

October 23, 2001
RE: IO-01-137

You inquired whether you may accept an invitation to attend an office party given by an entity subject to the control of your department, since you would be attending the party as the invited guest of one of the entity's employees. You also inquired whether you may accept free tickets to a football game that are available from the entity to its employees and their guests. Finally, you asked whether you have an affirmative obligation to tell your employer about the close social relationship that you have developed with an employee of the entity. You have stated that you do not interact in any official way with the entity that does business with your agency.

Section 3-106(b) provides that an employee may not generally accept gifts from entities that are regulated or controlled by the county. The entity you describe is not only subject to the control of the county, but is subject to the control of your own agency. Therefore, you may not accept gifts, "directly or indirectly" from this entity unless the gifts are expressly permitted under the exceptions to this provision.

Under §3-106(c)(6), a gift from a controlled donor may be accepted if: the ethics commission finds that acceptance of the gift would not be detrimental to the impartial conduct of the business of the county, and that the gift is purely personal and private in nature. This determination is dependent upon the specific facts of each case. If you have no official responsibilities that may affect this private entity or the interests of your friend in any way, then the acceptance of the gift would not appear to be detrimental to the impartial conduct of the county's business. And since the gift is offered to you not by the entity itself, but by a close personal friend, the gift would appear to be based upon a wholly personal relationship, as opposed to a business relationship. For these reasons, the ethics commission advises that you may accept these two gifts from the close friend who is affiliated with an entity that is subject to the control of your agency.

You should be advised however, that any participation by you in matters involving the interests of your friend or your friend's employer, would create an appearance of impropriety. The ethics law, §3-101(a)(1), prohibits an employee from participating in any matter in which a family member has an interest. Although this friend is not a family member, and participation is not expressly prohibited by the ethics law, the interests of close personal friends may have as much influence as the interests of relatives. The ethics commission advises that you must inform your supervisor or department head of the existence of this relationship, and of your receipt of gifts indirectly from your friend's employer. With this disclosure, you will protect both yourself and your department from any potential conflict of interest or even the appearance of a conflict of interest.

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

Sincerely,

Betsy K. Dawson
Executive Director