

September 8, 1999
Re: IO-99-164

You inquired whether county council members could accept a gift from a county employee who is also a founder of the local Scottish Festival. The gift, a scarf or necktie, in the soon to be official county tartan, would be in connection with the administration's introduction of legislation creating an official county tartan. Whether the gift is a personal gift of the employee, or a gift of an organization, it is the gift of a lobbyist who should be registered with the ethics commission. See §1-101(q)(2). Gifts from lobbyists are generally prohibited, unless they are specifically permitted as an exception. In this case, §3-106(c)(2), which permits ceremonial gifts of insignificant monetary value would appear to apply.

However, even a gift that is specifically permitted by exception, cannot be accepted if the gift is designed to impair the impartiality and independent judgment of the recipient. The commission has previously stated that a gift offered while there is currently pending relevant legislation would be a gift designed to impair the impartiality and independent judgment of the recipient.

Therefore, in the present situation, the commission concludes that the gift, although ceremonial in nature and of relatively insignificant monetary value, cannot be accepted. It is offered by a lobbyist involved in pending legislation and is designed to impair the judgments of the legislators. While this conclusion may seem harsh in view of the purely ceremonial nature of this gift and the accompanying legislation, it is a conclusion supported by objective factors. It would be inappropriate for the commission to overlook objections to the gift because of the celebratory and apparently non-controversial nature of the circumstances.

Sincerely,

Betsy K. Dawson
Executive Director