

Membership and Ethical Standards for the N.C. Marine Fisheries Commission

The membership, appointments, terms and ethical standards for the Marine Fisheries Commission are set out in **G.S. 143B-289.54.**, which can be found beginning on page 199 of North Carolina Rules for Coastal Fishing Waters 2009 at http://www.ncdmf.net/download/2009_MFC_Rulebook.pdf or at the N.C. General Assembly's web site at <http://www.ncga.state.nc.us/>. As with many regulatory commissions, individuals whose activities are regulated by the commission are required to make up a certain portion of the membership. In the case of the Marine Fisheries Commission:

- Three members are required to be commercial fishermen, with one of those being a licensed dealer, processor or distributor;
- Three members are required to be recreational fishermen, with one of those being involved with the sports fishing industry;
- One member is required to be a fisheries scientist; and
- Two members hold at-large seats.

There are also residency requirements and earned income thresholds set out in the statute.

The nine-member commission is appointed by the governor, with commissioners serving three-year terms. The governor also appoints the chairman of the commission.

Ethics and conflict of interest standards can be confusing because some commissions adhere to standards set forth in various statutes and others by standards in executive orders. Executive Order 34, issued by Governor Bev Perdue on Dec. 9, 2009, does set ethics and attendance standards for gubernatorial appointees. However, in 1997 the legislature enacted a specific conflict of interest standard for the Marine Fisheries Commission set out in G.S. 143B-289.54. The more particular provisions for Marine Fisheries Commission members are applied in determining when recusal from participation and voting is required. This provision reads as follows:

***Voting/conflict of interest.** -- A member of the Commission shall not vote on any issue before the Commission that would have a "significant and predictable effect" on the member's financial interest. For purposes of this subdivision, "significant and predictable effect" means there is or may be a close causal link between the decision of the Commission and an expected disproportionate financial benefit to the member that is shared only by a minority of persons within the same industry sector or gear group. A member of the Commission shall also abstain from voting on any petition submitted by an advocacy group of which the*

member is an officer or sits as a member of the advocacy group's board of directors. A member of the Commission shall not use the member's official position as a member of the Commission to secure any special privilege or exemption of substantial value for any person. No member of the Commission shall, by the member's conduct, create an appearance that any person could improperly influence the member in the performance of the member's official duties.

Under the State Government Ethics Act each member of the Marine Fisheries Commission is to make a diligent effort before participating in discussion and voting on a matter before the commission to determine whether the member has a conflict of interest.