

DeKalb County

Board of Ethics

c/o Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030
(404) 371-2881

August 13, 1993

DEKALB COUNTY BOARD OF ETHICS
ADVISORY OPINION NUMBER 3
(Request of DeKalb County
Commissioner Jacqueline Scott)

The DeKalb County Board of Ethics met on Wednesday, August 11, 1993, to consider the request of Commissioner Jacqueline Scott for an Advisory Opinion.

Jacqueline Scott is a DeKalb County Commissioner-at-Large. Commissioner Jacqueline Scott requested an Advisory Opinion as to whether it is appropriate for her to vote on matters dealing with the Tax Commissioner's Office since she is married to Tom Scott, the DeKalb County Tax Commissioner. A copy of Commissioner Jacqueline Scott's request for a ruling is attached to this Advisory Opinion.

The provisions of the DeKalb County Code of Ethics which would affect the propriety of Commissioner Jacqueline Scott's vote, under the circumstances, in matters dealing with the Tax Commissioner's Office were found in Item (e) of the DeKalb County Code of Ethics. Specifically, it provides as follows:

"A member of the governing authority shall disqualify himself from participating in any official act or action of DeKalb County directly affecting a business or activity in which he has any interest, whether or not a remote interest."

In determining whether Commissioner Jacqueline Scott's vote will violate the Code of Ethics, the Board turned its attention to the definition of the term "interest" as it would apply to subparagraph (b)(7) which provides as follows:

"Interest" means any direct or indirect pecuniary or material benefit held by or accruing to a member of the governing authority or to a member of the Board of Ethics as a result of a contract or transaction which is or may be the subject of an official act or action by or with DeKalb County. Unless otherwise provided in this section, the term "interest" does not include any remote interest. A member of the governing authority or a member of the Board of Ethics shall be deemed to have an interest in transactions involving:

(A) Any person in the member's immediate family;...."

The Board also reviewed Item (c) which provides as follows:

"(c) No member of the governing authority shall:

- (1) By his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official acts or actions or that he is affected unduly by the rank or position of or kinship or association with any person;"

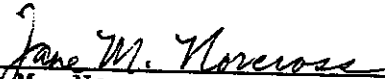
The Board concluded that, notwithstanding the fact that the elected DeKalb County Commissioner is married to the elected DeKalb County Tax Commissioner, it is not a conflict of interest *per se* for Commissioner Jacqueline Scott to vote on matters dealing with the Tax Commissioner's Office.

Commissioner Jacqueline Scott should refrain from voting on matters dealing with the Tax Commissioner's Office when her vote violates the Code of Ethics.



Stanley M. Baum, Chairman
DeKalb County Board of Ethics

Attest:



Jane M. Norcross, Secretary
DeKalb County Board of Ethics

DeKalb County

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JACQUELINE SCOTT
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Commissioner-at-Large

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August 6, 1993

Mr. Stanley Baum
Chair, Board of Ethics
1300 Commerce Drive
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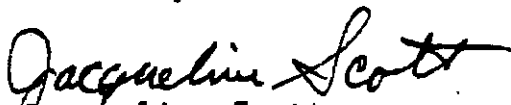
Dear Mr. Baum:

I would appreciate the Board of Ethics making a ruling on whether it is appropriate for me to vote on matters dealing with the Tax Commissioner's office. As you probably already know, I am married to Tom Scott, the Tax Commissioner.

I will abstain from voting on matters dealing with the Tax Commissioner's office until I receive a determination from the Board of Ethics.

Thank you for your help with this matter.

Sincerely,


Jacqueline Scott
Presiding Officer

JS:fc