

December 29, 2004

*By Electronic & Interoffice Mail*

Re: IO-04-108

You inquired whether you may engage in secondary employment as a real estate appraiser while you are employed by the county as a grading inspector. The answer is that you may engage in appraisal work subject to some limitations.

Section 5-102(a)(1) of the Public Ethics Law prohibits secondary employment with any entity that is subject to the authority of the employee's agency, has a contract or a subcontract, or is negotiating a contract that is administered by the employee's agency. This provision will not generally prohibit your employment as an appraiser as long as you are employed by a private entity that is not subject to the authority of the county and that does not do business with or for the county. However, while employment for a private entity may be generally permitted, you may not be involved in any appraisal in which the client has applied for, or has outstanding permits of any kind, with the department of inspections and permits.

Section 5-104 prohibits an employee from assisting or representing any person or entity before any county agency or employee, or with any matter in which the county has an interest. Again, as an employee for a private entity, this section would probably not apply, unless you become involved in appraising property for any transaction in which the county may be a party. As long as you are also a county employee, you may not be involved in the appraisal of any property in which the county has an interest.

Finally, §5-102(a)(2) prohibits an employee from holding any employment relationship that would "impair the impartiality or independent judgment of the employee. To avoid even the appearance of a conflict of interest, you should avoid participating in any appraisal of property that is subject to any outstanding county-issued permits or permit applications, or unresolved permit disputes involving the county.

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

Sincerely,

Betsy K. Dawson  
Executive Director