

[Advisory Opinion 1996-6]

March 27, 1996

[Name1 withheld]
Investigative Services Bureau
Montgomery County Police Department
2350 Research Boulevard
Rockville, MD 20850-3294

Re: Victims' Rights Foundation

Dear [Name1 withheld]:

Thank you for your memorandum of February 5, 1996, in which you request an opinion concerning whether you may participate on the Board of Directors of a new foundation that is to be known as the "Victims' Rights Foundation." You have advised the Ethics Commission that the main objectives of the organization will be to solicit donations, announce rewards for information concerning crimes, and possibly provide both financial and emotional support to victims of crime and their families.

You are not prohibited per se from participating as a director of this foundation. Nevertheless, your participation as a director must be and is limited by a number of the provisions of the Montgomery County Ethics law. Specifically, you may not use your rank or any other insignia of your office without the prior approval of the Chief Administrative Officer. You should also be aware that the solicitation of gifts and donations is severely circumscribed by Chapter 19A, Section 19A-16. Obviously, you must comply with those provisions. Finally, we expect that there may be situations that arise which will constitute conflicts between your public and private duties. In those situations, you must request approval of the Ethics Commission before participating as a public employee in such matters.

For purposes of providing you with this opinion, the Commission has assumed that your position with the Board of Directors is not compensated. If that assumption is erroneous, you should contact us promptly. You would need secondary employment approval in order to receive any compensation.

Members of the Commission express support for this seemingly worthy endeavor. We hope you will find this letter responsive to your request.

Very truly yours,
[signed]
Laurie B. Horvitz, Chair

LBH/jlw