

February 7, 2005  
RE: IO-05-08

You inquired whether police officers may accept discounted tickets offered to them by the Washington Wizards, as part of the team's "First Responder's Night". The overall value of the discount ranges between \$35 and \$60. The answer is that the police officers may accept this discount under the circumstances described.

In IO-03-106, the ethics commission established criteria to use in determining whether a discount offered to county employees may be accepted. In that opinion, the commission advised that discounted products or services may be accepted when:

- a. the discount is typically offered to employees of large organizations as a marketing strategy;
- b. the discount is being offered to all county employees on an equal basis; and
- c. employees will still be required to pay an adequate and legal consideration for the discounted services.

Discounts have been permitted for the purchase and service contracts on cell phones (IO-98-17, IO-01-16), home security systems (IO-01-109), and discounted fast food items (IO-00-191, IO-03-15). In cases where a discount was offered to the employees of only one department, the commission considered the facts on a case-by-case basis. So, in a case where discounts of a significant value were offered only to public safety employees, they could not be accepted. See, IO-01-165. On the other hand, in IO-03-15, the commission advised that discount coupons offered only to the employees of one department could be accepted where the value of the discount was negligible.

In the present instance, while the discount is not available to all county employees, it is nonetheless, a generalized marketing technique. It is available to all first responders in the Washington area. It is not targeted specifically at Anne Arundel County employees. Neither is it unique to first responders - discount coupons have also been offered to military personnel, college students and others. While the value of the discount is hardly nominal, employees who accept the discount will be required to pay adequate consideration for the tickets they order. Given these facts, the ethics commission concludes that the offer of this discount is not intended to impair the impartial or independent judgment of any county employees. And although one might argue that the discount is offered to first responders because of their job titles, more likely it is because they are members of a large category of potential ticket purchasers.

For these reasons, the ethics commission advises that the first responders in your department may accept the discounted ticket coupons from the Washington Wizards.

Thank you for your inquiry. If you have any other questions, please do not hesitate to contact me.

Sincerely,

Betsy K. Dawson  
Executive Director