



*Anne Arundel County
Ethics Commission*

March 5, 2009

By Electronic Mail Only

RE: AO-09-09

You asked the ethics commission to review two of the practices of the department of aging and disabilities to ensure that they comply with the Public Ethics Law. First, you asked whether the sponsorship arrangements you make for your caregiver conferences fall within permissible ethics law guidelines. Second, you asked whether your department's relationship with a non-profit private entity, the Friends of Arundel Seniors, Inc., falls within the guidelines set forth in the ethics law. Based upon the information you provided the ethics commission advises that your department's activities appear to comply with the ethics law.¹

As part of the caregivers support program administered by your department, hold a number of workshops throughout the year. The department seeks sponsors to help defray the costs of these events. In exchange for a contribution, the sponsor has the opportunity to make presentations during the workshop, and to operate a table distributing materials at the event. Advertisements are also available for \$1000 in a newsletter published by a national caregivers support organization and disseminated by the department.

In [AO-07-09](#), the ethics commission established guidelines for sponsorships, in keeping with the language and intent of the Public Ethics Law. Those guidelines require:

1. The county executive must expressly approve the sponsorship solicitation;
2. The solicitation must be for the purpose of promoting a county program that will benefit county citizens and not county employees;
3. The solicitation must avoid targeting "controlled donors."² Indirect solicitations that are open to the public avoid this problem. See [IO-06-17](#);

¹ It is significant that the Anne Arundel County Charter, §550B expressly provides that the department of aging "coordinate with other government agencies and private agencies, organizations and individuals the provision of government and nongovernmental services to the aging." This provision certainly suggests that partnerships between the department of aging and private entities are to be expected.

² Controlled donors are persons or entities that:

4. The percentage of the sponsorship amount that will be tax-deductible as a gift, and the percentage that will constitute consideration for value received should be clearly identified. This information will also comply with Revenue Ruling 67-246 of the Internal Revenue Service.

5. The solicitation and any publicly disseminated information that identifies sponsors of events should contain some type of disclaimer, making it clear that the sponsor will receive no preferential treatment from the department and that the department is not endorsing the products or services of the sponsor.

The materials you provided for the commission's consideration include the proposed sponsorship solicitation letter, the summer workshop brochure, and an issue of the caregivers' newsletter. You indicated that the sponsorship materials will be made available to the public on the department's webpage and will not, therefore, exclusively or primarily target controlled donors. The program and the issue of the newsletter you provided both contain an endorsement disclaimer, although the solicitation letter does not. The solicitation also does not provide the tax information that is required at some point in the solicitation process.

You also suggested that the county executive, by his attendance at previous conferences or workshops, has implicitly authorized the solicitation of sponsorships for this event. The commission advises that an express, written approval would be appropriate to confirm the public purpose or program being supported by this fundraising effort.

These guidelines are designed to reassure the public that the department of aging affords every interested person an equal opportunity to participate in county government programs, without coercion or expectation of favored treatment, and that the department is not promoting one individual private entity over another.

You also asked whether the department's relationship with the Friends of Arundel Seniors, Inc. conforms to ethics law requirements. In a previous related opinion, the ethics commission advised that county employees may serve on the boards of "Friends" organizations, subject to certain restrictions imposed by the ethics law. In [AO-99-175](#), the commission advised that an employee could serve on a Friends board in an *ex officio* capacity, subject to certain limitations.³ The most significant constraint prevents the employee-board member from fundraising on behalf of the organization. And in operational matters, the employee will be representing the interests of the department of aging. Subject to these rules, explained more fully in the opinion, participation on the board of a private entity may be permitted.

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

³ Technically speaking, service on the board of a private entity in an official capacity is not necessarily "*ex officio*," because it does not arise by virtue of the office.

Assuming that your department follows these guidelines, the ethics commission advises that the activities about which you have inquired comply with the ethics law.

Thank you for your inquiry. Please call if you have additional or more specific questions.

The Anne Arundel County Ethics Commission

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By: _____
Betsy K. Dawson, Executive Director