

September 9, 2003  
Re: IO-03-82

You inquired whether you may accept a contract to perform consulting services for an Annapolis based accident reconstruction and investigation firm. You work as a firefighter for the county and you are also an instructor in live fire training with a local university. Under the proposed contract you would do research and provide testimony for a party to a lawsuit in Florida that involved a fire training fatality. For the reasons stated, the ethics commission advises that you may accept this contract subject to the conditions set forth in this letter.

The firm that has offered you this contract is not currently engaged in doing business with the county, is not subject to regulation by the county, and is not involved in any matters in which the county has an interest. The work required of you under the contract would not affect or be affected by your duties with the county fire department. Therefore, the secondary employment restrictions of 3-105 do not prohibit your acceptance of the contract.

The qualifications you bring to this contract, while enhanced by your position with the county, come in part from job experience you acquired before you joined the county, and from your many hours of teaching. For this reason, it is clear that you did not violate §3-104(b) by using the title, authority or prestige of your position to acquire this contract.

Section 3-104(a) also requires that you refrain from using county time or resources while engaging in this secondary employment. Additionally, if the firm with whom you have contracted should seek to do business with the county, or engage in activities in which the county has an interest, your contract with the firm will require reconsideration.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson  
Executive Director