

Ethics Update

A newsletter from the Anne Arundel County Ethics Commission

December 2006, Issue 37

The only people you should try to get even with are those who have helped you.

- *Anonymous*

A NOTE TO ALL DEPARTING EMPLOYEES

As the new administration rolls in, a number of upper level employees and volunteers will be leaving county service. If you are one of them, please remember that according to the ethics law, if you file financial disclosure statements, you must file a final disclosure statement within 60 days after the effective date of your termination. Forms are available online, or you may contact the commission office for more information.

The ethics commission thanks you for your service to the county and wishes you the best of luck in the future.

TEN IMPORTANT ETHICAL TIPS FOR THE HOLIDAYS

1. It is better to give than receive. Giving gifts is fine as far as the ethics law is concerned, but if you are giving a gift to your boss, be considerate and make sure that the gift is of nominal value. Otherwise, you put the intended recipient in the awkward position of having to say "No thanks."

2. A gift to you that is a business tax deduction for the donor is probably not a "personal" gift and accepting it may be prohibited by the ethics law. Please check with the ethics commission before accepting a holiday turkey, a gift card, a box of chocolate, or any other gift from a controlled donor, particularly if there is some kind of dispute, litigation, or

other matter pending between the donor and the county.

3. An "*anonymous*" gift to a county employee or employees *may not be accepted*, regardless of its value. Anonymous gifts that cannot be returned should be forwarded to the administration for use in a manner that will benefit county citizens or otherwise promote the county's public purposes or programs.

4. An appropriate thank you note for a holiday gift received from a "controlled" or prohibited donor would be, "Dear -----, Thanks for the gift but please do not send another one next year. The county ethics law discourages, and in most cases, prohibits the receipt of gifts by county employees from donors who do business with the county. You wouldn't want me to violate our ethics law or engage in unethical conduct, would you?"

5. Holding a modest holiday party with co-workers in the office is an incidental use of county resources and does not violate the ethics law.

6. Gifts of nominal value may be exchanged among co-workers as long as they are neither coerced, nor solicited by supervisors.

7. While you should feel free to give to charities that collect during the holidays- angel trees, toys for kids, food banks- keep your donations personal and don't solicit from your co-workers at work or during work hours. Don't mix personal interests with official responsibilities.

8. Remember that *you serve* the citizens of the county and *not vice versa*. Don't ask for, encourage, or expect the citizens of the county to reward you for the services you provide. Accepting a gift, no matter

how modest, actually encourages the donor to give gifts again. If you would like advice on how to deal with any particular gift, contact the ethics commission.

9. Bake cookies to bring to the office- don't ask your co-workers to buy cookies as part of your child's fundraiser.

10. Enjoy the holidays!

THE UNITED WAY CAMPAIGN

And while we're on the subject of giving, it is appropriate to review the question that is most often asked in ethics training- "if county employees can't ask for gifts, how come we get told that we have to give to United Way?"

The answer is that the *county may solicit* gifts from employees when the gifts will *benefit the citizens* of the county or will be used to *promote the county's public purposes or programs*.

The administration- the county executive- is the only proper authority to determine the charities that the county will support. It is not acceptable for a department head, or any other county employee for that matter, to determine that a county department will support or endorse a specific organization.

On the other hand, the *county may not coerce* county employees to contribute to United Way, or to any other charitable organization. To help ensure that donations are not coerced, United Way solicitations within each department should be handled by non-supervisory personnel.

The ethics commission has concluded that coercion by a

supervisor constitutes the intentional use of the prestige of office or public position for the improper gain of another. If you believe that you were pressured into making a contribution to the United Way campaign, please call the ethics commission.

A government is the only known vessel that leaks from the top.

- James Reston

RECENT OPINIONS

Summaries of opinions issued since the last *Ethics Update* follow: Do not rely on any summary for guidance.

IO-06-62: A private corporation affiliated with the county may accept an unsolicited donation that is designed to promote the mission of the corporation and that will not provide a personal benefit to any county employees or other people subject to the ethics law.

IO-06-76: County council members who won their primary elections are not absolutely prohibited from accepting invitations from Comcast to speak on cable television about the political issues in the campaign.

IO-06-78: The determination of whether free county office space may be provided to a private entity is more properly a question for the administration. The ethics commission does advise that possible ethics issues may arise in the entity's use of county resources and these issues should be resolved in any lease agreement.

IO-06-79: An employee may display political advertising on a personal vehicle that is parked in a county parking lot during work hours.

Full opinions are available at:
<http://www.aacounty.org/Ethics/indexOpinions.cfm>

ANSWER TO THE LAST TEST

In an out of state jurisdiction, probable cause for finding an ethics violation was found where a county commissioner voted on grant applications written by the commissioner's spouse on behalf of a town in that county. The commissioner voted on three of the six grant applications that were written by the spouse. The spouse received a \$15,000 bonus from the town for obtaining all six grants for which applications were filed. The applicable law prohibits a commissioner from voting on anything that results in a "special private gain" to the commissioner or a family member. Which of the following statements are true?

- Finding probable cause doesn't mean that the commissioner is guilty of anything. **True.**
- The law was not broken because the bonus was based on all six grants being approved, and the commissioner only voted on three. **False.**
- The commissioner did nothing wrong. **False.**
- If found to have violated the law, the commissioner could be removed from office and fined up to \$10,000. These sanctions would be excessive. **Maybe true, maybe false.**

Our prizewinner for this question is Christina Gleason. Congrats.

AND NOW, ANOTHER TEST

1. How many American workers, responding to a study conducted by a legal research firm, said that they would choose an ethical workplace even if it meant a lower paycheck? (Choose one.)

- 5%
- 10%
- 50%
- 80%

2. How many of the same workers said that they have witnessed unethical or illegal activities in the work place?

- 10%
- 25%
- 45%
- 75%

3. Of the workers who left a job because of poor ethical values or dishonest behavior, what did the majority say was the main problem?

- Pressure to engage in illegal conduct
- Pressure to compromise values
- Pressure to forego vacation time

Let us know what you think. If you answer all three questions correctly, you win a really neat prize.

HOW TO RECEIVE PRINTED COPIES OF THE *ETHICS UPDATE*

Printed copies of the *Ethics Update* are available, upon request, if you want to hang them on your bulletin boards, or distribute them to employees. The ethics commission wants to ensure that all employees, including those without access to a computer, have access to this information.

ETHICS TRAINING

Each session begins at 9:00 a.m., ends at noon and includes a 20-minute video.

Training can also be scheduled for your own group at your own work location. Just call to arrange it.

Upcoming classes are scheduled as follows:

Wednesday, January 10, 2007
Wednesday, February 28, 2007
Wednesday, March 14, 2007