

July 17, 2008

By Electronic Mail Only

Re: AO-08-45

Your assistant inquired, on your behalf, whether you may accept a ticket from the Rotary Club to attend the annual Rotary Club Crab Feast at the Navy – Marine Corps Memorial Stadium. The value of the ticket is \$55.00. The answer is that you may accept the ticket.

The Rotary Club of Annapolis, the donor, is probably not a “controlled donor,” that is, an entity that does business with the County. If it is not a controlled donor, the gift prohibitions of §7-5-106 of the Public Ethics Law do not apply. If the Rotary Club is a controlled donor, you are still permitted to accept the ticket pursuant to §7-5-106(c)(vii). This particular subsection permits elected officials to accept free tickets to charitable, cultural, or political events as a courtesy to the office when the ticket is extended by the person conducting the event. The annual crab feast is a well-known summer event and the ethics commission considers it to be charitable, cultural, and political in nature. Since, in addition to being the county executive, you have been invited to sit at the president’s table, the ethics commission also considers this gift to be a “courtesy to the office” you hold.

There is another provision of the ethics law that the commission considered in offering this advice. Section 7-5-107 prohibits an employee, including an elected official, from intentionally using the prestige of office for “private gain.” While this provision prohibits personal gifts that are given solely because of an employee’s position, in this particular case, the commission concludes that this gift does not constitute a private gain to you. On the contrary, this gift enables you to represent the County - in your official capacity – at an event that will certainly be attended by many other elected officials. Since you will be accepting this gift in your official capacity, there is no personal gain to you.

For these reasons, the ethics commission advises that you may accept this free ticket from the Rotary Club.

Thank you for your inquiry.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director