

October 12, 1999
Re: IO-99-181

You inquired whether you and other inspectors in PACE could accept an invitation from an electrical supplier doing business in Anne Arundel County to attend a golf outing that is held to benefit the Make-a-Wish Foundation. The host invited about 144 people, including a few county employees. You described the connection between the host and the employees as being indirect - none of the employees who were invited are involved in electrical inspection. You did indicate that one of the invited employees is the supervisor of all the inspectors.

You advised me that there is no charge to anybody attending the golf outing, and that there will be drinks and beverages served (hot dogs, beer, and other picnic kinds of food). However, everybody who attends is expected to contribute about \$100 dollars to benefit the foundation, by purchasing auction or other items that are featured parts of this event.

The provision of the Public Ethics Law that deals with your inquiry is §3-106, which prohibits county employees from receiving gifts from "controlled donors". In this case, the electrical supplier is a controlled donor because part of his business involves applying for and complying with county-issued permits. Therefore, he is ". . .engaged in activities that are regulated or controlled by the County". §3-106(b)(2).

However, it is my opinion that your participation in the golf outing, which you believe has a value of about \$40 for the golf fees, is not a gift within the definition of §1-101(1)(1). A gift is defined to mean, ". . .something of value that is given, regardless of form, *without adequate and lawful consideration.*" In this case, for your participation in the golf outing, you are expected to contribute \$100 or so to the designated charity. This donation is both adequate and lawful consideration. While the meal may be considered a gift, it appears to be of modest value, and well within the permitted exceptions to the prohibition against the acceptance of gifts. §3-106(c)(1). Unless any of the county employees are currently involved in matters that may affect the business of the host of the golf outing, it is my opinion that the employees may attend the event. I would strongly encourage you to obtain receipts and keep records of the donations you have made to the charitable entity.

I should also advise you that since you made your inquiry this afternoon and requested a response before tomorrow, I have not had the opportunity to review your inquiry with the members of the ethics commission. Therefore, this response, unless and until it is approved by the commission, is not binding upon them.

Thank you for your inquiry. If you have any other questions, call any time.

Sincerely,

Betsy K. Dawson

Executive Director