

October 20, 2003

Re: IO-03-93

You inquired whether you may accept a gift of tickets to the annual Anne Arundel Community College Foundation Gala, which were offered to you and the other members of the county council by the board of trustees of the Foundation. The ethics commission concludes that you may accept the tickets under the current gift law, §3-106(c)(5), or under the new law, §5-106(c)(2)(vii), as enacted by Bill 38-03, effective November 5, 2003.

The Foundation is a private §501(c)(3) organization whose mission is to provide financial and other support to the community college. The annual gala is a major charitable fund raiser. Since tickets were apparently offered to each council member, it is clear that the tickets are being offered as a “courtesy to the office”. The donor of the gift is the entity that is conducting and/or sponsoring the event.

Under the current law, §3-106(c)(5), a gift of tickets to a charitable event, given to an elected official (and spouse, if appropriate), is expressly permitted if the gift is for the purpose of conducting a ceremony of the office, and if the gift is not designed to impair the official’s judgment. As long as there is no legislation or dispute pending between the county and the Foundation or the community college, the gift may be accepted.

Under the new law, §5-106(c)(2)(vii), a gift of tickets to a charitable event may be accepted by an elected official if the gift is given by the entity conducting or sponsoring the event, as a courtesy to the office. Since in this case, the tickets were offered to all the council members, it is clear that this gift is given as a courtesy to the office, and not for the benefit of an individual council member. The value of the gift is not relevant to this provision of the law.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson  
Executive Director