

File No. 103389

January 6, 1961

Mr. Louis J. Grasmick
Peters Lumber Co., Inc.
Pier 6, Pratt Street
Baltimore 2, Maryland

Dear Mr. Grasmick:

Under date of October 13, 1960, you advised me that before too long a contract for the construction of the Civic Center will be let, and you ask me, as a member of the Civic Center Commission and as President and Chairman of the Board of Directors of Peters Lumber Co., Inc., legally, what your position and that of your company should be in the event that the general contractor obtaining the contract for the construction, or a subcontractor, should seek to buy lumber from your company. Your inquiry raises some extremely difficult questions, and careful consideration of them has prevented me from replying to you at an earlier date.

The two provisions of law with which we are concerned are Section 5 of Article XI of the Maryland Constitution, which makes it unlawful " * * * for any person, holding any office, under the City, to be interested, while holding such office, in any contract, to which the City is a party, " and Section 9 of Article 1 of the Baltimore City Code (1950 edition), which makes it unlawful for any officer " * * * to be engaged or concerned, directly or indirectly, in any contract for work done or to be done on account of the City, or in which the City is or may be in any manner concerned; * * * or concerned in any manner in * * * furnishing of supplies for any institution or office * * *." Section 9 of Article 1 exempts from its operation non-salaried officials of the City government with regard to transactions with a department or agency to which the non-salaried official is not attached.

At the outset, I have no doubt that you are an officer within the meaning of the constitutional prohibition, as well as that of the Baltimore City Code and, although you are not paid a salary, the exemption in the Baltimore City Code would not apply to you because the type of transaction you inquire about would be in the construction