

January 21, 1999  
Re: IO-99-12:

You inquired whether members of the county executive's transition team are subject to the conflict of interest provisions of the Public Ethics Law as an employee of the county. As you know, the Public Ethics Law prohibits conflicts of interest that occur between the official duties and personal interests of county employees. With certain exceptions not relevant to your inquiry, the ethics commission's jurisdiction does not extend beyond county employees. Therefore, if the members of the transition team are not county employees, the prohibitions against conflicts of interest that are found in §3-101 and §3-105 will not apply to them.

An "employee" is defined, in pertinent part, as an individual who is: 1. elected to, appointed to, or employed in the executive or legislative branch of the county, or 2. a member of a county board, commission, or similar entity, whether or not compensated.

The transition team is an ad hoc committee of an obviously temporary nature. It is not a board or commission or entity created by charter, ordinance, or executive order. Its members are not compensated nor are they reimbursed for expenses incurred. They work without supervision from the executive branch, and they exercise no governmental authority. Their final product will consist of an advisory report that will be available to the public as well as to the county executive. Because of its informal, transitory, and limited mission, the county executive's transition team cannot be considered a board, commission or similar entity within the meaning of the Public Ethics Law. And because its members are at best, non-compensated independent consultants, they cannot be considered to be employees subject to the law's conflict of interest provisions .

Thank you for your inquiry. If you have any other questions, please call anytime.

Sincerely,

Betsy K. Dawson  
Executive Director