



**ANNE ARUNDEL COUNTY  
ETHICS COMMISSION**

April 8, 2009

***By Electronic Mail Only***

Re: AO-09-21

You inquired whether, as a member of the county council, you would be prohibited from participating in legislative action involving a potential lobbyist and the lobbyist's clients if you and a group of other people, including the lobbyist, share the cost of season tickets to the Orioles' baseball games. Each member of the group will pay the full price for a fractional share of the tickets. The potential lobbyist is an attorney who represents a company that will have business before the county council concerning the general development plan. It is likely that at some point in the general development plan process, the attorney will be registering as a lobbyist to represent this client.

The ethics commission advises that you may participate in legislative action concerning the lobbyist and the lobbyist's client. It is true that in the broadest sense, you will have a contract with the other purchasers of the tickets, including this lobbyist. Under §7-5-101(a)(2)(iv) of the ethics law, an employee who has a contract with a "business entity" that will be affected by the official duties of that employee, may not participate in those duties if the "contract reasonably could be expected to result in a conflict between the private interest and the official County duties of the employee."

You have indicated that you use the tickets primarily for family and friends. You have paid the full cost for your share of the tickets. As long as the apportionment of the games is handled impartially among the group of ticket holders, the contract between the ticket holders cannot reasonably be expected to create a conflict between your official duties and your private interests.

The ethics commission also concludes that §§7-5-110(b) and (c) are not applicable to your situation. Those sections prohibit a council member from participating in any legislative action where the member benefits financially from a "close economic association" with a lobbyist who is actively engaged in lobbying activity or a person who has engaged a lobbyist. A "close economic association" is defined, in §7-5-110(a), to include a council member's "associates in business or professional enterprises." Because the purchase of these tickets is a *personal* endeavor as opposed to a business or professional enterprise, these ethics law provisions do not apply.

For these reasons, the ethics commission advises that your purchase of season tickets, jointly with other people, one of whom may become a lobbyist, will not result in any restrictions on your participation in legislative activity involving this lobbyist.

The Anne Arundel County Ethics Commission