

## MEMORANDUM

**FROM:** Betsy K. Dawson, Executive Director

**DATE:** February 12, 1997

**RE:** IO-97-18

You inquired whether certain county employees could accept a free ticket to the annual bull and oyster roast sponsored by the Utilities Contractors of Maryland. You stated that in addition to the food, the sponsoring company provides door prizes, ranging from items worth five dollars to large items, such as snowblowers and color televisions. The bull roast is held at Martin's West. In the past, the tickets have been sent or offered to about fifteen to twenty county employees, such as the inspectors and the underground installers and laborers. You are not aware of free tickets being given in the past to any of the buyers in the purchasing department. You indicated that the Utilities Contractors of Maryland is an umbrella organization representing many, if not all of the underground contractors in Maryland.

The Ethics Law, §3-106, prohibits county employees from receiving gifts from any person (this would include any organization or entity) who:

1. is doing or seeking to do business of any kind with the County;
2. is engaged in activities that are regulated or controlled by the County;
3. has financial interests that may be affected, in a manner distinguishable from the public generally, by the performance or non-performance of any official duty of the employee; or
4. is a lobbyist with respect to matters within the jurisdiction of the employee.

This prohibition would apply to a bull roast given by an organization whose members seek to do business with the county, are engaged in regulated activities, have interests that could be affected by the official actions of some of the invited employees (e.g. the inspectors), or may be lobbyists with the county (e.g. BGE).

However, the law also provides some exceptions to this blanket prohibition. Section 3-106(c) states that,

Unless a gift of any of the following would tend to impair the impartiality and independence of judgment of the recipient employee, or give the appearance of doing so because of the gift's regularity, frequency, or value, or the recipient employee believes, or has reason to believe, that the gift is designed to do so, [the

prohibitions do] not apply to:

- (1) occasional meals and beverages of modest value;
- (2) ceremonial gifts or awards that have insignificant monetary value;
- (3) unsolicited gifts of nominal value or trivial items of informational value;

...

(There are several other exceptions which are not relevant to your inquiry). One ticket to an annual crab feast, which you have indicated is valued at about \$25.00 would probably be acceptable under the exception for "occasional meals and beverages of modest value" as long as your acceptance of the gift would not tend to impair your independent judgment. Since your particular position in the county does not require you to choose or recommend particular vendors or contractors, you could accept this annual gift. Other workers who are not involved in the contract or inspection process with these vendors and contractors could also accept a ticket. However, inspectors, buyers and other employees who may make decisions with regard to the choice or adequacy of the services provided by the members of this organization, could be impaired, or could *appear* to be impaired by accepting such a gift. There is no prohibition against any employee purchasing a ticket and attending the bull roast as a paying participant.

Finally, it would be inappropriate to accept as a doorprize any item with more than a nominal value (twenty-five dollars).<sup>1</sup> This prohibition would extend to all county employees who attend the bull roast, whether as paying customers, or as guests.

This response will be treated by the Commission as confidential to the extent that your name, title and job description will not be disclosed. The general information and conclusions may be available to others for their information, but any particulars which may tend to identify you, directly or indirectly, will be concealed.

Thank you for your inquiry. If you have any further questions, please do not hesitate to call me.

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<sup>1</sup> The "nominal" value of \$25.00 pertains to doorprize gifts only. Individual gifts to specific recipients may have a lower nominal value.