

Anne Arundel County Ethics Commission

Advisory Opinion AO-98-13

Issue

Whether a county employee may accept payment of travel expenses from a county contractor to attend and participate in a round table discussion held by the contractor to educate its sales staff.

Background

The Deputy Director for Utilities Operations was invited to attend a round table discussion held by a business entity to educate and benefit its national sales staff. The business entity has had an ongoing contract with the county to provide and service flow meters for monitoring sewage flows. The contract with the county has existed for approximately ten years and according to the Deputy Director, this contractor is the only one available to service and maintain its own equipment. Therefore, the Deputy Director believes that the contract between the county and this particular business entity will continue for some indefinite period of time.

The contractor's representative who extended the invitation to the Deputy Director was at one time, a county employee himself, and he has known the Deputy Director for many years. He believes that the Deputy Director's expertise in the field would be an asset in the planned round table discussion that is going to be held as an educational experience for the company's national sales staff. There will be other non-company professionals attending and participating in the discussion as well. The contractor has offered to pay for air transportation, lodging, and meals, but there is to be no compensation paid to the employee for his presentation to the sales staff. The meeting will be held on the weekend and will not involve the use of the employee's county time.

Discussion

Section 3-106(b) generally prohibits a county employee from accepting a gift from a person doing business with the county. The contractor in this case certainly falls within that category. However, certain enumerated gifts are permitted, provided that the gift does not appear, and is not intended to impair the impartial or independent judgment of the recipient employee.

One permitted exception, in §3-106(b)(4), is for:

reasonable expenses for food, travel, lodging, and scheduled entertainment of the employee for a meeting, conference, or other function, if the expenses are paid in return for the employees' participation in:

- (i) a panel or speaking engagement at the meeting; . . .

This exception describes the activity planned for the Deputy Director, and therefore, unless the gift appears to impair, or is designed to impair the employee's impartiality, it would be permissible to accept the gift. The State Ethics Commission has also permitted acceptance of reasonable travel expenses in similar circumstances. See Opinions 81-23, 81-46, 94-6. COMAR, 19A.

The nature of the meeting is to provide the contractor's national sales staff with a better understanding of the systems that use the flow meters sold and serviced by the contractor. Since the county has already purchased the equipment from the contractor, it is unlikely that a meeting with sales representatives would have any impact on the Deputy Director's decisions. Rather, the county employee is more likely to have a significant impact on the contractor's representatives. Because the round table discussion is intended to educate and is not a marketing effort, it does not appear to be designed to influence or impair judgment of the county employee.

Conclusion

The contractor's offer of a gift of reasonable travel expenses to the county employee to participate in an educational meeting does not create an appearance of improper influence. Because the purpose of the meeting is to educate the contractor's staff, the gift is clearly not designed to adversely affect the employee's judgment. Therefore, the Commission concludes that the gift is acceptable as an exception under §3-106(b)(4)(i) to the general prohibition on the receipt of gifts. This conclusion assumes that the travel expenses will be reasonable and used strictly for the purpose stated.

January 23, 1998

By: The Anne Arundel County Ethics Commission