

ADVISORY OPINION 91-18 [1991-10]

The Ethics Commission has received your request for advice dated May 19, 1991. Your request relates the following facts: You are the head of a principal office in the Executive Branch of County Government. An employee of your office approached you about buying an automobile that you own. You responded that you thought it was inappropriate to sell the employee the vehicle. Subsequently, a “close personal friend” of the employee expressed an interest in purchasing the automobile in an “as is” condition. You have asked whether selling your automobile to this friend would constitute a violation of the County’s ethics law or the spirit of the County’s ethics law.

Article III of the Montgomery County Public Ethics Law sets out rules of conduct for public employees. The Ethics Commission has reviewed each section within Article III and finds that under the circumstances related in your request for advice selling your automobile to a close personal friend of an employee under your supervision does not violate any provision of the Montgomery County Public Ethics Law.

Section 19A-7 of the Montgomery County Public Ethics Law authorizes the Ethics Commission to give advice concerning the application of the ethics law to the person requesting the opinion. As long as the rules of conduct established in the ethics law are strictly followed, the Commission has no power to render advisory opinions regarding whether particular conduct might create an appearance of a conflict of interest.

The Ethics Commission trusts that it has responded to your inquiries. If you have further questions, please do not hesitate to contact the Commission.

Date of Issue: June 7, 1991