



ETHICS COMMISSION
ANNE ARUNDEL COUNTY

August 7, 2007

By Electronic Mail Only

RE: AO-07-54

You have inquired whether the fire department may grant permission to a private entity to use a photograph of a county fire department vehicle in order to depict the use of the entity's product. The ethics commission advises that the fire department may permit this use as long as the names and logos of the county and the fire department do not appear in the photo and as long as there is no reference to the county's name in the accompanying text of the advertisement.

The entity's representative advised you that the "Anne Arundel text" had been removed from the side of the vehicle in the photo. In the photo attachment you provided with your inquiry, the writing on the side of the vehicle appears to be unrecognizable.

The ethics law, §7-5-107, prohibits the use of the prestige of office or position for private gain or the gain of another. In previous opinions, the ethics commission has advised that permitting a private entity to use the county's name or logo in advertising could reasonably appear to constitute an endorsement of the entity. As long as there is no reference to the county's name or use of the logos of the county or the fire department, there will be no violation of the ethics law. That requirement should be explicit in any permission that is signed by the fire department.

In offering this advice, the ethics commission acknowledges that there may be other concerns about the use of this photograph that would be more properly addressed by the Office of Law.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

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By: Betsy K. Dawson, Executive Director