

Anne Arundel County Ethics Commission

Advisory Opinion 96-103

By letter dated March 27, 1996, you have requested an opinion concerning the applicability of the Anne Arundel County Ethics Law to some aspects of a proposed "County Employee Golf Outing" to be held on Friday, June 7, at the Eisenhower Golf Course. In connection with your request you have provided the following information.

The golf outing idea was proposed by a group of County employees. Employees who want to participate will be on their own time, using leave as necessary. A few volunteers may be asked to assist with the logistics of preparing food, keeping scores, etc. The group proposes to charge a nominal fee (about \$50 per golfer) to participate. In order to defray some of the cost, the group would sell tee signs to area businesses or other groups as advertising. The group also plans to solicit sponsorships from various businesses who may do business with the County. The net proceeds from the event will be donated to a local charity or non-profit organization in the name of "Anne Arundel County Employees." The donee has not yet been selected.

While you have described the event as a proposal initiated by a group of employees, the letterhead for the event which you used for your letter, uses the County seal and lists the County Executive as Honorary Chairman. This gives the strong impression that this event is intimately connected with and is endorsed by the County government. Therefore, County employees seeking contributions for this event are likely to be perceived as soliciting for funds in their official capacities.

Sections 3-106 and 3-104 of the Anne Arundel County Ethics Law are most relevant to your inquiry. Section 3-106 prohibits an employee from "soliciting any gift." A gift is defined in Section 101-1 as "something of value that is given, regardless of form, without adequate and lawful consideration." Section 3-104 prohibits an employee from using "the prestige, title or authority of the employee's office or position for the employee's gain or the gain of another.

Section 3-106, the prohibition on solicitation, without doubt has some limits. That is, it would not reach activity which an employee engages in that is purely personal, with no relation to County employment or County interests. However, as noted above, this activity is clearly related to County employment and has the imprimatur of the County. Accordingly, the Commission has concluded that Section 3-106 would prohibit employees from soliciting sponsorships or "gifts" of any kind, including payment for tee signs, in connection with the proposed "County Employees Golf Outing," from anyone, not only entities which may do business with the County.

Moreover, as this event appears to be so intimately related with the County and County employment would be an element of the solicitation, the Commission has concluded that the prohibition of Section 3-104 is also applicable. County employees cannot use their employment in any way to benefit themselves or another.

Although the Commission does not believe that the plan as described would comport with the Anne Arundel County Ethics Law, this does not mean that employees cannot participate in charity events. So long as the event is unrelated to the County, that is, the event is neither sponsored by nor appears to be sponsored by the County, and an individual's County employment is not used in any way in connection with solicitations, County employees may participate fully in charity fundraising events.

If you have any further questions with regard to this matter, the Commission will be pleased to address them.