

April 6, 1999  
Re: IO-99-64

You inquired whether you could attend a three day seminar in Elkton, Maryland that is being hosted by W.L. Gore and Associates. The title of the seminar is "*Safety, Performance and Value in Protective Fire Fighting Fabrics*". The county fire department will pay the costs of the transportation but Gore will host the seminar at its own facility and has offered to pay for meals and lodging.

The invitation you received comes from the marketing manager and the letter states that ". . . this is not a sales seminar. We do not fabricate garments or any other finished items for fire fighting personnel, and as such, cannot and will not sell you anything. We only wish to enlighten you with factual information and first hand experience regarding Gore products and current/emerging technologies." It is clear from the letter that all of the topics at the seminar are directly related to convincing the attendees of the value of Gore products. Several trademarked products of Gore are referred to by name as subjects for discussion.

The Public Ethics Law, §3-106 permits an employee to accept reasonable expenses for travel, meals and lodging for a conference from a "controlled donor", if the employee will be participating as a speaker at the conference or seminar. Since this seminar is to be conducted by Gore, and since you will not be a speaker, you cannot accept this gift if Gore is a "controlled donor". Under the pertinent provisions of §3-106, Gore would be considered a "controlled donor" if it does business or is seeking to do business with the county, has financial interests that may be materially affected by the performance of the official duty of an employee, or is a lobbyist with respect to matters within the employee's jurisdiction.

The commission believes that Gore falls within all three of these categories. While it is not clear that Gore is a vendor with the county, it is clear that Gore would seriously appreciate the county's purchase of products manufactured with Gore produced materials. While it is not selling these products directly, it is promoting these products on behalf of the ultimate vendor, as well as on its own behalf. If the county fire department decides to purchase products produced with Gore-tex® or other Gore produced fabrics, based on advice or guidance from you, Gore's financial interests will be significantly and materially affected by the performance of your official duties. This seminar is essentially a lobbying and marketing initiative on the part of W.L. Gore @ Associates, Inc. It is important that the fire department's purchasing decisions be impartial and that they appear to be impartial, and not the result of gifts or favoritism.

Therefore, the commission concludes that you may not accept free lodging or meals from the Gore company to attend their seminar. You may attend the seminar, but the county should cover the expenses for your attendance. You may wish to refer to the following opinions issued by the ethics commission, on the same or similar issues raised by your letter: AO-98-24, 98-31, 98-13.

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

Sincerely,

Betsy K. Dawson,  
Executive Director