

To: Director Mr. Jamie Whitehouse

From: Jordan Warfel, Board of Adjustment Member

Date: February 3, 2023

Dear Mr. Whitehouse:

Please find attached the "Annual Conflict of Interest Disclosure Form" requested by the administration. This form raises important questions about the independence of the Board of Adjustment, a quasi-judicial board. The independence of our board is of utmost importance as we are tasked with judging cases without favor or malice toward any party that appears before us. As you know, from time to time, our board will hear appeals made from decisions made by county administrators. We do not, however, hear appeals made from decisions of the Sussex County Council. As such, it is important that the public have confidence in our ability to hear cases involving county administrators without favor toward any party.

Further, our board has separate legal counsel to advise us on possible conflicts and recusals from cases. Recusals from cases are common both for board members and attorneys. We handle recusals internally with the help of our board attorney and independently from the county administration. It is also important that we do not give reasons for our recusals. This is an important part of our work as a board because revealing reasons for recusals could inadvertently bias other board members when they hear the case.

The public can rest assured that the Sussex County Board of Adjustment hears all of our cases with fairness and independence, having no favor or malice toward any party. Should the County Council wish to require us to fill out this form in the future, I would respectfully request that they pass an ordinance governing this form to preserve our independence.

Sincerely Yours,



Jordan Warfel

Member, Sussex County Board of Adjustment