

Ethics Update

A newsletter from the Anne Arundel County Ethics Commission

February 2009, Issue 46

However long we are keepers of the public trust we should never forget that we are here as public servants and public service is a privilege. It's not about advantaging yourself. It's not about advancing your friends or your corporate clients. It's not about advancing an ideological agenda or the special interests of any organization. Public service is, simply and absolutely, about advancing the interests of Americans.

- President Barack Obama

GETTING TO KNOW THE ETHICS LAW:

• DOOR PRIZES and RAFFLES

Have you ever been to a crab feast or a bull roast where you purchased a raffle ticket, or a chance to win a door prize? Well, if you are attending the event as the invited guest of a person who does business with your agency, any prize that you win (in excess of \$25 in value) rightfully belongs to the county.

Have you ever attended a truck rodeo or gone to a restaurant where you threw your county business card into a fishbowl hoping to win a prize? If you win a prize (in excess of \$25 in value), the prize rightfully belongs to the county.

Even if you paid to attend these events, any prize you win (in excess of \$25) that is donated by a "controlled donor" or that you win by using your county business card, must either be declined, or turned over to the county.

Why? There are a couple of reasons:

- A gift from a controlled donor may not be accepted if its value exceeds \$25. If the donor of the prize does business with, is regulated by, or is a lobbyist with your agency, you may not accept the gift.
- You may not accept gratuities - in excess of \$25 in value - that are offered to you because of your county position. If you use your county business card, or are invited to a "guests only" event because of your county position, any personal gain to you is the result of the prestige of your office or position. The ethics law prohibits an employee from benefiting personally because of the prestige of the employee's position.

On the other hand, if you are at the mall one day, and a controlled donor is there, selling raffle tickets to the general public for the chance to win a car, a trip to Australia, or the Hope Diamond, you may keep any prize you are lucky enough to win. Why? The answer is that when a chance to win a prize is offered to the public at large, there is no reason to believe that you are being singled out or rewarded because of your county position.

• TICKETS AND FREE ADMISSION

One of the exceptions to the gift prohibitions of the ethics law permits **certain** employees to accept tickets or free admission to **charitable, cultural, or political events** from the person conducting

or sponsoring the event - even if that person is a controlled donor.

Before you get all excited and start planning your next outing to see the Ravens, courtesy of one of your department's vendors, look at the key words in the first sentence.

Certain employees: Only elected officials- the county executive and the members of the county council- may accept tickets or free admission. Do you know why this exception is permitted?

The ethics law permits these types of gifts "as a courtesy or ceremony to the office."

The reason for this exception may be to encourage elected officials to go to public events where they will represent the county in an official capacity. Even though the officials may be having a good time, and even if it's a campaigning opportunity, it's still work-related. Since they will be "on the job," elected officials should not have to pay to attend these events.

Charitable, cultural, or political events: These are the only events for which elected officials may accept tickets or free admission. Sports events are expressly **not** included as an exception to the gift prohibitions.

• TRAVEL EXPENSES

County employees may accept expenses for travel, lodging, meals and scheduled entertainment from "controlled donors" only when:

- the expenses are **reasonable**;
- the travel is for a meeting, conference or similar event; and
- the employee is a **featured** speaker or participant.

If the controlled donor paying for the travel is a lobbyist, and if the expenses exceed \$500 (which they almost always do), the employee must notify the ethics commission prior to attending the meeting or conference.

Reasonable expenses mean that you shouldn't pack your bags to go to a week's conference in Aruba, Athens, or Mexico City. It would be unusual for the ethics commission to conclude that expenses covering travel to wonderful and exotic locations would be reasonable for a government employee. After all, what's wrong with Weirton, West Virginia, Steubenville, Ohio or Strasburg, Pennsylvania?

Transparency and the rule of law will be the touchstones of this administration.

- Barack Obama, 44th President of the United States of America

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-08-85: A county employee may not be a subcontractor on a contract with the county since the ethics law, §7-5-104(a), prohibits a

county employee from assisting or representing a person (or entity) in any matter "in which the County has an interest." As a party to a contract, the county will have a legal interest in the matter.

AO-08-88: A county council member may serve on the board of directors of Leadership Anne Arundel, Inc., subject to specifically enumerated limitations imposed by the ethics law and described in the opinion.

We have to seize this moment and enact meaningful ethics reform. After all we've been through, we cannot expect the people just instinctively to trust their government. We can't just pay lip service to the need for ethics reform and expect them to go along.

*Governor Rod Blagojevich,
Illinois, June 2003*

ETHICS TRAINING

Fight off the late-Winter blues by signing up for ethics training. Spend a couple of hours relaxing your feet- but not your brain – meeting and talking with fellow county employees. It's a great opportunity to put faces to names-- you know, the people whose names you always see on e-mails-- and to discuss everything ethical.

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 training sessions will be held on:

Wednesday, March 11

Friday, March 20
Wednesday, April 15
Friday, April 24
Wednesday, May 6
Wednesday, May 27
Wednesday, June 10

POLICE SECONDARY EMPLOYMENT

By letter dated December 29, 2008, the county attorney requested the State Ethics Commission to reconsider its determination that Bill 59-07 was not "similar" to the state ethics law and was therefore not acceptable. The county attorney stated that in his opinion, the bill, having been legally enacted, was valid and binding. For this reason, the county attorney concluded, police officers would continue to engage in secondary employment in establishments serving or selling alcohol and in bingo establishments, subject to the approval of police chief.

To our knowledge, as of the publication of this issue of the *Ethics Update*, the State Ethics Commission has not responded to the county attorney's letter.

WHAT'S NEW ON OUR WEBSITE

Now you no longer have to browse the newspaper to find out the date of the next meeting of the ethics commission. A calendar of meetings is now available on the website at: www.aacounty.org/ethics

Also new, the commission is now putting approved meeting minutes on the website.

And last but not least, the **2008 Annual Report** is now available on the website.