

June 17, 1999
Re: IO-99-106

You inquired whether you could serve as a mediator in civil disputes, on either a compensated or pro-bono basis, either selected by clients or appointed by the court. The simple answer is yes, as long as you do not participate in any matters in which the county could have an interest. The issue of compensation is not germane in this situation since in most cases, non-compensated secondary employment, e.g. membership on the boards of non-profit organizations, is also subject to the limitations imposed by §3-105 of the Public Ethics Law.

You also inquired whether your continued service as an officer and director of the Providence Center, Inc. would present ethical issues. You fully disclosed any and all existing connections between the county and the Providence Center, and they should present no problems as long as you refrain from any participation in matters in which the county could have an interest. For example, you may not lobby the county on behalf of the Providence Center, you may not use your official title in any fund raising efforts undertaken on behalf of the Providence Center, and you may not participate in any contract negotiations between the County and the Center.

Finally, you asked if you must disclose the individual investments that are part of a mutual fund portfolio. The answer is no, since you have no control over those individual investments. In fact, the ethics commission is seeking to amend the Public Ethics Law to eliminate the requirement that ownership of mutual funds be disclosed.

I hope this letter satisfactorily answers your questions. Please call at any time if specific issues arise that might concern you.

Sincerely,

Betsy K. Dawson
Executive Director