

Ethics Update

A newsletter from the Anne Arundel County Ethics Commission

December 2007, Issue 41

A good conscience is a continual Christmas.

— Benjamin Franklin

THE ALMOST ANNUAL LIST OF HOLIDAY GIFT “DO’S AND DON’TS”

The ethics law, which establishes “*minimum standards*,” permits employees to accept gifts of nominal value from controlled donors in limited circumstances.

Contrary to popular opinion, “nominal value” does not mean “anything under \$25”. According to Daniel Webster, the word “nominal” means “**existing in name only and not in reality**” and “**trifling**.” This definition suggests that in terms of monetary value, nominal means slightly more than \$0. The ethics commission set \$25 as the *maximum* value of a gift that may be accepted by an employee without triggering enforcement proceedings.

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

Three reasons why controlled donors give county employees gifts during the holidays (and

reasons why you should not accept them):

- ☉ Giving you a gift is good business for the donor.
- ☉ Giving you a gift will help ensure that you answer the donor’s phone calls.
- ☉ Giving you a gift will be a tax deduction for the donor.

Tips for handling gifts:

1. If you are a supervisor, discuss the gift rules with your employees and encourage them to let you know when gifts are offered by or accepted from controlled donors.
2. Use available opportunities to advise the people who do business with, or are regulated by your office that the county ethics laws limit gifts to employees and that you would appreciate their efforts to help employees comply with these limits.

Many will entreat the favour of the prince: and every man is a friend to him that giveth gifts.

Hebrew Proverbs 19:6

3. When you send a thank-you card or e-mail, acknowledging a gift from a controlled donor, request the donor to refrain from sending gifts in the future.

4. Place fruit baskets and other gifts of perishable food in your reception area so that everybody, including members of the public may share. Make sure to leave the

card in the gift so that everybody knows who sent the gift.

Most of the people who give gifts to employees are controlled donors. These are NOT personal gifts. The donor will NOT be offended if you decline to accept the gift. In fact, most controlled donors will respect you more for declining the gift than for accepting it.

In order to avoid accepting prohibited gifts from controlled donors, you need to know who is considered a controlled donor. . .

A **controlled donor** is any person or entity:

- * doing business with, or seeking to do business with the county;
- * engaging in an activity that is regulated or controlled by the employee’s department, office, board, commission, or agency;
- * having a financial interest that may be affected by the performance or nonperformance of an employee’s official duties; or
- * lobbying with respect to matters within the employee’s jurisdiction.

Remember, while the ethics law permits you to accept a gift of nominal value- it doesn’t require you to do so.

AND SPEAKING OF GIFTS. . .

The first three people to correctly identify the person who made the statement that appears at the end of this *Ethics Update* will receive a

genuine ethics commission coffee mug. And yes, you may accept it.

SUMMARY OF RECENT OPINIONS

Summaries of opinions issued since the last *Ethics Update* follow. Do not rely on a summary for guidance. Full opinions are available at:

<http://www.aacounty.org/Ethics/indexOpinions.cfm>

AO-07-67: A county council member may elect to participate in legislation that will affect the agency that employs the member's spouse in the absence of an actual or presumed conflict of interest.

AO-07-71: A council member may participate in legislative action on a bill that would require applicants for certain permits to pay a fee to be applied to storm water management and restoration even though the council member is a permit applicant, since current and future applicants comprise a large class of the general public.

AO-07-74: A department may not participate as a vendor in an event sponsored by a private entity and for reasons set forth in AO-07-42, may not permit the private entity to use county facilities to hold this event.

AO-07-76: A council member may participate in legislative action on a bill affecting zoning for certain liquor licenses where the council member's liquor license will not be affected.

AO-07-77: A gift card worth \$100 given to department employees by a vendor is a gift to the county, to be accepted and disposed of according to the county's

published administrative procedures.

AO-07-78: A council member whose spouse works for the health department may generally participate in legislation affecting the health department as long as the member's spouse does not have an interest in the legislation.

AO-07-80: A council member who is a veteran may participate in legislation concerning veteran's preferences in hiring for county jobs, because the member is not currently looking for a county job and is unlikely to be looking for a job in the foreseeable future.

A lovely thing about Christmas is that it's compulsory, like a thunderstorm, and we all go through it together.
- Garrison Keillor

AO-07-87: A council member who is prohibited from participating in legislation may still preside over council meetings when acting in an administrative capacity, but may not draft, sponsor, or introduce that legislation. (This opinion also summarizes a number of earlier opinions and reiterates previous advice given by the ethics commission concerning participation by council members in legislative action where family members have an interest.)

AO-07-90: An employee in the auditor's office may sit on the board of a non-profit organization that has requested a grant from the county. The ethics law does prohibit the employee from using the job title, targeting controlled donors in any fundraising activities, assisting the entity

before any county agency or employee, or participating in any county job duties that may affect the entity.

ETHICS TRAINING

Have you ever wondered:

- * May I accept an anonymous gift?
- * Do I have to get permission to accept a second job?
- * Can I give advice about how to get through the county bureaucracy to my homeowner's association?
- * Does the ethics law really have anything to do with me?

If you haven't ever wondered about these questions, you should. And if you have wondered about these or other ethics related questions, you should attend ethics training.

Each session begins at 9:00 a.m., ends by noon and includes a 20-minute video. Training may also be scheduled for your own group at your own work location. Just call to arrange it.

Upcoming sessions are:

Friday,	Dec.	7
Wednesday,	Jan.	16
Wednesday,	Feb	13
Wednesday,	March	12
Wednesday,	March	19
Wednesday,	April	16

Peace can endure only so long as humanity really insists upon it, and is willing to work for it and sacrifice for it. Twenty-five years ago American fighting men looked to the statesmen of the world to finish the work of peace for which they fought and suffered; we failed them, we failed them then, we cannot fail them again and expect the world to survive again.

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