

ADVISORY OPINION 91-26 [1991-18]

The Montgomery County Ethics Commission has reviewed your request for advice dated October 27, 1991. Your request relates the following information:

You retired from the Montgomery County government in August 1990. During that time, you worked for two departments that provided health related services to the public. Since your retirement, you have been asked by a management consulting firm to assist it in studying a program being administered by one of the departments you were affiliated with while a public employee. In fact, the study involves a program with which you were apparently involved as a public employee. The management firm has not previously held a contract with the County.

You have asked if the Montgomery County Public Ethics Law allows you to accept employment with this firm and, if not, you have requested a waiver.

Section 19A-13(a) prohibits a former employee from accepting employment to assist any party, other than the County, in a “case, contract, or other specific matter for 10 years after the last date the employee significantly participated in the matter as a public employee.”¹ Since the project you would work on involves the evaluation of a program, the Commission believes that you would not be working on a specific case, contract, or other matter in which you significantly participated as a public employee. Accordingly, the Commission finds that Section 19A-13(a) would not prohibit your proposed employment.

Section 19A-13(b) provides that a former employee for one year after leaving public employment must not enter into employment with any person or business that contracts with the County if the public employee:

- “(1) significantly participated in regulating the person or business; or
- (2) had official responsibility concerning a contract with the person or business (except a non-discretionary contract with a regulated public utility).”

Since you have not been involved in regulating or exercising responsibility over a contract with the management consulting firm that would employ you, the Ethics Commission concludes that Section 19A-13(b) does not apply to your proposed employment.

For these reasons, the Ethics Commission concludes that you may accept employment with this management consulting firm for the work outlined without violating the Montgomery County Public Ethics Law.

If you have any questions regarding this matter, please contact the Commission.

Date of Issue: 12/17/91

¹ Section references are to the Montgomery County Code (1984).