

April 13, 2004  
Re: IO-04-35

You inquired whether you, as a county employee, may contract with the county and/or with individual county employees to provide them with access to certain internet business through a portal service with which you are affiliated as an independent business owner (“IBO”). The county and/or its employees would become members of this service and would receive discounts on purchases made through the service. You would receive compensation for the referrals and from sales resulting from the referrals. Aside from the initial referral, you would have no day to day involvement with the county’s use of the portal service.

Section 5-102(a)(1), as amended by Bill 38-03, prohibits an employee from having a contract with any entity that is subject to the authority of the employee’s county department or that is negotiating or has a contract with the county that is administered by the employee’s department. This provision would prevent your department from participating in a contract with you or your company, either directly or through a general county contract, but would not limit other departments or the county from entering such a contract. You should be aware that purchasing or other rules may apply to the contract you propose.

Section 5-107 prohibits an employee from using the prestige of the employee’s position for that employee’s private gain. This provision would prohibit you from engaging in your private business while you are in the work place or during work hours. You would also not be permitted to solicit or contract with any employee whom you supervise.

Thank you for your inquiry. If you have any other questions, please call me.

Sincerely,

Betsy K. Dawson  
Executive Director