

September 14, 1999
Re: IO-99-159

You inquired whether you could continue to participate as a panelist or host moderator on two programs about public affairs on a public access cable television channel. You stated that you participated in these programs prior to becoming an employee of the county, and would like to continue to do so. One program, "Up Front and Personal" is a program featuring biographical interviews with different guests. The other program, "Viewpoint", involves discussions and debates on public affair issues, including political issues of national, state, and local concerns. You have not received and will not receive any compensation for appearances on either of these programs.

The franchise agreement between the various cable franchisees and the city and county, require that the franchisee provide one or more community access channels for public, government, and educational access ("PEG"). The agreement provides that any resident of the city or county respectively, has the right to develop a television show for distribution on the access channel. The only requirements are that the person become familiar with technical production. The programs you describe are programs of this variety.

Section 3-104(a) of the Public Ethics Law prohibits an employee from using the prestige of the office or position for the employee's own gain. Since your participation in these programs precedes your employment with the county, you have not used the prestige of your office to acquire this secondary employment. Whatever gain you receive from your appearances on these programs, and they are clearly not monetary, are not gains you receive because you are the county executive's assistant.

Section 3-105 prohibits an employee from engaging in certain types of secondary employment. Your participation in these television programs is undertaken on your own behalf as a public citizen. There is no producer, other than yourself, and no entity with any financial interest involved in the production of these programs.

For these reasons, the ethics commission advises that you can continue your involvement with both television shows that appear on the PEG channels of the various city and county cable franchisees. The views that you espouse on these programs may be of interest or concern to your county employer, but they are not relevant to the ethics commission's consideration of your inquiry.

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

Sincerely,

Betsy K. Dawson
Executive Director