would not constitute a violation of Code 2.08.040.C.1.

Please note that Code 2.08.030.C.2 requires the Ethics Commission to file advisory opinions with the City Attorney's Office. Code 2.08.030.C.2 also provides those advisory opinions may be made public at the discretion of the Ethics Commission. The Commission has determined that this advisory opinion will be publicly posted to the City's web site because of the previous posting of the January 26, 2016, Determination referenced above. Code 2.08.030.C.2 also provides that anyone who in good faith relies on an advisory opinion of the Commission shall not be disciplined if the action is found thereafter to be a violation of the Ethics Code.

With best regards,

  
James E. Dolezal  
Chairman

cc: Michael Lyles, City Attorney