

August 15, 2005
Re: IO-05-47

You inquired whether you may accept secondary employment as a consultant to a law firm that has been hired by the county. The law firm will represent the county in negotiations with two vendors with whom the county has had ongoing contractual relationships. The negotiations involve cable television franchises, a subject with which you are intimately familiar, since you once served as the assistant director of the department of inspections and permits for cable television. Although you retired from county employment in 2001, you are subject to the Public Ethics Law both as a former employee, under Article 9, §5-107, and as a volunteer with the Local Management Board and the Tipton Airport, under §1-101(g)(1)(ii).

There are three provisions of the ethics law that are relevant to your inquiry. Section 5-105 prohibits a former employee from assisting or representing a “party other than the county” in a specific matter for compensation, if that matter involves the county and if the former employee participated significantly in the matter as an employee. The law firm that will be compensating you is not a “party” in a case, contract, or other specific matter. The “party” for whom you will in fact be working, is the client of the law firm, namely the county itself. *See, [IO-97-52](#).*

Section 5-103 prohibits an employee from working as an independent contractor for any entity that has a contract (worth over \$1000) with the county, if the employee’s official duties include matters substantially relating to or affecting the subject matter of the contract. This provision would not apply to you as long as your official duties for the Local Management Board or the Tipton Airport do not involve the subject matter of these contract negotiations.

Finally, §5-104(a) prohibits a county employee from assisting or representing “a person” in any matter . . .in which the county has an interest”. As with §5-105, the “person” that you will be representing and/or assisting, through your contract with the law firm, is the county.

The ethics commission advises that you may contract to work as a consultant for the law firm that will be representing the county in pending contract negotiations. Thank you for your inquiry. If you have additional questions, please contact me.

Sincerely,

Betsy K. Dawson
Executive Director