

[Advisory Opinion 1994-8]

MEMORANDUM

July 12, 1994

To: [Name1 withheld]

FROM: Jay L. Cohen, Chairman [initialed]
Montgomery County Ethics Commission

RE: Request for Advisory Opinion and Waiver

The Ethics Commission has considered your recent memorandum with which you included a letter from William H. Hussmann, Chairman of the Maryland–National Capital Park and Planning Commission. The Commission remains unable to provide a decision on your waiver request, because you have not provided the information delineated in its May 11, 1994, memorandum.

In that communication, the Ethics Commission described five sections of the Ethics Law that were implicated by your request to publish your book and the anticipated marketing of the book. The Ethics Commission further explained the means by which you could apply for a waiver of the Ethics Law and indicated that you also would need to obtain secondary employment approval. Toward this end, the Ethics Commission requested that you provide the following information along with any waiver request you chose to submit:

- A copy of your request for CAO approval to print the book and receive compensation.
- A copy of your request to the CAO for approval of the use of your County position title in the book and to include a notation that the book is published with the permission of the Montgomery County Government.
- A copy of the CAO's response to your request.
- A list of the publications in which the articles appeared prior to this compilation, along with the dates of publication.

In addition, the Commission advised you to include a copy of this advisory opinion along with your request for approval from the CAO to engage in this secondary employment and to use your official title, to assist the CAO in addressing the Commission's concerns.

The law requires CAO approval as a prerequisite to your private use of County property and/or your County title. Since Mr. Hussmann no longer is the CAO, he cannot grant you that approval. Accordingly, you need to address these issues to the current CAO, Eugene Lynch. Furthermore, you have not provided the information regarding the dates of publication of the individual articles that was also requested by the Commission.

As a result, the Commission has denied your request for a waiver. Should you decide to renew your request for a waiver, the information requested by the Commission in its May 11, 1994, memorandum to you must be included. If you have any questions regarding this advisory opinion, please do not hesitate to contact the Commission.

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cc: Barbara McNally, Administrative Specialist, Ethics Commission