

Anne Arundel County Ethics Commission

Advisory Opinion

98 - 84

Issues:

1. Whether park rangers employed in the Department of Recreation and Parks may accept a monetary gift from a bank for assisting in the apprehension of bank robbers, without violating the gift prohibitions of §3-106.

2. Whether, if acceptance of the gift by the rangers is not permissible, the gift can be accepted by the county for charitable purposes.

Background:

Two park rangers, employed by the Department of Recreation and Parks, were chasing a vehicle that was driving illegally on park property. They pursued the vehicle off the park property and assisted the police in apprehending the vehicle's driver and passenger. As it turned out, the pair had robbed a bank. The bank would like to reward each of the park rangers with a gift of \$500.

Discussion:

The Public Ethics Law, §3-106, prohibits county employees from accepting gifts offered by people or entities that do or seek to do business with the county, are engaged in activities that are controlled or regulated by the county, have financial interests that may be significantly affected by the performance of the official duties of the employee, or are lobbyists. The purpose of this provision is to ensure that decisions made by county employees with respect to these "controlled donors" are made without improper influences, such as the expectation of financial gain.

The first issue to be resolved in this instance, is whether the bank offering the gift is a "controlled donor" so as to trigger the prohibitions of §3-106. If the bank is a controlled donor, the gift may not be accepted unless it falls within certain narrowly defined exceptions to the prohibition. If the bank is not a controlled donor, the gift can be accepted by the employees.

The fact that the bank may do significant business with the county is not dispositive in the present case, because the business that it conducts with the county is unlikely to have either any direct impact upon, or input from the department of recreation and parks. There is no regular official contact between this type of private entity and the park rangers. The occasion giving rise to the offer of a monetary reward was totally fortuitous and, since the apprehension of suspected criminals is not within the normal duties of the park rangers, it is improbable that these circumstances would ever occur again. The offer of this gift is unlikely to lead to any

opportunity of favoritism or other improper influences in the relationship between the bank and the county, if such a relationship exists.

Conclusion:

Since the bank is not subject to regulation by the county, does not lobby the department of recreation and parks, and cannot benefit financially by the performance of the official duties of the park rangers, the only criteria applicable in determining whether the bank is a prohibited donor, is the determination that the bank is "doing or seeking to do business of any kind with the County". The Commission concludes that in this particular situation, even if the bank offering the gift does business with the county, unless that business is conducted directly with the department employing the park rangers, the bank is not a "controlled donor" with respect to the park rangers. Therefore, the employees may accept the monetary gift from the bank for their extraordinary services.

For the same reason, because the bank is probably not a controlled donor as to the Department of Recreation and Parks, it could choose to present this reward directly to the department, for use in an official agency sponsored program or activity.

Date:

By: the Anne Arundel County Ethics Commission