

August 20, 1999
Re: IO-99-152

You inquired whether you could sit on the advisory board of a private entity that plans to publish a community newspaper, and whether you could provide an occasional guest column for publication in the paper. The letter soliciting your participation describes the publication as a "bi-weekly newspaper designed to promote good news from the African-American communities throughout the Chesapeake Bay region." It is not possible to determine from the letter whether and to what extent local politics and government issues will be a focus of this publication.

Several sections of the Public Ethics Law are relevant to this inquiry. Sections 3-105(b)(1) and (c), would prohibit this employment if the entity has a contractual relationship with the county, or is negotiating a contract with the county, or if you are being employed to represent or assist the entity in any matters in which the county would have an interest. For example, you would not be permitted to represent or assist the entity in any attempts to acquire county advertising, and you would not be permitted to write about county government, interview county employees for the entity's business, or assist the entity in obtaining access to county officials or employees. (You could write a guest column concerning county government in your official capacity, as part of your job with the county, but not as a paid employee of a private entity).

Section 3-105(b)(2) more generally prohibits any secondary employment that would impair the impartiality or independent judgment of an employee. For example, if the publication were to endorse candidates for local office, lobby for issues involving the county executive's office, or support, promote, or criticize the administration's policies, issues concerning your impartiality could well arise. These issues would be more acute in your role as a member of the publication's advisory board.

Section 3-104, prohibiting the misuse of the prestige of office, would have the same effect, and would also prohibit you from permitting the use of your county title in advertising or other types of promotional work undertaken by the entity. This provision would also prohibit the use of county resources, such as telephone, copier, or computer to assist you in your secondary employment.

Finally, §3-107 would prohibit your use of any information acquired by you in your county position, if that information is confidential, or otherwise not readily accessible to members of the public.

From the description of the publication included in the letter you enclosed with your inquiry, it is not possible to determine the overall approach of the planned publication. It seems likely that writing an occasional column, or participating on the advisory board, which may involve editorial and other policy decisions, could be problematic, depending on the nature and purposes of the publication. If the publication anticipates taking positions on matters of local politics and government, matters in which the county would clearly have an interest, §3-105 and §3-104 would prohibit your participation. However, if the publication is designed to take another approach, one that is exclusively artistic, cultural, or historical, for example, your participation may be permitted. Without this information, the commission cannot give a more specific response to your inquiry. If you can provide further details about the proposed publication, the commission will be glad to review your questions further.

Sincerely,
Betsy K. Dawson
Executive Director