

April 14, 2000
Re: IO-00-51

You inquired whether the police training academy recruit class may accept a gift of liquor for use at its graduation party. You stated that the liquor is being offered by a liquor distributor, in business outside of the county, who is a friend of one of the recruits. In the normal course, liquor is purchased, along with other refreshments, by the recruiting class itself. The party is attended by the recruits and their families.

Under the Public Ethics Law, §3-106(b), county employees are not permitted to accept gifts from: 1) people doing or seeking to do business with the county; 2) people who are engaged in activities that are regulated or controlled by the county; 3) people who have financial interests that may be substantially and materially affected by the performance or nonperformance of any official duty of the recipient employees; or 4) people who are lobbyists with respect to matters within the jurisdiction of the recipient employees .

Liquor sales are generally regulated and controlled by each county's board of license commissioners, with the assistance of the police department and the criminal laws of the state of Maryland. Certainly, if this potential donor engaged in the sale or distribution of liquor in the county, police department employees would not be permitted to accept this gift. The question is whether the prohibition against receiving gifts from regulated businesses is meant to apply to regulated businesses generally, or just those businesses actually operating in this county.

The ethics commission concludes that the prohibition applies only to businesses operating in the county. The intent of the ethics law is to prohibit conflicts between the personal and professional interests of county employees. If the proposed donor sells liquor to county businesses, or has plans to establish a liquor business in the county, that donor would be in a position to impair the impartial and independent judgment of county employees. If however, there is no business done by the donor in this county, there is no opportunity for a conflict to arise. Therefore, unless some connection can be established between this proposed donor and Anne Arundel County, the ethics law would not prohibit the acceptance of this gift.

Thank you for your inquiry. Please call any time if you have additional questions.

Sincerely,

Betsy K. Dawson
Executive Director