



*Anne Arundel County
Ethics Commission*

March 26, 2009

By Electronic Mail Only

RE: AO-09-18

You inquired about the propriety, from the perspective of the Public Ethics Law, of the relationships between the Anne Arundel County Department of Aging and Disabilities, Friends of Arundel Seniors, Inc. What's Up? Inc., and the Anne Arundel Senior Services Provider Group, Inc.(AASSPG). Specifically, you have inquired about the publication of the "Services for Seniors, Directory of Services" which you said is published by What's Up? Inc. That publication is made possible through advertising by members of AASSPG, a non-profit membership organization composed of businesses and individuals who provide services to older adults and their supporters. You further stated that What's Up? Inc. donates a portion of its proceeds to the Friends of Arundel Seniors, a private organization that provides support services directly to seniors.

The front of the cover of the publication mentions both the department and the AASSPG; the implication being that the publication is a collaborative effort between these groups. You indicated that your department's only participation in this publication is to review the accuracy of the information provided. Your department neither engages in any of the financial transactions involved nor solicits advertisers.

In this year's publication, page 4 provides the following information:

Published annually by Anne Arundel County Friends of Arundel Seniors, Inc., [address], with Anne Arundel Senior Services Provider Group, Inc. Produced and designed by [name], Senior Editor, and [name], Art Director, of What's Up? Inc.

The acceptance of advertising does not constitute endorsement by the Anne Arundel County Department of Aging and Disabilities or the Friends of Arundel Seniors, Inc., of products or services.

This same disclaimer is also provided on page 2 of the directory.

While there may be some ambiguity involved in determining the actual entity responsible for publishing, it is certainly clear that this publication is the result of a collaborative effort between public and private organizations.

The Anne Arundel County Charter, §550B, enumerates the functions of the department of aging as follows:

The Department of Aging shall develop, administer and direct countywide services and programs dealing with the problems and needs of the aging; review plans of primary concern to the aging that are developed by other offices, departments, agencies and commissions of the county government; and *coordinate with other government agencies and private agencies*, organizations and individuals the provision of government and nongovernmental services to the aging. The Department shall also have such other duties and functions not inconsistent with this Charter as may be assigned to it by directive of the County Executive or by ordinance of the County Council. (*Emphasis added.*)

The Charter provision makes clear that the department of aging is to work with private entities to help provide the type of services listed in the directory. See [AO-98-119](#), [AO-09-09](#), [AO-07-74](#) (the ethics law permits collaborative effort only where advertising and sponsorships are available to all). The ethics commission has previously advised that in any type of collaborative effort, the department should make express disclaimers of endorsements. See [AO-97-114](#).

In this case, the department is using its name with the appropriate disclaimer. The department handles no financial transactions, solicits no advertisements, and has no role other than vetting the information for accuracy.

For the reasons stated, the ethics commission advises that the publication of the directory, as a collaborative effort between the department of aging and disabilities and the above-mentioned private organizations, is acceptable under the Public Ethics Law.

Thank you for your inquiry. Please let me know if you have any other questions.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director