

STATE ETHICS COMMISSION

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employer, and possible implications of the new employer in bidding on State

Disqualification and Prestige

Disqualification from Participation

State employees who plan to leave State service should be aware that certain provisions of the Public Ethics Law (General Provisions, Title 5, Annotated Code of Maryland) apply to constrain their conduct while they continue in their State positions. Section 5-501 prohibits participation in their State activities. The conditions which the State employees are prohibited from engaging in are: (1) the State Ethics Commission's advisory opinions provide some general direction regarding the nature of the future employment.

Post-Employment Provision

Section 5-504(d) of the Public Ethics Law prohibits a former official or employee from assisting or representing in any way a party other than the State in a matter involving the State if the matter is one in which the individual participated significantly as a State employee.

¹ Several formal Ethics Commission advisory opinions provide some general direction regarding the nature of the

constraints established by this section of the Public Ethics Law. (See, for example, Opinion Nos. 07-1, 91-2, 89-11, 85-9, 82-24 and 82-17). This section of the law does not bar employment with an entity involved in matters relating to a former agency or an individual's appearance before the agency, rather it looks to identification of particular matters in which the individual had significant involvement in the context of his or her State employment and forbids assistance or participation as to those matters on behalf of another party. There is no time limit on this prohibition.

The purposes of § 5-504(d) are: 1) to avoid the appearance of "switching sides" and thereby providing another party the special knowledge acquired in the context of one's State employment; and 2) preventing the use of prior involvement to benefit the employee or another. Application of this prohibition relies on specific facts to determine whether the matter is the same matter and whether the person's participation while a State employee was significant.

The Commission generally has viewed participation in a matter as a State employee as including more than theoretical final authority or responsibility for a matter. Facts demonstrTxcceing persalsperv2(hi)-2(s).1(i)-2((d i)-2a6(.))TJ 0 Tc 0 9.58.66 0 Td ()Tj -0.02 Tc0.004 Tw 7w 3 0 Td4(m)-2(a)4(t)-2

