

Anne Arundel County Ethics Commission
Advisory Opinion
01-83

Issue:

Whether a member of the county council may accept an invitation from a private entity, to attend an Orioles game in the skybox that is owned or leased by the entity.

Background:

A private entity doing business in Anne Arundel County, recently invited at least several members of the county council to attend an Orioles game as guests of the entity, in the entity's skybox. The invitation provided a choice of two games on different dates and included the offer of food and beverages. The entity is a corporation that contracts with the county and is engaged in activities that are regulated by the county council and other county departments.

Discussion:

Because of its connections with the county, the entity that has offered the invitation to the Orioles game is a controlled donor under §3-106(b)(1) and (b)(2) of the Public Ethics Law. See, AO-00-168, n. 1. That law generally prohibits county employees, including elected officials from accepting gifts from controlled donors. There are exceptions to this prohibition.

Under §3-106(c)(5), a county council member may accept "gifts of tickets or free admission . . . to attend professional or intercollegiate sporting events or charitable, cultural, or political events, *if the purpose of the gift or free admission is to take part in a ceremony involving the office.* (Emphasis added.) A gift that involves a ceremony of office tends to spotlight representatives of the county and indicates that county officials are interested in the charitable, cultural and sporting events taking place in the community. The ceremony promotes the county and the county government as well as the elected official. The ceremony need not be extensive - it may simply consist of an introduction of the elected official to the rest of the participants. See, AO-99-219, IO-00-116. If for example, the electronic scoreboard at the stadium were to acknowledge the presence of a county elected official at a sporting event, that acknowledgment could conceivably constitute a ceremony involving the office. The introduction of an elected official by the master of ceremonies at a charitable ball would constitute a ceremony of office. A gift of free admission without this ceremony may benefit the donor and the recipient, but its value to the county citizenry is questionable. Unless the gift of free admission is given for the purpose of promoting the county with some type of ceremony of office, it may not be accepted under §3-106(c)(6). There is no other exception in §3-106(c) under which this type of gift is permitted.

Conclusion:

The ethics commission advises that if the gift of free admission to an Orioles game is not given for the purpose of having the council member take part in a legitimate ceremony of office,

the council member may not accept the gift. Even if a ceremony is planned, it must involve all the participants at the event, not only the donor and the donor's guests in the skybox. Finally, even if the gift involves a legitimate ceremony of office, a council member may not accept the gift if it is designed to impair the judgment of the recipient. See, IO-00-67. If for example, the entity is pursuing legislation that would affect its interests, a council member should reasonably conclude that the gift is designed to impair the impartial and independent judgment of the council member.

Date: May 17, 2001

By: The Anne Arundel County Ethics Commission