

## **Chapter 19A. Ethics.**

### **Sec. 19A-12. Restrictions on other employment and business ownership.**

(a) *General restrictions.*

(1) A public employee must not engage in any other employment unless the employment is approved by the Commission. The Commission may impose conditions on its approval of other employment.

(2) The Commission may adopt appropriate procedures to receive and decide other employment requests.

(3) The appointing authority should give a copy of this Section to applicants for positions that are affected by this Section. The Supervisor of Elections should give a copy to candidates for elected offices that are affected by this Section.

(4) A request for approval of other employment is confidential. Commission action on the request is also confidential. However, the Commission must disclose to the public each action approving an employment request, including:

- (A) the name of the employee;
- (B) the name of the employer;
- (C) the nature of the other employment; and
- (D) any conditions imposed by the Commission.

(5) After giving the public employee notice and an opportunity to respond, the Commission may revoke any action approving an employment request if it finds that the public employee did not disclose a material fact in the request.

(b) *Specific restrictions.* Unless the Commission grants a waiver under subsection 19A-8(b), a public employee must not:

- (1) be employed by, or own more than one percent of, any business that:
  - (A) is regulated by the County agency with which the public employee is affiliated; or
  - (B) negotiates or contracts with the County agency with which the public employee is affiliated; or
- (2) hold any employment relationship that could reasonably be expected to impair the impartiality and independence of judgment of the public employee.

(c) *Exceptions.* Subsections (a) and (b) do not apply to:

(1) a public employee who is appointed to a regulatory or licensing body under a statutory provision that persons subject to the jurisdiction of the body may be represented in appointments to it;

(2) a public employee whose government duties are ministerial, if the employment does not create a conflict of interest;

(3) a member of a board, commission, or similar body in regard to employment held when the member was appointed if the employment was publicly disclosed before appointment to the appointing authority, and to the County Council when confirmation is required. The appointing authority must forward a record of the disclosure to the Commission, which must keep a record of the disclosure on file; or

(4) an elected public employee in regard to employment held at the time of election, if the employment is disclosed to the County Board of Elections before the election. The Commission must file the disclosure received from the County Director of Elections with the financial disclosure record of the elected public employee.

(d) *Prohibition against unapproved employment.* Unless the Commission permits it or subsections (a) and (b) do not apply, a person must not knowingly employ a public employee.

(e) *Prohibition against contingent compensation.* A public employee must not assist or represent a party for contingent compensation in a matter before or involving a County agency except in a judicial or quasi-judicial proceeding. However, a public employee may assist or represent a party for contingent compensation in any matter for which contingent fees are authorized by law. (1990 L.M.C., ch. 21, § 1; 1994 L.M.C., ch. 25, §1; 1997 L.M.C., ch. 37, § 1; 2006 L.M.C., ch. 33, § 1; 2010 L.M.C., ch. 5, § 1.)

**Editor's note**-The above section is cited in FOP, Montgomery County Lodge No. 35 v. Mehrling, 343 Md. 155, 680 A.2d 1052 (1996).

See County Attorney Opinion dated [3/28/06](#) regarding whether steering committee members affiliated with a non-profit may receive and respond to a solicitation issued by the County and the implications under the Ethics law if the member is considered a public employee. See County Attorney Opinion dated [7/8/02](#) describing the extent to which quasi-judicial officials may engage in political activities.