

June 4, 2003

Re: IO-03-57

You inquired whether you may participate on the operating board of the Providence Center, a non-profit entity that provides various services to county citizens. The ethics commission advises that you may participate on this board, subject to certain limitations.

Service on the board of directors of private entities is considered to be secondary employment, even if it is non-compensated. Secondary employment is permitted unless it is specifically prohibited by §3-105 of the ethics law. The Providence Center does not have a contract with the county, is not seeking to do business with the county, and is not subject to your official authority or the authority of the county council. There is nothing in the law that would prohibit your participation on this board.

Other provisions of the ethics law may have some impact on the extent of your participation. Since you will be participating on this board in your personal capacity, as opposed to an ex officio capacity, you may not use your official title in your activities with the board. §3104(a). See, e.g., 10-01-96, IO-98-50. You may not participate in your official capacity as a council member in any matter pertaining to the Providence Center, e.g., you may not discuss or vote on any grant to that entity. See, IO-99-106. Finally, you may not represent the entity in any matter in which the county may have an adversarial or competitive interest to the interest of the entity. Since the operating board does not engage in fund raising, the ethics commission did not review potential ethics concerns involved in gift solicitations.

Thank you for your inquiry. Please call if you have any additional questions.

Sincerely,

Betsy K. Dawson  
Executive Director