

May 9, 2000
Re: IO-00-67

You inquired whether you may accept tickets to the Board of Education sponsored Teacher of the Year Dinner, as a gift from either a local catv franchisee, or a local chamber of commerce. You stated that the tickets were offered to the council member for whom you work, and that -- asked you to attend as -- representative.

Both potential donors are "controlled donors", under §3-106(b). The franchisee is doing business with the county, and is subject to regulation by the county council. The chamber is a registered lobbyist with respect to matters within the jurisdiction of the county council. While gifts from controlled donors are generally prohibited under the ethics law, gifts of tickets to cultural events are a specified exception to the gift prohibition. §3-106(c)(5). However, in this case, the existence of pending contract negotiations between the franchisee donor, and the county council, constitutes an objective factor indicating that the gift is "designed" to impair the impartial and independent judgment of the recipient employee. (In this case, the recipient employee is a member of the county council, since you would be attending as her representative.) A gift that is designed to impair impartial and independent judgment, may not be accepted under any circumstance. See, AO- 99-212.

Therefore, the ethics commission advises that neither the council member for whom you work, nor you personally, may accept these tickets from the cable television franchisee. You may accept them from the chamber of commerce, assuming that there is no legislation or litigation pending between the county and the chamber.

Sincerely,

Betsy K. Dawson