

December 30, 1999
Re: IO-99-218

You inquired whether there are any ethical issues raised by a gift given in your name to the Children's Hospital. You received a note from the Children's Hospital Foundation, indicating that a gift had been received in your name from a local developer and his family. The amount of the gift was not disclosed. A spokesperson from the foundation indicated that the name of the honoree of the gift is never publicly disclosed, but that the name of the donor usually is published.

The Children's Hospital Foundation is one of the three branches of the Children's National Medical Center in Washington, D.C. The foundation is the fund raising branch of the Medical Center, which also includes the Children's Hospital and the Research Center.

This donation is not a gift made to you for your benefit but is a gift made in your name, in your honor. The gift was made from one party to another without your knowledge, consent, or participation. Your permission was not required for the gift to be given and accepted. Since you indicated that you were quite surprised by this note, I am sure that you did not solicit this gift. Obviously, solicitations of a gift of this sort would not be permitted by the Public Ethics Law, §3-106(a).

Your inquiry does not present any ethical issues that should concern you. Although the gift did not benefit you in any financial way, you may wish to disclose it in your next Financial Disclosure Statement. Although disclosure would not be mandatory in this case, you may wish to make the information public to allay any of your concerns about the private nature of a gift made in your honor by a person doing business with the county. Your response to the donor is solely within your discretion.

Your inquiry raises interesting questions about the lobbying registration laws. The specific question is whether the gift constitutes a communication with any employee in the Legislative or Executive Branch of County government for the purpose of influencing any executive or legislative action, by a person who incurs expenses of \$100 or more for that purpose. Such a communication would require that person to register as a lobbyist. Regardless of the amount of the gift, it would be a stretch to conclude that a note from the hospital foundation to you constitutes the type of communication requiring registration that was intended by the ethics law.

While this gift may very well be intended to "influence legislative action", it appears to be quite legal under the Public Ethics Law.

Thank you for your inquiry. If you have any additional questions, please call anytime.

Sincerely,
Betsy K. Dawson
Executive Director