

April 23, 2001
Re: IO-01-57

You inquired whether the attached advertisement is improper under the Public Ethics Law. The answer is that with one exception, the ad is perfectly appropriate. The exception is in your use of "Anne Arundel County Councilman" under the "Attorney at Law" portion of the ad. Under §3-104(a) of the ethics law, an employee may not use the title of the county position for the employee's personal gain. Therefore, you may not use your county title in personal advertising.

I have also attached for your information, informal opinions 00-123 and 99-107, both of which opinions support this conclusion. If you would like additional information about §3-104 of the ethics law, called the "abuse of office" provision, I will be happy to provide it to you.

You also inquired whether the ethics commission currently has any outside counsel from whom you could receive another opinion on this matter. The ethics commission has occasionally hired outside counsel, but only to assist the commission in its enforcement duties. Under the Anne Arundel County Charter, §1001B(f), the ethics commission is charged with the duty to issue advisory opinions to employees concerning the application of the ethics law to the person requesting the advice. As the executive director of the commission, I do not have the authority to issue advisory opinions, and no lawyer outside of the commission has the authority to give advisory opinions. Therefore, you may rest assured that this letter, although it appears above my signature, is the opinion of the Anne Arundel County Ethics Commission.

Thank you for your inquiry. If you have additional questions, please call me any time.

Sincerely,

Betsy K. Dawson
Executive Director