

W-90-17 [Waiver 1990-17]

December 24, 1990

Ms. Mary Anderson
Health Department
100 Maryland Avenue
Room 240
Rockville, Maryland 20850

Dear Ms. Anderson:

The Ethics Commission has received and reviewed your request for outside employment approval as a freelance writer for the Journal Newspaper.

In considering your request, the Commission has considered both Sections 19A-12 and 11B-52 of the County Code. Section 19A-12 must be considered as it applies to all secondary employment requests. Section 11B-52, which prohibits county employees from working for businesses that are transacting business with the County, applies in your case because the County regularly places numerous ads in the Journal Newspaper.

In deciding the merits of such a waiver request, the Commission is obliged to determine that:

- (1) the best interests of the County would be served by granting the waiver;
- (2) the importance to the County of a public employee performing his or her official duties outweighs the actual or potential harm of any conflict of interest; and
- (3) granting the waiver will not give a public employee an unfair advantage over other members of the public.

In that regard, the Commission believes it to be in “the best interest of the County” that its employees be permitted to engage in such outside employment as does not compromise their County responsibilities. Since the distribution of all press releases is handled through the County Information Office, rather than through your office, the Commission sees no “actual or potential conflict of interest.” Finally, by restricting the subject matter of your articles as proposed in your request, the Commission believes that no “unfair advantage” could exist.

Based on the foregoing, the Commission hereby grants you a waiver conditioned on the following:

- 1) As you have stated in your application, the articles you write for the Journal Newspaper must be restricted to fitness and running. They may not cover any issues in which you would be engaged in the course of your county job;

- 2) You may not write about any subject matter about which your knowledge was obtained during the course of performing your county job; and
- 3) The attached general conditions also apply as a condition of granting this outside employment waiver.

If you have any questions concerning this decision, please contact our office.