



CITY OF HAGERSTOWN, MARYLAND

Office of the City Clerk
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THE ETHICS COMMISSION FOR THE CITY OF HAGERSTOWN, MARYLAND

c/o City Clerk, 1 East Franklin Street, Room 200, Hagerstown, MD 21740

REQUEST FOR ADVISORY OPINION



Requestor's Name: Erika Bell
Requestor's Department: City Hall
Requestor's Title/Position: City Council member
Requestor's Mailing Address: 1814 Pope Ave.
Hagerstown, MD 21740

1. Description of the facts and circumstances in question (Continue on the back of this form if additional space is needed). Please attach any relevant supported documentation.

Director of Community BOAS
Aka Parkside PAIS
Under the direction of Hagerstown Housing Authority,

2. Summary of the ethics issue requested to be determined (continue on back of this form if necessary):

How to continue position as Director

The undersigned Requestor, a person subject to the City of Hagerstown Code of Ethics, hereby requests an advisory opinion of The Ethics Commission for the City of Hagerstown pursuant to §33-3(b) of the City Code, as outlined above.

Signature: Erika Bell

Date: 12/10/24



CITY OF HAGERSTOWN, MARYLAND

CITY ETHICS COMMISSION

March 3, 2025

The Honorable Erika Bell
Councilmember
City of Hagerstown
1 E. Franklin Street, Room 202
Hagerstown, MD 21740

RE: ADVISORY OPINION 2024-002

Dear Councilmember Bell:

Upon your request, an advisory opinion regarding the question of whether a conflict of interest would occur if you continue in your role in the Parkside Pals after school program.

A meeting of the City Ethics Commission was held on December 16, 2024 to discuss your request, which you attended to provide information regarding the request.

I. AUTHORITY

Pursuant to section 33-3, *Ethics Commission*, of the Code of the City of Hagerstown, this Commission is authorized "[t]o provide published advisory opinions to persons subject to this Chapter and Chapter 33, *Ethics, Code of*, as to the applicability of the provision of these chapters to them." Upon your request, this commission has met and discussed the applicability of the Ethics Code to your director status. As a Council member for the City of Hagerstown, you are subject to the rules and restrictions outlined in Chapter 33 of the City Code. As such, the Ethics Commission finds that it has the authority to publish the requested advisory opinion.

II. BACKGROUND

- A. **Factual Background.** You currently serve as the director of Community Roots, aka Parkside Pals, under the direction of the Hagerstown Housing Authority (HHA). As director, you are considered an employee of the HHA. The program serves youth in the community. The City of Hagerstown annually provides a portion of the funding for the Parkside after school program.

You have asked if the City's Ethics Code prohibits you from continuing to serve as the director during your term as Councilmember.

- B. **The Code of Ethics.** The Code of Ethics for the City of Hagerstown is found in Chapter 33. The code's purpose is to ensure that impartiality and independent judgment of public officials and employees is maintained. The Code of Ethics also requires compliance with Maryland law.



Section 33-3. Prohibited Acts. A) Participation Prohibitions: states that except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to certain financial matters are prohibited. These prohibitions include business entities in which a city official has direct financial interests as an employee, officer, director, trustee, or partner.

III. ANALYSIS

The Ethics Commission finds that the primary issue raised is whether Councilmember Bell, in her role as Councilmember, is inherently or uniquely positioned to affect the distribution of funds for the after school program.

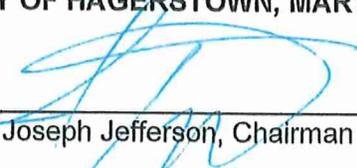
IV. CONCLUSION

The Commission's advisory opinion is as follows:

1. The City of Hagerstown Ethics Code does not expressly prohibit Councilmember Bell from continuing to serve as director of Community Roots, as it pertains to the matter brought before the Commission by Councilmember Bell.
2. The Commission does not find there is a conflict at this current time as Councilmember Bell had secured the position in question and had been receiving compensation prior to being elected as Councilmember.
3. Moving forward, there is an expectation for Councilmember Bell to recuse herself from any discussions with the Mayor and City Council regarding the HHA if the subject of those discussions impacts her and/or the after school program to which she is involved. As an example, Councilmember Bell would not be permitted to participate in a discussion if the HHA were to consider expanding the program which she is currently involved with.
4. Councilmember Bell would need to seek an additional advisory opinion if she personally were to consider expanding the Community Roots program.
5. No violation of the City's Ethics Code is found in the proposed action of being the director of the Community Roots program.

Respectfully submitted,

**ETHICS COMMISSION FOR THE
CITY OF HAGERSTOWN, MARYLAND**

BY: 
Joseph Jefferson, Chairman

cc – Scott Nicewarner, City Administrator
Ethics Commission Members