



ANNE ARUNDEL COUNTY
ETHICS COMMISSION

December 17, 2008

By Electronic Mail Only

Re: AO-08-85

You inquired whether you may act as a subcontractor on a contract between the county and an engineering firm. You are an employee of the detention center and you engage in secondary employment collecting traffic data for engineering firms. An engineering firm is submitting a proposal to the county and has asked you to collect traffic data for the firm on that contract if the firm is the successful bidder. The ethics commission advises that you may not work as a subcontractor on a contract with the county.

The Public Ethics Law, §7-5-104(a) prohibits a county employee from assisting or representing a person (or entity) in any matter “in which the County has an interest.” As a party to a contract, the county will have a legal interest in the matter. As a subcontractor, you would be assisting the engineering firm in its work on the matter. Although you would not deal directly with the county, or be paid by the county for this work, it is still prohibited by the ethics law. The ethics commission does not have authority under the law to grant an exception in this situation, even if it were inclined to do so.

While you may enter generally into subcontracts with an engineering firm that has contracts with the county (as long as they do not involve the detention center), you may not subcontract on any contract involving the county.

Thank you for your inquiry. If you have other questions, please call the office.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director