

September 14, 1999

Re: IO-99-162

You inquired whether you could start a business to assist contractors and other business entities in obtaining permits from your former agency. You are no longer employed by the county, but until recently, you served as a permit clerk. Your duties included assisting members of the public, including contractors, in filling out permit applications and processing those applications. You were not responsible for issuing or denying the issuance of the permits; your duties were purely ministerial in nature.

Since you are no longer employed with the county, issues of secondary employment are not applicable. The one section of the Public Ethics Law that does apply, §3-109, concerns former employees. It prohibits former employees from working on any matter in which the former employee acting on behalf of the county, exercised "substantial responsibility". This section also prohibits a former employee from using, for the new employer's benefit, any information not generally available to the public that the former employee acquired while employed with the county. Because of the non-discretionary types of duties you performed, your former job with the county did not involve "substantial responsibility".

For these reasons, and assuming that you will not be using confidential information that you acquired during your county employment, you may engage in employment assisting private citizens and entities in obtaining county permits, and you may work on permits in which you were involved as a county employee.

Thank you for your inquiry. If you have any other questions, feel free to call anytime.

Sincerely,

Betsy K. Dawson
Executive Director