

May 28, 2002
Re: IO-02-60

You inquired whether there are any ethics issues involved if the Minority Business Enterprise Committee hires an employee of a committee member to assist with work to be conducted by the committee during a planned retreat. Specifically, one of the committee members has an interest in a business entity that provides secretarial services, and the committee will need secretarial services to be provided during this venture.

The members of the MBE Committee are not subject to the Public Ethics Law, with the exception of the ex officio county employee members. The members are not "employees" within the definition of §1-101(f)(1)(i), and they are not members of a "board or commission or similar entity under §1-101(f)(1)(ii), because the MBE is an ad hoc committee, not created by ordinance.

For this reason, the committee is not subject to §3-105(b)(1), which prohibits employees from having an interest in an entity that is negotiating or has entered into a contract (of \$1000 or more) with the agency, board, or commission for which the employee works. See for example, IO-01-93. (This section also prohibits an employee from having an interest in an entity that is subject to regulation by that agency, board, or commission.)

Therefore, the ethics commission advises that the proposal to hire the employees of a member of the Minority Business Enterprise Committee to perform secretarial work for the committee's retreat does not violate the ethics law.

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

Sincerely,

Betsy K. Dawson
Executive Director