

December 12, 2006

By Electronic and Interoffice Mail

Re: IO-06-92

You inquired whether the ethics law would permit you to accept a gift of travel expenses from a private entity doing business with the county on a contract that is administered through your agency. The ethics commission advises that under the circumstances, this gift would be a permitted exception to the general prohibition on gifts.

ADP is an entity that contracts with the county to provide payroll and hour management services. The conference, called the "Public Sector Mid Year Conference," is scheduled for two and a half days in New Orleans, Louisiana. You have been asked to participate in a roundtable discussion providing an "overview of your organization, what made us a good partner, [and] what you look for in sales professionals when they call on your organization." The roundtable is expected to last for 60-90 minutes, including time for questions and answers. The audience for this roundtable discussion will consist of about 45 employees of TLM, a division of ADP, and about 5 clients of the company.

The ethics law, §7-5-106(c)(2), generally permits employees to accept reasonable travel expenses to attend a meeting in return for participation on a panel or a speaking engagement at the meeting. On its face, the roundtable discussion for which you have been recruited, appears to be legitimate. Reasonable travel expenses would include transportation, hotel, and meals, but could not include any honorarium. The gift may not be accepted however, if:

1. it would tend to impair the impartial and independent judgment of the employee;
2. it would appear to impair the impartial and independent judgment of the employee; or
3. the employee believes or has reason to believe that the gift is being offered to impair the employee's impartial and independent judgment.

The factors indicating a potential impairment of impartial or independent judgment would include for example, the existence of a pending contract dispute, ongoing or anticipated litigation, or current or imminent contract negotiations. If any of these factors exist, the gift may not be accepted. In the absence of any these factors, the gift may be accepted.

Thank you for your inquiry. Please call if you have any additional questions.

Anne Arundel County Ethics Commission

By: _____
Betsy K. Dawson, Executive Director