



**ANNE ARUNDEL COUNTY  
ETHICS COMMISSION**

October 7, 2008

***By Electronic Mail Only***

Re: AO-08-68

You inquired whether you may accept a gift from the Morton's Steak House in Annapolis, to attend their one-year anniversary event. The event, which also will honor Annapolis' 300<sup>th</sup> anniversary and feature special guest, Mayor Moyer, is valued at \$100 per guest. You were invited to attend with a guest, bringing the total value of the gift to \$200. The invitation notes that a portion of the proceeds will benefit the Boys and Girls Clubs of Annapolis and Anne Arundel County.

The ethics commission advises that you may not accept this gift. The specific provision of the ethics law that applies to your inquiry is §7-5-107(a),<sup>1</sup> which prohibits an employee from using the prestige of office for the employee's personal gain. This provision has been interpreted in a number of ethics commission opinions, to prohibit an employee from receiving any gift – in excess of \$25 – because of the employee's position. See, e.g., [AO-07-08](#), [IO-05-26](#), [AO-04-17](#), [IO-03-87](#), [IO-03-30](#), and [IO-00-103](#). In the absence of evidence to the contrary, it seems reasonable to conclude that you were invited because of your position as the chief of the fire department.

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

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<sup>1</sup> The gift prohibition of §7-5-106 does not apply in this situation because Morton's Steak House is located in the city of Annapolis and therefore, is probably not subject to the authority of the county fire department. Even if Morton's is a "controlled donor," and even if this event might be considered a charitable event, you would not be permitted to accept the gift because the exception that permits acceptance of free admission to charitable events is only available to elected officials.