

April 3, 2008

*By Electronic Mail Only*

RE: AO-08-25

You inquired whether gift cards may be solicited to give as prizes to public school students who participate in an art contest that is going to be sponsored by the county executive. Specifically, the intent is to solicit one entity, a large retailer that is part of a national chain. The ethics commission advises that such a solicitation is permissible as long as the entity being solicited is not a “controlled donor” and as long as the solicitation meets certain other criteria. Controlled donors include persons or entities that:

- (1) are doing or seeking to do business with the county;
- (2) engage in activities that are regulated or controlled by the county executive’s office;
- (3) have financial interests that may be affected by the performance of the official duties of the county executive or his staff; or
- (4) are registered lobbyists within the jurisdiction of the county executive.

If the county executive’s office determines that the entity to be solicited is not a controlled donor, and as long as the prizes will be awarded to members of the public as part of a program that promotes a legitimate county interest, the solicitation is permissible. *See, e.g.,* [AO-07-09](#) (and opinions cited). As it has done in the past, the ethics commission also advises that a solicitation that is open to the public, or at least to retail commercial community, will reduce any appearance that a particular entity is being subjected to either coercion or the expectation of favored treatment.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

/s/

By: \_\_\_\_\_  
Betsy K. Dawson, Executive Director