

September 14, 2000

Re: IO-00-139

You inquired whether the fire department may give out the name of a particular locksmith to callers who have been locked out of their vehicles. You stated that the locksmith had requested you to do so. The advantage to your department would be that fire units would not have to respond to these calls, and could therefore be available for other emergencies.

I have enclosed for your information advisory opinion 98-92, which may be useful in your considerations. In summary, the opinion states that in providing the name of a commercial entity, the county must avoid the appearance that it is endorsing the entity. If the caller has access to a telephone book with yellow pages, there would be no reason to offer the name of a locksmith. To do so in this circumstance would appear to be an endorsement of a specific entity. The county's endorsement of a private entity would violate §3-104 of the Public Ethics Law, Article 9 of the Anne Arundel County Code.

In order to avoid the appearance of giving an endorsement, your department should consider the following guidelines.

1. Provide the locksmith's name to callers along with an affirmative statement that the fire department is not endorsing this particular entity.
2. Provide the names of any other locksmiths that request similar treatment, without regard to the cost or quality of the service provided. Although you do not have an obligation to notify other locksmiths that you intend to make this information available, you should have procedures in place to permit the inclusion of other locksmiths if any should come to you. One way to proceed, for example, would be to rotate the names of the locksmiths that request you to provide their names.
3. Refrain from acting as an intermediary between a private entity and a consumer.

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

Sincerely,

Betsy K. Dawson
Executive Director