

January 27, 1998
Re: I-99-3

You inquired whether a procedure to permit employees of the facilities management division to borrow tools and equipment for their own personal use would present any issues under the Public Ethics Law. I have reviewed the Policy and Procedure you faxed to me, and in my opinion, the ethics law does not prohibit the authorized personal use of tools by county employees. In fact, the ethics law does not specifically address the use of county equipment by county employees. The only issue in which the ethics commission has an interest concerns the provisions of §3-104, which prohibits county employees from using the prestige, title or authority of their office offices or positions for their own gain or the gain of another. Since your policies #1 and #2 prohibit the use of the tools by any person other than the employee for urgent problems in the employee's residence, and specifically prohibit the use of any tools for a side business, you have certainly addressed any concerns that the ethics commission might have with your proposal.

This letter does not address any other legal issues that may arise from your proposed plan. For questions regarding the issues of county/personal liability or other issues, you may want to consult the Office of Law and the Office of Personnel. Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director