

March 18, 2002
Re: IO-02-10

You inquired whether a person who is a registered state lobbyist for healthcare facilities may be appointed to the county commission on disability issues. According to §1-101(f)(1)(ii) of Article 9, the Public Ethics Law, members of the disabilities 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 lobbyist registered with the state does not necessarily represent outside entities in matters in which the county has any interest. In that case, there would not be any obstacle to the lobbyist's appointment to the commission. In the field of health care however, there are probably few legislative matters in which the county would not have an interest. As to those matters, the lobbyist-commission member would be required to choose between engaging in lobbying activities or continued membership on the commission.

If a registered lobbyist is appointed to the commission, the ethics commission will be glad to respond to requests for advice about any specific lobbying matter that may arise. Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director