

## Anne Arundel County Ethics Commission

### Advisory Opinion 00-168

#### Issue:

Whether an employee may accept a door prize worth more than a nominal value from a donor that is subject to the regulation and control of the employee's agency, at an event hosted by the donor, if the employee purchased the ticket to the event.

#### Background Facts:

An trade association holds an annual bull roast for its members and guests. A limited number of tickets to the event are sold, and the organization offers complimentary tickets to some people, including many county employees. The organization is aware that county employees who have been given complimentary tickets may not accept door prizes of more than nominal value from controlled donors. The organization has inquired whether county employees who purchase their own tickets to this event may accept valuable door prizes. The door prizes are awarded to ticket holders by the selection of ticket stubs at random from a large container. At the last annual bull roast, the chances of winning a door prize were roughly one in eight. Although the organization requesting this opinion is not a county employee, the ethics commission decided to issue an advisory opinion pursuant to §1001B(f) of the Anne Arundel County Charter.

#### Discussion:

The ethics commission has previously determined that an organization of members that are controlled donors<sup>1</sup> is a controlled donor itself. Gifts to county employees from controlled donors are generally prohibited by §3-106(b) of the Public Ethics Law, with the specific and very limited exceptions set forth in §3-106(c).

A gift is defined in the ethics law as "something of value that is given, regardless of the

---

<sup>1</sup> The phrase "controlled donor" refers to the types of donors from whom gifts to county employees are restricted. Section 3-106(b) sets forth the categories of controlled donors and includes any person or entity that: 1) is doing or seeking to do business of any kind with the county; 2) is engaged in activities that are regulated or controlled by the county; 3) has financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of any official duty of the employee; or 4) is a lobbyist with respect to matters within the jurisdiction of the employee. Gifts from non-controlled donors are generally not restricted, unless they are offered as a result of the performance of an official duty of the employee. See §3-104(a).

form, without adequate and lawful consideration." §1-101(l). Adequate consideration, in the context of the ethics law, means that the consideration paid is approximately equal to the value received. A ticket that is purchased to a bull roast pays for the food and beverages offered at the bull roast, plus a portion of the costs of renting the hall, printing the tickets, and other costs associated with holding the event. That same ticket does not constitute adequate consideration for a door prize that may be worth a significant amount of money. This conclusion applies particularly where attendees at the event are limited to members, customers of the members, suppliers to the members, subcontractors of the members and other "interested" guests. At an event such as the one described, the door prizes are targeted toward a specific audience. The intended recipients of the door prizes are primarily those people that have an ongoing relationship with the donor.

It is the combination of factors - the lack of adequate consideration, and the limited and targeted recipient pool - that leads the ethics commission to conclude that an employee may not accept a valuable door prize at a bull roast held by a controlled donor or an organization that represents those donors.

If the door prize were being offered at a shopping mall, an arts festival, or other type of event generally open to the public, the adequacy of the consideration would not be an issue. The door prize, regardless of its value, could not be perceived to be targeted for a specific recipient or group of recipients. So, if a automobile company that sells or leases cars to the county, were to offer a car as a door prize drawing at a public event, there could be no perception of a design to impair the judgment of a winning county employee, and no obligation, whether real or imaginary, could be attached to the lucky winner.

**Conclusion:**

The ethics commission advises that a county employee who purchases a ticket to a bull roast held by an entity that is regulated or controlled by the employee's agency may not accept any door prize in excess of a nominal value (\$25.00) at the bull roast. This conclusion is mandated by the legislative policy underlying the public ethics law - to avoid even the appearance of a conflict of interest in the conduct of the county's business.

Date:

By: the Anne Arundel County Ethics Commission