



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

**Advisory Opinion
No. 10-08-014**

An employee cannot participate in a matter if the employee knows or reasonably should know that any party to the matter is a business in which the employee is an officer or director. An employee seeks to serve as an unpaid board member of a local non-profit organization that contracts with her agency. The employee may serve on the organization's board provided that she does not participate, as a County employee, in any matter where the organization is a party, including the organization's contract with her agency.

The employee seeks to volunteer¹ on the board of a local community-based non-profit organization. This organization has an existing contract with the employee's agency, but the contract is not under the employee's purview. Section 19A-11(a)(2)(A) states that an employee cannot participate in a matter if the employee knows or reasonably should know that any party to the matter is a business in which the employee is an officer or director. Thus, the employee can serve on the organization's board but cannot participate in any matter where the organization is a party to that matter. *See Advisory Opinion No. 3-008 (2008).*

In reaching this decision the Commission has relied upon the facts as presented by the requestor.

FOR THE COMMISSION:

August 10, 2010
Date

Stuart Rick, Chair

A10-01520

¹ If the position were paid, the employee would need outside employment approval as well as a waiver of the prohibition against working for a business that contracts with an employee's agency. § 19A-12(b)(1)(B).