



Montgomery County Government

OFFICE OF THE COUNTY ATTORNEY

Executive Office Building
101 Monroe Street, 3rd Floor
Rockville, Maryland 20850-2589

TELEPHONE
301/217-2600
FAX 301/217-2662
TDD 301/217-2499

April 18, 1991

RECEIVED
APR 23 1991

MILLER, MILLER & GANDY

Jody S. Kline, Esquire
Miller, Miller & Canby
200-B Monroe Street
Rockville, MD 20850

RE: Proposed Golf Course - WSSC Property, Riffleford Road, Germantown

Dear Mr. Kline:

I have received your recent letter requesting this office to confirm that the proposed golf course facilities are "public" such that they would not need to go through the subdivision or platting process.

This office has recently completed a review of its policy on responding to requests for legal advice from sources outside of the County government. Section 213 of the Montgomery County Charter provides that the County Attorney is the chief legal officer of the County government. Section 213 specifically provides that the County Attorney shall be:

". . . the legal adviser to the county executive, all departments, and other instrumentalities of the county government. . . . The county attorney and the staff of the office shall engage in no other law practice."

In light of the provisions of the County Charter, Section 213, I believe it is inappropriate for the County Attorney's Office to respond to requests for legal advice from a source outside of the County government. I also note that the Office of the Attorney General for Maryland follows a similar policy.

Jody S. Kline
April 18, 1991
Page 2

Accordingly, this office must decline to respond to your request for legal advice. Of course, if this request were to be submitted by a County agency, then under the Charter, the County Attorney's Office would give its opinion on the issue.

Sincerely,

A handwritten signature in cursive script that reads "Joyce R. Stern". The signature is written in dark ink and is positioned above the typed name.

Joyce R. Stern
County Attorney

JRS:pae
0202.AKH:91.02828

cc Joe Davis, M-NCPPC