

December 20, 2000
Re: IO-00-188

You inquired whether you may serve on the board of directors of the Volunteer Center of Anne Arundel County, a private non-profit entity. At the current time, the Office of Human Services where you are employed administers a county grant that was designed to help with the creation of this entity. The grant will expire in June of 2001, at which time the county's anticipated relationship with the entity will be "supportive". You are not sure what the nature of that support will be although it is hoped that the entity will at some point become financially self-supporting. You do not anticipate that the county will provide additional funding for the entity.

At the present time, the organization is subject to the authority of the agency with which you are affiliated. The Public Ethics Law, §3-105(b)(1) prohibits an employee from being employed by, or having an interest in an entity that is subject to the authority of that employee's agency. The ethics commission has previously determined that serving on the board of directors of a non-profit organization may constitute an employment or interest relationship. See AO-99-197, 99-175. In both opinions, the ethics commission advised that while personal service on the board of directors may not be permitted, ex officio service by a county employee on the board of such an organization may be permitted in certain circumstances. The circumstances are set forth in AO-00-175, which I am enclosing for your information. If the criteria set forth in that opinion are satisfied, and if the guidelines for ex officio service are followed, then an employee in your agency may serve in an official capacity as a member of the board. You may not serve in your personal capacity, as long as the county has any administrative or grant authority over the organization. When the county's role in the administration of the entity changes, it may be necessary to review your agency's participation on the board.

Thank you for your inquiry. If you have any questions after you review the enclosed opinion, please call me.

Sincerely,

Betsy K. Dawson
Executive Director