

May 3, 2005

Re: IO-05-26

By Electronic & Interoffice Mail

You inquired whether an employee may accept a significant monetary award and other prizes from an outside entity. The answer is that the ethics law, §5-107, prohibits a county employee from accepting money or other valuable gifts being offered because of that employee's county position. While there are without doubt, many first-responders in Anne Arundel County who deserve public notice, they are not, by virtue of their positions, entitled to receive tangible benefits from a grateful public or from private entities.

Specifically, America's Most Wanted, a television program produced by STF Productions, Inc., and Nextel have started a program called America's Most Wanted All-Stars. People are requested to nominate a first-responder who could be selected for this distinction. The prizes include \$10,000 and a VIP day at the NASCAR All-Star Challenge race in North Carolina.

The ethics law, §5-107, prohibits an employee from using the prestige of the employee's position to benefit financially. This provision has been interpreted in a number of ethics commission opinions, to prohibit an employee from receiving any gift – in excess of \$25 – because of the employee's position. See, e.g., AO-04-17, IO-03-87, IO-03-30, and IO-00-103.

Section 5-106 is also relevant to your inquiry. This section prohibits employees from accepting gifts from "controlled donors", a group that includes entities that do business with the county. Nextel is such a donor, and accepting a gift in excess of \$25 from Nextel might well violate the gift restrictions of the ethics law.

These prohibitions do not apply to the county itself. The county may accept unsolicited gifts offered by private entities, as long as the gift is used to promote the county's programs or governmental purposes, and as long as the gift benefits county citizens. Gifts accepted by the county may not be used for the benefit of county employees. See, e.g., IO-02-64, IO-98-150.

Thank you for your inquiry. If you have additional questions, please call me.

Sincerely,

Betsy K. Dawson  
Executive Director