



**ANNE ARUNDEL COUNTY
ETHICS COMMISSION**

January 21, 2009

By Electronic Mail Only

Re: AO-08-88

You inquired whether a county council member may serve on the board of directors of Leadership Anne Arundel, Inc. (“LAA”), a 501(c)(3) organization that occasionally receives grant money from the county. The council member is already a member of that organization, presumably having taken a class offered by LAA, a prerequisite for membership. The ethics commission advises that a council member may serve on the board of the LAA, subject to the usual conditions imposed upon county employees serving on boards of membership organizations.

According to the LAA website, “the mission of Leadership Anne Arundel is to provide people of diverse backgrounds with the education, resources and networks necessary to become successful proactive leaders.”¹ As part of its mission, the LAA offers educational opportunities- by invitation only- to county citizens. The educational experiences include interaction with business and government leaders. While the tuition for these educational programs is not insubstantial, the LAA also receives assistance with funding from sponsors, a number of whom are “controlled donors,” that is, entities that contract with, or are regulated by, the county.²

In [AO-07-90](#), the ethics commission reiterated the limitations imposed upon county employees when they act as directors in private organizations. Specifically,

[T]he employee may not use the job title in any advertising, fundraising, or publicity for the organization. §7-5-107(a). The employee may not target controlled donors in fundraising activities for the organization. §7-5-106, and §7-5-107(a). The employee may not assist or represent the organization before any county employee or county agency, or in any matters in which the county and the organization may have competitive or adversarial interests. §7-5-104(a). Finally, an employee may not participate in any official duties in which the organization is a party or has an interest. §7-5-101(a).

¹ www.leadershipaa.org.

² See [AO-07-40](#).

By way of example based upon these limitations, the council member may not participate in any fund raising solicitations of LAA sponsors who do business with, or are regulated by the county, unless the solicitations encompass a larger group of potential donors. The council member may not facilitate meetings between LAA participants and county employees or agencies, or otherwise use the prestige of the council member's office to promote, assist, or represent the LAA. The council member may not address the LAA students in an official capacity, as part of any training session.

In addition to the limitations imposed by the ethics law, the ethics commission is also concerned about the fact that the council member will be developing close working relationships with other board members and sponsors of the LAA. Many of these people, being controlled donors, seek close personal access to government officials for business purposes. County citizens and controlled donors who do not participate in LAA activities will not have that same access and may reasonably conclude that this relationship creates an appearance of partiality toward the sponsors of the LAA. The council member should therefore, be aware of and sensitive to these concerns. The council member should, for example, disclose, in advance of participating in any legislative action, the name of any LAA sponsor, staff member, or director, who may have an interest in the outcome of that legislative action.

Subject to these limitations, the commission advises that a council member may serve on the board of directors of LAA. Thank you for your inquiry. Please contact the staff if you have additional concerns or questions.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director