

October 30, 2007

By Electronic Mail Only

Re: AO-07-74

You inquired whether the department of aging may participate as a “vendor” in the Long and Foster Real Estate Forum for Seniors. This entity has invited your department to include its logo for the printed schedule of activities for the event. It is anticipated that vendors will operate a booth with instructional materials, provide a small introductory talk, and provide a door prize. The ethics commission advises that your department may not participate in this event.

The ethics law, §7-5-105, prohibits an employee from using the prestige of office or position for the gain of another. In [AO-97-114](#), the ethics commission advised that the department of aging could not permit a private entity to participate in a door-to-door program run by the department. The ethics commission stated,

In addition to avoiding the sponsorship of this enterprise, the Department of Aging should take affirmative steps to avoid creating the appearance of sponsorship or support for the private entity's business. It should ensure that there is no reference to the Department of Aging or any of its officials or employees in any literature or "flyers" distributed by the entity. There should be no reference to any of the department's programs in its literature. The department should in fact, require the entity to include a disclaimer of sponsorship or of any type of support by the county or any county agency or program in advertising or informational literature targeted at clients of the department. Alternatively, the department should distribute its own disclaimer of sponsorship or promotion of this private activity. In this way, the department could ensure that there is not even an appearance of sponsorship.

The use of references to a county department in the advertising of a private entity creates a reasonable appearance that the county supports or even endorses this program. Put another way, it is simply good advertising. From the perspective of competing private entities – as well as citizens- it may create a reasonable appearance of favoritism by the county toward one entity over another.

In those cases where your department has co-sponsored events with private entities, sponsorship opportunities have been available to everybody on an equal basis, and the department plans and remains in charge of the event. That sort of equal opportunity is not necessarily available for an event that is organized and held by a private entity.

Thank you for your inquiry. Please call the commission office if you have any other questions.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director