

[Advisory Opinion 1997-3]

February 11, 1997

[Name1 withheld]

Re: Request for a Waiver to Act as a Subcontractor with Information Planning Associates

Dear [Name1 withheld]:

Thank you for your letter of September 26, 1996 concerning your request for a waiver to permit you to act as a subcontractor with Information Planning Associates to provide computer consulting and programming services to the Montgomery County Government.

Based upon the facts that you have presented to the Ethics Commission, the Commission has determined that you do not need a waiver of the Montgomery County Ethics Law. Two provisions in the law apply to former County employees.

Section 19A-13(b) prohibits certain employment within one year of a person's last County employment, if the person significantly regulated the employer while a County employee, or administered a contract between the employer and the County. More than one year has passed since you retired from County government and you do not fall within the prohibition against engaging in certain employment relationships within one year of your last County service. Therefore, you do not need a waiver of Section 19A-13(b).

Section 19A-13(a) prohibits certain conduct of former County employees for ten years. Based upon the description of your County duties, the Commission has concluded that Section 19A-13(a) does not preclude your requested employment.

Thank you for bringing this matter to the Commission's attention. I trust that we have been responsive to your request.

Sincerely,
[signed]
Laurie Horvitz, Chair
Montgomery County Ethics Commission