

December 9, 2002  
Re: IO-02-146

You inquired whether you may hire a member of the Anne Arundel County Planning Advisory Board as a part time employee of the Tipton Airport. There are currently three full time and two part time employees at the airport. The new employee would assist with customer services, periodic ramp checks and fueling problems. You stated that you are the appointing authority for the airport employees.

In IO-00-194, the ethics commission advised that an employee of the police department could serve on the PAB because both positions were county government positions. There was no issue of secondary employment since the employer was the county government in both cases. In that opinion the ethics commission said, "There is nothing in the charter suggesting that the PAB is an independent body. On the contrary, the PAB is an advisory body that is expected to promote the county's interests from the perspective of the voting citizens of the county. For this reason it is not, for the purposes of the ethics law, a secondary employer for county employees."

Therefore, you may hire a member of the PAB to serve as a part time employee of the Airport. Since the PAB frequently considers and renders advice on capital budget proposals requested by Tipton Airport, the employee's participation as a board member in those matters would be prohibited by §-101(a)(2)(i). The member should be absent from that portion of any meeting where there is any discussion, deliberation, or vote on any Tipton Airport related matter. See, IO-99-6, AO-98-39. The member should state the reasons for the non-participation so that the public is made fully aware of the conflict that requires recusal.

Sincerely,

Betsy K. Dawson  
Executive Director