

August 26, 2002
Re: IO-02-75

You inquired whether you may run for election and if elected, serve as a member of the Maryland House of Delegates, while serving as a member of the county commission on disability issues, and on a small area planning committee (SAP). Members of an SAP are not covered by the county Public Ethics Law, since SAPs are ad hoc committees, so this letter addresses only the disability commission aspect of your inquiry.

Section 3-105 of the ethics law, restricting secondary employment, applies to your inquiry. The ethics commission does not believe that serving in the state legislature would *per se* impair your impartial or independent judgment in matters affecting the disability commission. Most of the work in which you would be engaged as a delegate would have nothing to do with disability issues. However, the legislature may on occasion participate in matters that would affect disability issues. In those cases, the restriction imposed by §3-105(c)(1) of the ethics law would be relevant. That restriction would prohibit you from assisting or representing any person ". . . in connection with a matter in which the County has an interest . . ." This provision has been interpreted to mean that you may not assist or represent any interests that may be competitive with, or adversarial to the county's interests. Because your service with the county is limited to consideration of disability issues, the ethics commission advises that as a member of the state legislature, you may not assist or represent any interests that may be competitive with, or adversarial to the county's interests in disability issues.

Obviously, this advice is general. The ethics commission cannot anticipate what if any specific issues might trigger the prohibition set forth in §3-105(c)(1). If you are elected to the House of Delegates, the ethics commission will gladly provide specific advice upon request. Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director

Subject to revision