

March 31, 2003

Re: 10-03-23

You inquired whether you may accept a prize you won at a restaurant when you put your business card into a "fishbowl" and it was selected as the winning card. The prize consists of a free lunch for you and 10 coworkers at your work place, during which time you will be given a 15 minute talk on financial planning by the donor of the prize, a financial company.

Acceptance of gifts by county employees is regulated by §3-106, and generally prohibits the acceptance of gifts from controlled donors<sup>1</sup>. However, a prize won in a contest that is open to the public may be accepted even if the donor of the prize is a controlled donor. See, AO-00-168 and Office of Government Ethics Opinion 99 x 7. Because the public is permitted to participate, there is a presumption that the prize is awarded at random, and not targeted toward a person whose official duties may have an impact on the donor.

Section 3-104(a) is also applicable in this inquiry. This section prohibits an employee from using the prestige, title, or authority of the office for the employee's private gain or the gain of another. If you used your county issued business card, you used a county resource which was given to you to assist you in the performance of your official duties. Your business card is part of the prestige and authority of your position with the county, and it may not be used for your personal financial gain. A prize valued over \$25 is a financial gain of sufficient value to trigger the prohibitions of this section. Additionally, the county work place, to which you have access because of the authority of your position, may not be used by a private entity to market its products or services.

Therefore, based on the provisions of §3-104(a), if the value of the lunch exceeds \$25, you may not accept it. If the value does not exceed \$25, you may accept the lunch, but the financial entity may not market its services to your group in the county's offices.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson  
Executive Director

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<sup>1</sup> A controlled donor is a person or entity that is doing or seeking to do business with the county, is engaged in activities that are regulated or controlled by the county, has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of any official duty of the gift recipient, or is a lobbyist.