

November 2, 2006

***By Electronic and Interoffice Mail***

Re: IO-06-78

You inquired whether the Public Ethics Law, §7-5-107, prohibits the fire department from providing free office space to the Anne Arundel County Volunteer Firefighters Association (AACVFA). After reviewing the law, the ethics commission has concluded that the provision of free rent is not an ethics law issue. The commission concluded that the decision to provide office space may constitute an in-kind contribution to an entity that provides a service to the citizens of Anne Arundel County. In previous opinions, the ethics commission has advised that the decision to provide a contribution to a private entity should be made by the County Executive.

Despite this conclusion, the ethics commission advises that the provision of free office space to this private entity does raise ethics concerns of which you should be aware. The AACVFA is a wholly private entity that is not subject to the constraints of the ethics law. For this reason, it can engage in fund raising activities without ethics law constraints. To avoid the appearance of endorsing these efforts, the county may want to consider imposing certain conditions upon a private entity that receives free office space from the county.

For example, if the AACVFA uses a county address or telephone number in its fund raising solicitations, it may reasonably appear to citizens that the fund raising activity is actually being undertaken, sponsored, or endorsed by the Anne Arundel County Fire Department. To avoid this appearance of a conflict of interest, the county should consider requiring that all written or phone solicitations undertaken by the AACVFA expressly provide a disclaimer of county participation, sponsorship, or endorsement. This disclaimer should be required, in addition to fund raising activities, whenever the AACVFA uses county resources.

Thank you for your inquiry. If you have any other questions, please contact me.

Anne Arundel County Ethics Commission

By: \_\_\_\_\_  
Betsy K. Dawson, Executive Director