



ETHICS COMMISSION ANNE ARUNDEL COUNTY

June 20, 2007

By electronic mail only

Re: AO-07-42

You inquired whether you may authorize a private entity to use a county facility for several days to conduct a forensic evidence training class. You are in need of this training for one current forensic examiner, and another one that you hope to hire soon. In exchange for making the facility available to the private entity to conduct the class on a for-profit basis, the entity has offered to provide the course tuition-free to two county employees, a savings of \$700 per employee. The ethics commission advises §7-5-107(a) of the ethics law prohibits commercial uses of county facilities in this situation.

The private entity, located on the web at: <http://www.bodziak.com/>, would advertise the training opportunity through the International Association for Identification, located on the web at: <http://www.theiai.org/education/index.php>. The membership of this organization “represent[s] the public, the private and government professions encompassing forensic science and law enforcement.” Training opportunities are offered to the members of the organization, and presumably to others, on the website. The organization also advertises training opportunities that are offered by commercial entities as follows:

Vendor/Supplier and Private Training — Please note that training or courses offered in this section are not sponsored by the IAI but are listed as a service to members and others who access this site. The IAI does not certify or approve the courses or material presented in this section. For more information about a particular course, please contact the course provider.

The provision of the ethics law that is relevant to your inquiry is [§7-5-107\(a\)](#). That provision prohibits an employee from intentionally using the prestige of public position for the gain of another. In a number of opinions, the ethics commission has advised that the use of county facilities by private entities for commercial purposes would violate this provision of law. See, e.g., [IO-05-61](#), [IO-00-22](#), [IO-98-80](#), [AO-97-114](#).

County facilities are to be used by county employees for the conduct of the county business. If the only potential attendees at this educational program would be government employees - even those from other jurisdictions - it would be at least arguable that the use of the county's facilities would be for county government business. In that case, it would be reasonable to conclude that the government may use its facilities to provide training for its own employees and for the employees of other government jurisdictions. But here, where the training is open to non-government employees, at the choosing of the private entity providing the service, and for a profit, the benefit to the one or two county employees who attend the training is merely incidental to the commercial use of the county's facilities.

For these reasons, the ethics commission advises that you may not authorize a private entity to use county facilities to conduct a for-profit training class.

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

The Anne Arundel County Ethics Commission

By: _____/s/_____
Betsy K. Dawson
Executive Director