

February 28, 2005  
Re: I-05-06

You inquired whether you may accept secondary employment with a private entity doing surveying work. You are a project manager in the Department of Public Works, where you coordinate the capital improvement program.

The entity for which you propose to work is engaged in engineering, surveying, and environmental consulting work, with offices on the eastern shore and in Pennsylvania. You stated that the entity does no work in or for Anne Arundel County.

The Public Ethics Law does not prohibit secondary employment in the circumstances that you have described. Section 5-102 prohibits an employee from being employed by, having a contract with, or having an interest in any entity that: is subject to the authority of the employee's county agency; has or is negotiating a contract with the county that involves the employee's agency; or is a subcontractor on a contract involving the employee's agency. Section 5-103 prohibits an employee from working for or contracting with any entity that has a contract with the county if the employee's county duties relate to or affect the subject matter of that contract. Finally, §5-104 prohibits an employee from assisting or representing an entity in any matter in which the county has an interest.

None of these provisions appear to apply to the secondary employment in which you are interested, as long as the secondary employer does no work in or for Anne Arundel County. The ethics commission advises however, that you review this employment opportunity with your supervisor, to ensure that your department does not have more restrictive rules than the minimum standards imposed by the ethics law. Finally, this advice is subject to the accuracy of the information you provided and may change if the secondary employer should engage in any work within or for the county.

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

Sincerely,

Betsy K. Dawson  
Executive Director