



**ANNE ARUNDEL COUNTY
ETHICS COMMISSION**

September 15, 2008

By Electronic Mail Only

Re: AO-08-57 (revised)

You inquired whether you may accept an invitation from the chairman of the board of directors of the BWI Business Partnership, Inc., to participate in a foursome he is sponsoring at the second annual USO/BWI Business Partnership Golf Classic. The ethics commission advises that you may not accept this invitation.

According to its website, the BWI Business Partnership, Inc.:

is a membership organization of major local and regional businesses and government agencies, whose interests depend on a thriving airport and sound transportation infrastructure. The BWI area, with the Airport, NSA, Ft. Meade and Arundel Mills Mall as its economic engines, leads the state in job growth over the last five years. This growth will continue with the expansion at Ft. Meade, as part of the BRAC decisions of 2005. We are the collective voice of the BWI area, a hub in Central Maryland for business, government, tourism and transportation.

Established in 1985 with six Charter Members, our ranks have swelled to nearly 175 businesses and government agencies, actively involved in growing this area's vital significance.

Since many of the members of the organization are controlled donors, the gift provisions of the ethics law are applicable to your inquiry. The donor entity offering you the gift is both a controlled donor and one of the two entities conducting or sponsoring the golf tournament.

A foursome in this event costs \$1,250.00, so the value to you is slightly over \$400.00. Being part of a foursome includes a round of golf, breakfast, lunch, and an award banquet. The golf classic is advertised as a "Tee off for the Troops" and a raffle will be held to raise money for the USO. Last year's inaugural event netted \$44,158.30 to support USO activities. The golf tournament is in fact, a charitable event.

Section §7-6-106(c)(2)(vii) provides a specific exception to the gift prohibitions of the ethics law, permitting an elected official to accept "tickets or free admission extended to an elected employee from the person sponsoring or conducting a *charitable*, cultural, or political event, as a courtesy or ceremony to the office to attend the event."

This provision provides that generally, an elected official may attend the type of event to which you were invited. However, under §7-5-106(c)(1)(ii), such a gift may not be accepted if “the gift would give the appearance of impairing the impartiality and independent judgment of the employee, or the employee believes or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the employee.”

The ethics commission has issued a number of opinions interpreting this latter provision. In IO-03-65, the commission advised that “[i]n situations where a [gift] is offered during contract negotiations, or while the donor is trying to acquire a benefit of some kind, an employee would certainly have reason to believe that the gift is offered to positively affect that contract or benefit.” See also, IO-00-67, IO-00-182, IO-99-164 (a gift offered while legislation is pending would be a gift designed to impair the impartiality and independent judgment of the recipient).

One of the “investment partners” of the BWI Business Partnership, Inc. is Heffner and Weber. According to an article that appeared on September 10, 2008 in “The Capital,” Heffner and Weber is developing “a massive resort near BWI Thurgood Marshall Airport” and is seeking “the county’s help in financing \$62.8 million . . . possibly the largest request for economic development aid in county history.” The commission also learned that Heffner and Weber made a presentation in support of its request to the county council during a recent council work session.

In view of the relationship between Heffner and Weber and the BWI Business Partnership, the donor of the proposed gift, the ethics commission has concluded that the gift is “designed to impair the impartiality and independent judgment of the employee.” For this reason, under §§7-6-106(c)(2)(vii) of the ethics law, you may not accept the invitation to participate in a foursome with the executive director of the BWI Business Partnership, Inc.

Thank you for your inquiry. If you have any additional questions, please call the ethics commission office.

The Anne Arundel County Ethics Commission

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By: _____
Betsy K. Dawson, Executive Director