

**BARRY GLASSMAN**  
HARFORD COUNTY EXECUTIVE

**BILLY BONIFACE**  
DIRECTOR OF ADMINISTRATION



**MELISSA LAMBERT**  
COUNTY ATTORNEY

Opinion 17-01

### **HARFORD COUNTY BOARD OF ETHICS**

The Harford County Board of Ethics is in receipt of the September 26, 2017 letter submitted by you, requesting an advisory opinion as to whether an EMS provider currently working part-time for the Harford County EMS Foundation (Foundation) could continue their part-time employment with the Foundation should this individual be hired by the Harford County Department of Emergency Services as a County paramedic.

The Board of Ethics has considered your request and based on the facts presented finds that continuing the secondary employment with the Foundation after becoming a County paramedic would be a violation of the Harford County Public Ethics Law.

The Harford County Public Ethics Law Section 23-5 D regulates secondary employment. Section 23-5 D (1) prohibits an employee from being employed by an entity that is subject to the authority of the employee's agency or if the entity is negotiating or has entered a contract with the employee's agency.

You informed the Board that the Foundation assists the Harford County Volunteer Fire Companies by providing EMS services in the County. Although you state there is no formal contract, the Department of Emergency Services provides operational funding to the Foundation. The Board finds, even without a written contract, that the fact the Department of Emergency Services provides substantial operational funding to the Foundation constitutes a contract and that therefore the provision of Section 23-5 D (1)(a)(2) is applicable.

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THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST

The Foundation and its EMS providers are subject to the County's Emergency Medical Services Operational Authority (EMSOP). Because it is subject to the County's EMSOP means that the County's Medical Director and the Director of the Department of Emergency Services have the responsibility to review all medical procedures performed by Foundation EMS providers. While the County's Medical Director and the Director of Emergency Services may not have the ability to fire Foundation EMS providers, the Medical Director and the Director have the authority to report to the State any Foundation EMS provider that fails to follow proper medical procedures. Given the authority of the Medical Director and Director for reviewing all medical procedures performed by Foundation EMS providers, the Board finds that Foundation EMS providers are subject to the authority of the County Medical Director and the Director of the Department of Emergency Services and therefore Section 23-5 D(1)(a)(1) is applicable.

The Board finds that secondary employment with the Foundation by employees of the Department of Emergency Services would be a violation of Section 23-5 D (1) of the Harford County Ethics Law. Pursuant to Section 23-5 D(1) of the Harford County Ethics Law you requested that should the Board find a conflict, that the Board consider adopting a regulation to allow the secondary employment with the Foundation. After deliberation, the Board has decided to deny your request for a regulation to allow this secondary employment due to the Board's conclusion that there is no procedure that the Board could implement that would overcome this direct conflict of interest.

For the Board:



Betsy Campion  
Board Member