



ETHICS COMMISSION ANNE ARUNDEL COUNTY

July 2, 2007

By Electronic Mail Only

Re: AO-07-45

You inquired whether you may accept a vehicle navigation device (with an estimated value of \$200) that you won in a contest that was open to all certified public accountants who renewed their membership in the Maryland Association of Certified Public Accountants. The county paid for your annual renewal.

The gift prohibitions of §7-5-106(b) are not applicable to your inquiry because the entity that held the contest and awarded the prizes is not a controlled donor. The only relevant provision to this inquiry is the abuse of office provision of §7-5-107(a), which prohibits an employee from using the prestige of the employee's position for the employee's personal gain. Had you paid for your own membership renewal, this provision would clearly not apply. Since the county paid for the renewal, the inapplicability of the provision is a little less certain.

In [IO-05-60](#) the ethics commission advised that a prize awarded to an employee attending a function as part of the employee's official duties could only be accepted by the employee on behalf of the county for the county's public purposes. It could not be accepted by the employee or used for an employee's private gain. In [IO-03-23](#), the commission advised *inter alia*, that an employee who put a county business card into a fishbowl and won a prize could not keep the prize because the business card was to be used for county business only.

In this case however, the county paid for you to renew a membership that is primarily a benefit to you personally. While it may indirectly benefit the county to have its employees belong to professional organizations, membership is not required in order for you to perform your county job duties. In other words, the county, in paying your renewal dues, paid for you to have access to the benefits conferred by membership in this organization. One of those benefits included automatic entry into a contest open to all renewing members. The county is not a renewing member. It was not eligible to participate in this contest.

