

April 13, 2000  
Re: IO-00-46

You inquired whether the Sheriff's Office K-9 unit may accept, on behalf of the citizens of the county, a gift valued at approximately \$1,000.00 from a vendor with whom your office does business. Specifically, the vendor, a sign company, supplies the pin striping for the sheriff's department vehicles. The vendor offered to produce informational cards, similar in style to baseball cards, profiling different dogs that work with the K-9 unit, and otherwise providing useful information regarding the sheriff's department. You indicated that the cards would feature the vendor's name and possibly, the vendor's phone number. The cards would be handed out to school children by deputies during school presentations featuring the K-9 unit. You advised that hand-outs such as these cards would make the presentation more interesting.

The ethics commission has determined that this gift is being offered to the people of Anne Arundel County, not to any individual county employee or group of employees. The citizens are the ultimate beneficiary, and the gift is given to promote a valid educational and public safety related goal. For this reason, the prohibitions on the acceptance of gifts, set forth in §3-106(b) of the Public Ethics Law, does not apply to this situation. The commission also believes that it is reasonable for the vendor to include its name and phone number on the card. However, the vendor's information should not be placed so as to convey the impression that the card is primarily designed as an advertisement. Section 3-104(a) of the ethics law prohibits an employee (or a county department for that matter), from using the prestige or authority of the office for the benefit of a third person. The ethics commission has interpreted this provision to mean that county department's may not endorse or sponsor business entities. If the advertising on the cards produced by the vendor is a prominent feature of the cards, it will appear that the sheriff's department is endorsing or promoting this particular vendor.

Section 3-104(a) and §3-106(a) would prohibit the solicitation of this gift by any county employee. Such a solicitation of a county vendor would appear to be coercive. However, you indicated that the idea for this gift was the vendor's exclusively, and was not solicited by any member of the sheriff's department.

For these reasons, the ethics commission has concluded that the sheriff's department may accept this unsolicited gift on behalf of the citizens of the county.

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

Sincerely,

Betsy K. Dawson  
Executive Director