

June 20, 2007

By Electronic Mail only

Re: AO-07-40

You inquired whether an assistant in the county executive's office properly accepted an invitation to attend the Executive Leadership Series Program offered by [Leadership Anne Arundel, Inc.](#) (LAA), on a non-paying basis. The ethics commission advises that it was improper for the employee to accept the tuition-free invitation.

The executive leadership program is offered annually, by invitation only. The cost for the 2007 program was \$2,250.00.¹

The organization's website provides the following information:

In 1993, the Greater Annapolis Chamber of Commerce joined the Anne Arundel Trade Council to form Leadership Anne Arundel. The first program, now called the Flagship program, was started that fall. Since that time, LAA developed the Executive Leadership Series and Neighborhood Leadership Academy programs. With more than 500 graduates, this growing member base is spreading its influence within the city government, business, non-profit, and community based organizations. Members served in political and appointed government positions, on boards and community associations, and have created initiatives that have added to the enrichment of the community.

Since its inception, LAA has added several programs including the Annapolis Leadership Zone, Teen Court, Just Lunch, the Heart Smart: The Cliff R. Roop Cardiac Support and Education Foundation, the Life Chronicles Program, and the Neighborhood Leadership Academy.

The Executive Leadership Series Program was designed to "enhance community leaders' awareness and knowledge of issues that impact our county and entire region. One of the program's primary benefits is to meet and establish or enhance relationships between top business, government and community leaders." This year's series involved four sessions; descriptions of each session are available on the website, at: http://www.leadershipaa.org/Build/build_els.html.

The membership of LAA is made up of graduates of its flagship and executive leadership programs, although the board of directors and staff of the LAA are not necessarily members or graduates of its programs. It is a committee of the board of directors that determines who shall be invited to attend the Executive Leadership Series.

¹ There were 19 invitees to the program. In addition to the county employee, a city employee was also invited to attend at no charge.

In this particular case, the LAA asked the county executive and the chief administrative officer to send a county government representative to the program. The employee was requested to attend the program by the county executive and the chief administrative officer.

Although the costs associated with the executive leadership program are borne largely by the tuition paid by the invitees, there are a number of sponsors that provide or have provided financial support to the LAA. Those sponsors, all major business entities in the county, are for the most part, “controlled donors” within the meaning of the gift provisions of the ethics law. [§7-5-106\(b\)](#). Most of these sponsors do business with, or are regulated by the county. The full sponsorship list is available on the LAA website, at <http://www.leadershipaa.org/About/sponsors.html>.

Section [7-5-107\(a\)](#) of the ethics law prohibits the use of the prestige of an employee’s position for private financial gain or the gain of another. Since the employee was invited to attend the series as a representative of the county executive’s office, it is clear that the gift was offered because of the employee’s position. It constitutes a “gain” in that the gift saved the employee significant money over other invitees. It is also a “private” gain because while attendance at the series may have enhanced the employee’s general knowledge and networking contacts, it was clearly not necessary to the performance of the employee’s job.

At the same time, the private financial gain cannot be considered a permissible exception to the prohibition that is provided in [§7-5-107\(b\)](#). That subsection permits a private gain that occurs as part of the performance of usual and customary constituent services. It is not a “customary constituent service” to attend an invitation-only event of significant cost, held by a private entity.

The second relevant section is [§7-5-106\(b\)](#) which prohibits or restricts the acceptance of gifts offered to county employees by “controlled donors.”² This provision prohibits the acceptance of any gift of more than nominal or modest value, subject to certain exceptions not relevant here. This gift is well above the \$25 value normally considered to be the maximum allowable “nominal” or “modest” value for a gift. Previous ethics opinions have advised that “scholarships” from controlled donors generally may not be accepted. See, e.g., [IO-03-27](#).

Finally, [§7-5-106\(d\)](#) prohibits an employee from accepting an “honorarium” if it is related “in any way to the employee’s official position.” The employee indicated that the invitation to attend the executive series was offered in part, so that the employee could provide information about the county to the other people attending the series. An honorarium is defined in [§7-1-101\(13\)](#) as:

² The state Public Ethics Law expressly refers to “controlled donors” but the county ethics law does not. Over many years of customary usage, the ethics commission has borrowed this term from state law to describe the types of donors from whom county employees may not generally accept gifts.

