

October 24, 2002  
Re: IO-02-134

You inquired whether a council member may accept tickets from Comcast, a controlled donor, to attend an evening concert sponsored by and benefiting the Maryland Therapeutic Riding Association, held at Maryland Hall. The controlled donor received a number of free tickets to this event and provided free public service announcements to promote the event. Two types of tickets are available. The regular admission ticket, at \$32.50 per person, provides admission to the concert. The VIP ticket valued at \$85.00 per person, also provides admission to a dinner reception. You did not indicate which type of ticket was offered to the council member.

Under §3-106(b) of the ethics laws, employees may not accept gifts from controlled donors unless the gifts are expressly permitted under §3-106(c). One exception permits gifts from controlled donors to be accepted if they are of nominal value. According to long-standing precedent, a gift of nominal value may not exceed \$25 per person, or \$50 in the case of an employee and spouse or other partner. However, tickets to charitable and cultural events are treated differently from other gifts. See, IO-02-105. Tickets to these events, which would certainly include the concert about which you inquired, may only be accepted by elected officials if the purpose of the gift is for that official to take part in a ceremony involving the office. The reason for this requirement is that it acknowledges the value in having the elected official present and representing the county at a public event. If there is no ceremony of office involved, the official is receiving a purely personal and private benefit.

Under neither exception of §3-106(c) would acceptance of the tickets be permitted in this case. The value of the gift is more than nominal, and there is apparently no ceremony involving the elected office planned at the event.

Sincerely,

Betsy K. Dawson  
Executive Director