

Re: IO-04-102

By electronic and interoffice mail

You inquired whether you may provide information to your community association about pending legislation that was prepared by the agency in which you work. You did not have any role in preparing the legislation. You stated that you believe that the legislation, if enacted, may adversely affect your community and you would like to share your concerns with the association. You further stated that you do not believe that the members of your community or the association are even aware of the existence of this legislation. The answer is that the Public Ethics Law does not prohibit county employees from providing public information to the public, or from expressing your personal concern about the legislation to your community association. The ethics law, §5-108, does prohibit an employee from using or disclosing confidential information, acquired by reason of the employee's public position, for the economic benefit of the employee personally, or any other person. For this reason, you may not provide information to the association that would be considered confidential: intra-agency memoranda, statements made or positions taken by agency personnel, or any other information that would not be readily available to the public through normal channels.

Additionally, the Public Ethics Law, §5-104, prohibits an employee, except in the course of the employee's official duties, from assisting or representing a person in any matter in which the county has an interest. The county has an interest in its own legislation, and the law prohibits an employee from taking any action that may be adversarial to the interests of the county. While you may provide public information to the community association and express your personal opinion about the legislation as an individual homeowner, any additional information you provide may be considered to be prohibited assistance or representation.

This opinion addresses only ethics law concerns. The ethics commission cannot advise you on whether your actions will impinge upon your future relationship with your employer or your co-workers.

Thank you for your inquiry. If you have additional questions, please feel free to call or e-mail the ethics commission's office.

Sincerely,

Betsy K. Dawson  
Executive Director