

April 15, 2003
Re: IO-03-30

You inquired whether two paramedics may accept free tickets worth \$65 each, to attend the annual banquet being held by The One Hundred Club of Anne Arundel County. The ethics commission advises that the paramedics may not accept these tickets. You also asked whether the tickets may be accepted by the paramedics if they are given to them through the firefighters union, instead of directly by the private entity sponsoring the event. The answer is that they may not accept the tickets through the union. You stated that the tickets were offered to the paramedics because they recently performed a service for a citizen that may have saved the citizen's life.

There are three provisions of the ethics law that would prohibit the acceptance of these tickets. The first provision, §3-104(a) prohibits an employee from using the prestige, title or authority of the employee's office or position for the employee's personal gain. This prohibition means that an employee may not accept a "reward" for doing his or her job, if the value of the reward exceeds a nominal value - about \$25.

The two other provisions of the ethics law that apply in this situation, prohibit an employee from accepting a gift in excess of \$25 from a "controlled donor." §3-106(b). The mission of the One Hundred Club, a private entity, "is to provide supplemental benefits to families of firefighters, law enforcement officers and emergency medical service personnel who lose their lives in the line of duty in Anne Arundel County." The success of the Club's mission is dependent in part upon the goodwill of the public safety agencies of the county. For this reason, the entity "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 employee." Since the Club is a controlled donor, and since the gift exceeds a nominal value, the employees may not accept the tickets. Elected officials or their representatives are the only county employees permitted to accept gifts of tickets to cultural events, and only when the purpose of the tickets is to perform a ceremony of the office. §3-106(c)(5).

The same gift provisions prohibit the acceptance of such gifts either directly or indirectly. A gift which may not be accepted from a "controlled donor" may not be accepted from an intermediary, in this case, the firefighters union.

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

Sincerely,

Betsy K. Dawson
Executive Director