

August 26, 2003  
Re: IO-03-80

You inquired whether the animal control agency may accept from a local business entity, the gift of an animal shelter or shed for the purpose of housing livestock as part of a petting zoo. The answer is that the agency may accept this gift from this donor, subject to the conditions set forth below.

The county ethics law prohibits employees from soliciting or accepting most gifts from "controlled donors". §3-106(b). Controlled donors are those people who do business with the county, who are regulated by the county in some specific way, who have financial interests that may be impacted by the actions or non-actions of county employees, or who are lobbyists.

The reason for this prohibition is the controlled donors from whom gifts are solicited may feel coerced into giving by the belief that they will not be treated fairly in their dealings with the government unless they respond favorably. Likewise, controlled donors who give unsolicited gifts may expect favored treatment as a result of their generosity. While the county, as opposed to individual employees, may accept gifts from controlled donors, the county should first ensure that there are no circumstances surrounding the offer or acceptance of the gift that could create the perception of coercion or the expectation of favored treatment. Examples of the circumstances that could create this perception would be that the entity is negotiating a contract with the county, or is being inspected for compliance with zoning laws. Another requirement for a gift to the county to be acceptable is that it must benefit county citizens and not individual employees and it should promote a legitimate government purpose. If the gift meets these criteria, the ethics commission advises that it may be accepted.

Sincerely,

Betsy K. Dawson  
Executive Director