

November 8, 2001

Re: IO-01-162

You inquired whether a person appointed to the Salary Standard Commission may also be a registered lobbyist or a representative of a lobbying organization. According to §1-101(f)(1)(ii) of Article 9, the Public Ethics Law, members of the Salary Standard Commission are employees for purposes of the ethics law. See, IO-01-125 and I-97-79.

Under the §3-105 of the law, employees, including non-compensated members of boards and commissions, are prohibited from engaging in secondary employment that may create a conflict of interest between their duties to the county and their duties to their secondary employers. Specifically, under §3-105(c)(1) an employee may not ". . . be employed by any person or undertake on behalf of any person to assist or represent that person in connection with any matter in which the county has an interest, except in the course of the employee's official duties". A registered lobbyist represents outside entities in matters in which the county, specifically the county council, has an interest. For this reason, lobbying constitutes a prohibited secondary employment for a member of the Salary Standard Commission. In fact, it would be prohibited for a member of the Commission to represent an entity before the county council on matters of interest to the county even if that employee was serving the secondary entity as a volunteer and not as a registered lobbyist. While the employee may be a member of such an entity, the employee may not represent or even assist that entity in any matter in which the county has an interest.

Sincerely,

Betsy K. Dawson
Executive Director