

December 12, 2000
Re: I-00-186

You inquired whether the county executive may appoint a lawyer who practices in several areas of disability law to the Anne Arundel County Commission on Disability Issues. The answer to your question is that the ethics law does not prohibit this appointment.

The members of this commission, created by executive order, are subject to the Public Ethics Law, under §1-101(f)(1)(ii) of Article 9 of the Anne Arundel County Code. The provision of law covering the issue you raise is §3-105, which regulates secondary employment for county employees. As a member of a county commission, a lawyer's private practice would be considered secondary employment. There is nothing in that section that would prohibit a lawyer specializing in disability issues from participating on the commission. On the contrary, the executive order creating the commission strongly promotes membership on the commission of people "with knowledge on the full range of issues affecting persons with disabilities . . .".

There are at least two sections of the ethics law that arise with some frequency with respect to board and commission members. Section 3-105(c)(1) prohibits a county employee from representing a person in connection with a matter in which the county has an interest. Section 3-101 prohibits a county employee from participating in an official capacity in any matter in which the employee may have an interest. The ethics commission is available to advise county employees and volunteers on any of these provisions as issues arise.

Thank you for your inquiry. Please call if you have other questions.

Sincerely,

Betsy K. Dawson