

April 11, 2007

Sent By Electronic and First Class Mail

Re: AO-07-25

You inquired whether you may participate as a team member with an entity that has submitted a proposal to the county to conduct a fiscal impact analysis as a prerequisite to the county's enactment of a new growth management plan. You are a former planning and zoning officer. This inquiry arises under §7-5-105 of the ethics law, which provides:

7-5-105. Representation by former employees.

(a) Generally. A former employee may not assist or represent a party other than the County in a case, contract, or other specific matter for compensation if the matter involves the County and:

(1) the former employee participated significantly in the matter as an employee; or

(2) the former employee had information not generally available to the public when the former employee undertook the assistance or representation.

(b) Waiver. On application, the Ethics Commission may waive the prohibition of this section if it determines that the County's interests will not be adversely affected by the assistance or representation and may attach to the waiver any conditions that it determines are in the County's best interest.

Since this proposal post-dates your county employment, you could not have worked on this matter when you were with the county. You also stated that you do not possess confidential information that is germane to the proposal or that will be relevant to the fiscal impact analysis. On the contrary, you stated that although you may know how to easily access information, the successful bidder will have equal access to the same information.

You further indicated that your participation in the proposed fiscal impact analysis would be limited to identifying sources of information, interviewing county employees and officials, and assisting the consultant with preparing interview questions.

In responding to inquiries about post-employment, it is the usual practice of the ethics commission to review the inquiry with the former employee's supervisor or the head of the former employee's agency. In this case, the current planning and zoning officer concurred with your statement and further expressed the opinion that your participation in this project would not adversely affect the county's interests.

For these reasons, the ethics commission advises that your participation in the fiscal impact analysis conducted by a private consultant as a prerequisite to the development of a new growth management plan is not barred by the ethics law.

Thank you for your inquiry.

Anne Arundel County Ethics Commission

By: _____
Betsy K. Dawson, Executive Director