

November 28, 2007

By Electronic Mail Only

Re: AO-07-90

You inquired whether, as an assistant auditor, you may serve in a personal capacity on the board of directors of the Mid-Atlantic Cancer Support Center, a non-profit private entity. The ethics commission advises that you may serve on the board.

In [IO-04-23](#), the commission advised that an employee in the auditor's office could serve in a personal capacity on the board of a private non-profit organization created to promote the arts. Although the organization received an annual grant from the county, the auditor's office was not routinely involved with the grant or the organization. County employees, including elected officials, routinely participate on committees and operational boards of private non-profit organizations. See, e.g., [IO-03-57](#), [IO-03-49](#), [IO-02-07](#), [IO-01-96](#), [IO-00-96](#), [AO-99-09](#), [IO-98-50](#).

As these opinions make clear, a county employee serving on the board of directors of a private entity must comply with certain ethics law provisions. The employee may not use the job title in any advertising, fundraising, or publicity for the organization. §7-5-107(a). The employee may not target controlled donors in fundraising activities for the organization. §7-5-106, and §7-5-107(a). The employee may not assist or represent the organization before any county employee or county agency, or in any matters in which the county and the organization may have competitive or adversarial interests. §7-5-104(a). Finally, an employee may not participate in any official duties in which the organization is a party or has an interest. §7-5-101(a).

Subject to these limitations, you may join the board of the Mid-Atlantic Cancer Support Center. Thank you for your inquiry. Please call if you have any other questions.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director