

June 24, 2001
Re: IO-01-105

You inquired whether you may assist your spouse in her cleaning work for Ed Brown & Associates. You stated that your spouse has been doing the cleaning for this entity for a number of years. She previously worked with another person who has died, and you are concerned about your spouse working there alone after normal business hours. You stated that you would be doing only cleaning work, and only for about one and one half hours a week.

I advised you by telephone that in my opinion, this type of work was prohibited under the Consent Order you signed in C-01-59. That order states that you may not engage in secondary employment for "any entity that is required to purchase data from the Department of Public Works, or that is otherwise subject to the authority of the department, or that has a contract or is negotiating a contract that is administered by the department." Ed Brown & Associates is such an entity. You requested an opinion from the full ethics commission.

The ethics commission has reviewed your inquiry and concurs with this opinion. Not only does the Consent Order apply to prohibit your secondary employment with Ed Brown & Associates, but the Public Ethics Law, §3-105(b) also prohibits an employee from working with any entity subject to the authority of the employee's agency. The fact that you would be engaged in cleaning the facility of the entity is irrelevant. It is the fact that you have an interest in your continued employment with the entity that puts you in a vulnerable position with respect to your official duties. You are still in a position to provide confidential information to the entity and your hope for continued employment with the entity may incline you to do so. For these reasons, the ethics commission advises that you may not work for Ed Brown & Associates in any capacity, while you are still an employee with the Department of Public Works, or with any other county agency to which the consent order may apply.

Sincerely,

Betsy K. Dawson
Executive Director