

August 14, 2002
Re: IO-02-100

Thank you for your letter of August 7, 2002. As I advised you at our meeting on July 22, the Public Ethics Law does not contain any provision that would prevent spouses from working in the same county agency. Section 3-101(a)(ii) prohibits an employee from participating in any matter in which a spouse has an interest. Section 3-104(a) prohibits an employee from misusing the authority of office for that employee's personal gain or for the gain of another person.

There is an exception to the prohibition of §3-101(a)(ii) of which you should be aware. Under §3-101(c), an employee who is required by law to act, or who is the only person authorized by law to act, shall disclose in writing to the commission the nature and circumstances of the conflict. After making this disclosure, the person may act on the matter, despite the conflict. For this reason, the ethics commission requests that you advise the commission if specific matters arise in connection with the promotion, discipline, training or assignment of your future spouse, in which your participation is either required or customary.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director