



**ANNE ARUNDEL COUNTY
ETHICS COMMISSION**

April 15, 2008

By Electronic Mail Only

RE: AO-08-24

You referred an inquiry to this office regarding the propriety of entering into a contract with a private entity that sells an on-line discount pass for golf courses in the region. In this plan, the county would advertise the availability of these discounts to its employees in return for a small percentage of the cost of each pass. While entering into this type of contract may not be strictly prohibited by §7-5-107(a) of the ethics law, the ethics commission advises that it would create the appearance of an endorsement of a private commercial entity by the county.

The specific terms of the contract would require the county to “promote the discount offer through *signage* provided by Tee Time Golf Pass”. The county could choose to have a “customized web page” that would provide county employees with information on purchasing the pass. Employees would also be permitted to sign up for free golf discount e-mail service to alert them to special offers throughout the year. Employees would be able to purchase the pass for a savings of \$5.05 over other purchasers, and the county would receive \$2.95 for each purchase.

Section 5-7-107(a) of the ethics law prohibits an employee from intentionally using the prestige of office or position for private gain, or for the gain of another.” Previous commission opinions have advised that under this provision of law, county resources may not be used to promote the commercial activities of private entities, unless the same opportunities are offered to others on an equal basis. See, IO-00-179, IO-00-139, IO-99-107, IO-98-80, and AO-97-114. In AO-98-92, the commission said that, “Whenever the county government, upon request of a private organization, solicits charitable contributions, encourages county employees to take advantage of a commercial offer, or otherwise provides assistance with a private organization’s advertising or promotions, it is appearing to endorse that organization.” In IO-98-80, the commission said, “While it is not a violation of the ethics law for a private concern to advertise its services to county employees, it must do so without any assistance from county employees.” IO-05-61.

The contract that is the subject of this inquiry does not promote the business of the county, but is designed to advertise and promote the services of a private business entity. (Indeed, at the county’s end, the revenue may be negligible.) The ethics

commission advises that at the very least, this type of arrangement creates the appearance that county employees are receiving a “gain” because they are county employees, and through the misuse of county resources. The private entity would be receiving essentially free advertising through the use of county resources. For these reasons, the ethics commission advises that this contract certainly violates the spirit, and possibly the letter, of the ethics law.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director