



*Anne Arundel County
Ethics Commission*

May 26, 2009

By Electronic Mail Only

Re: AO-09-30

You asked a number of questions concerning the propriety of firefighters accepting a gift of services from a local health and wellness center that is being offered exclusively to county firefighters. Before addressing each of your questions, the ethics commission considered the context of the offer and herein provides this information as background.

The Severna Park Health and Wellness Center (“SPHWC”), a new business, offers a detoxification program to its customers, through its affiliation with a company called Sauna Health Systems¹ and the Foundation for Advancements in Science and Education (FASE).² The program, based upon principles and therapy designed by L. Ron Hubbard, the founder of the Church of Scientology³, offers a number of related therapies designed to rid the body of toxins. Therapies include sauna, massage, dietary guidelines, and vitamin and mineral supplementation.⁴

The program was developed in part, to assist rescue workers after the terrorist attacks of September 11, 2001. It is funded through a public charity, the Heroes Health Fund, which is a subsidiary of the International Academy of Detoxification Specialists, a business registered in California since 1999.⁵ Donations to this charity are designated to fully fund the detoxification programs established at facilities like the Severna Park Health and Wellness Center. The cost for the detoxification program has been estimated to be in the range of \$2,000 to \$4,000.

The program is not without controversy and has found supporters and detractors in fire departments and professional firefighter unions and among medical professionals. Supporters claim that the program works and detractors claim that the program deters people from following standard medical advice.

¹ The SPHWC director advised that Sauna Health Systems is a “national corporation.” However, the website at www.saunahealthsystems.com opens to the Veteran’s Detoxification Project and there is no information available about a corporation called Sauna Health Systems.

² FASE is affiliated with, and a grant recipient of the International Academy of Detoxification Specialists. Its website is: www.fasenet.org. See fn. 4

³ <http://www.scientology.org/home.html>

⁴ Specifics of this program are set forth in an article, **Chemical Exposures at the World Trade Center: Use of the Hubbard Sauna Detoxification Regimen to Improve the Health Status of New York City Rescue Workers Exposed to Toxicants** that appeared in the April, 2006 edition of the *Townsend Letter*, an alternative medicine journal, online at: www.townsendletter.com.

⁵ Information about this §501(c)(3) organization is available at: www.detoxacademy.org. Neither the Academy nor the Heroes Health Fund is registered with the State of Maryland. Although the ethics commission staff has made every effort to provide accurate information about the affiliations of these organizations, available information is somewhat vague and ambiguous.

Your specific questions and the advice of the ethics commission are as follows:

1. Can selected AACO Fire Firefighters participate in the program? In responding to this question, the ethics commission considered two relevant provisions of the Public Ethics Law. Section 7-5-106(b) prohibits acceptance of gifts of value from controlled donors. The putative donor of this gift, the SPHWC, is a controlled donor in the sense that it is subject to the fire code regulations. The regulatory authority over this entity by the fire department is the same non-specialized authority that it exerts over all businesses in the county, and does not, in and of itself, create a relationship that could tend to impair the impartial conduct of the county's business. In any event, the true donor of this service is the International Academy of Detoxification Specialists, through the Heroes Health Fund. This donor is not a controlled donor. For these reasons the gift prohibitions of the ethic law do not strictly apply to bar the acceptance of this service.

The other provision of the ethics law considered by the ethics commission is the prestige of office provision of §7-5-107(a). This provision has been regularly interpreted by the ethics commission to limit the types of gifts that may be accepted by county employees, if they are offered, even by non-controlled donors, solely because of the employees' positions with the county. The situation presented in this inquiry however, is unique. While this gift is being offered to firefighters because of their positions, its distinguishing feature is that the Heroes Health Fund is only available to rescue workers. It is a public charity with only one class of recipients. It is an outgrowth of the tragic events of 9/11 and is not intended to impair the impartial or independent conduct of fire department business.

For these reasons, the ethics commission advises that county firefighters may accept this gift from the Heroes Health Fund and may participate in the services offered by the SPHWC.

2. Are the members of our Department prohibited from identifying themselves as AACO County Fire Firefighters during the process? In order to qualify to receive funding from the Heroes Health Fund, participants must be firefighters. They may certainly identify themselves as such.

3. Can the employees still participate in the program if they identify themselves as members of their Labor Organization (AACO Professional Firefighters Local 1563)? Yes.

4. Are there any issues with the select County employees accepting this type of gift from the Hometown Hero's Fund? The cost for the detoxification process is approximately \$3,000. The only other issues associated with acceptance of this gift have to do with the legality of the Heroes Health Fund in the State of Maryland- whether it meets the requirements of the law. Those issues should be addressed to the office of law, not the ethics commission.

5. Are the individual participant's prohibited from making any statements about the product or process; that may later be used in any type of advertising about the detoxification process? Section 7-5-107(a), prohibiting the use of the prestige of office for the gain of others, prohibits an employee from using the employee's official job title to endorse an

entity, or its products or services. Employees may not permit the entity to use their names along with references to their positions in its advertising. Employees should take affirmative steps, prior to accepting this gift, to ensure that the entity understands and will abide by this limitation. An endorsement from a “firefighter” would create the appearance that the endorsement is supported by the fire department and/or the county government. An individual employee may provide an endorsement in a personal capacity only. On the other hand, the professional firefighters’ union is not subject to the ethics law. The union may, if it chooses, and assuming that its bargaining agreement does not otherwise prohibit it, endorse the products or services provided by this entity. An endorsement should not identify recipients of the service by name or position. Additionally, a union endorsement should expressly state that such endorsement does not constitute the endorsement of the county government or the fire department.

6. Are there any other issues that I have not listed above that would prohibit members of our department from participating in this process? The ethics commission advises you to consult the office of law as to any questions concerning the legality of charitable donations from entities that are not registered in Maryland as well as any issues of liability that may inure to the county as a result of this treatment. Additionally, you should confirm that the union contract permits its members to accept this type of service and that endorsements are not limited by contract.

The Anne Arundel County Ethics Commission