

[Advisory Opinion 1996-8]

March 27, 1996

[Name1 withheld]
Town of Poolesville

Re: County Police Officer Holding Elective Office in Poolesville

Dear [Name1 withheld]:

At its meeting on March 6, 1996, the Ethics Commission considered your letter of February 21, 1996. You requested our opinion concerning whether a County police officer may hold elective office in the Town of Poolesville. According to your letter, Town Commissioners do not currently receive any compensation. You advised us that neither the Poolesville Charter nor the Code prohibit police officers from becoming Commissioners of Poolesville.

The Montgomery County Public Ethics Law (Chapter 19A) does not impose an absolute prohibition upon simultaneous service as a County police officer and a Town Commissioner. The Ethics Law does, however, include many provisions that could become relevant as the same individual performs both responsibilities. For example, the affected individual must comply with Article 19A-11 of the Ethics Code (conflicts provisions), Article 19A-14 (use of prestige of office), Article 19A-15 (use of confidential information), and Section 411 of the County Charter. Any ethics issues would need to be addressed on an ad hoc basis by this Commission and the Poolesville Ethics Commission.

The County Attorney has also provided the Commission with advice on this matter. We have been advised that Article 24, Title 13, prohibits restrictions on the political activity of employees of a local entity. Montgomery County is a local entity as defined in Article 24, Title 13. The County Attorney has advised us that the constitutional prohibition against holding two offices of profit is resolved by your representation that the Office of Commissioner is not compensated.

We hope that you find this reply responsive to your question.

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

LBH/jlw