

May 3, 2006

Re: IO-06-29

You inquired whether you may accept secondary employment as a paid consultant to a congressional candidate, while you are serving as a member of the Anne Arundel County Board of Appeals. The ethics commission advises that you may accept this employment.

The Public Ethics Law, §§7-5-102 through 7-5-104, regulates secondary employment.<sup>1</sup> The only provision that might apply to your inquiry is §7-5-104(a)(1), which prohibits an employee from assisting or representing a person in any matter before any governmental unit or employee of the county. While this would not prohibit you from setting up events at senior centers for example, it would prohibit you from representing your candidate in any substantive way before any governmental agencies or employees.

There is also a provision, §7-5-101, which prohibits an employee from participating in any official duties in which a secondary employer may have an interest, different from the interest of the general public. This provision means that you may not participate in any board of appeals matter in which your candidate has an interest or has publicly expressed a position in the campaign.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson  
Executive Director

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<sup>1</sup> The basis of this opinion rests on your position as an “official” rather than an “employee” of Anne Arundel County. Although you are considered an “employee” for purposes of the ethics law, the State regards you as an “official” for purposes of Art. 24, §13-103 of the Annotated Code of Maryland. This provision guarantees the right of all local government “employees” to fully participate in political activity. If you were an employee, the ethics commission could not limit your secondary employment based on the ethics law, because the state has preempted this field. However, this provision of law does not apply to officials, whose right to participate in political activity may be limited by local government.