



*Anne Arundel County
Ethics Commission*

June 3, 2009

By Electronic Mail Only

Re: AO-09-37

You inquired whether a fire department employee may accept free tuition and lodging expenses offered by a vendor to attend a training program held by the manufacturer of equipment that is sold to the county and serviced by the vendor. Upon completion of the two-day training, the firefighter will be certified to repair the equipment. The ethics commission advises that this offer is probably not a gift and is therefore not subject to the gift provisions of the ethics law. In that case, subject to any advice offered by the office of law concerning this contract, the commission advises that the firefighter may accept this offer.

The contract between the county and the vendor provides that the vendor “shall provide on-site training of use and maintenance and repair of [the equipment].”¹ However, there is no on-site training offered; the only available training is at the manufacturer’s factory in Pittsburgh, Pennsylvania. The ethics commission suggests that the vendor may be contractually obligated to pay the entire expense of having the firefighter attend the training as a reasonable alternative to on-site training; you should contact the office of law to determine your department’s rights under the contract.

If the office of law determines that the vendor is not contractually obligated to provide this alternative to on-site training, then the offer to pay the partial expenses of a training trip would be considered a gift under the ethics law. Under §7-5-106(c)(vi), travel expenses may only be accepted where the gift recipient will be a panel participant or a featured speaker at a meeting. Attendance at the training program would not fall within this exception to the gift prohibition.

The Anne Arundel County Ethics Commission

¹ The contract involved is “piggy-backed” onto a Howard County contract. That contract purportedly incorporates the provisions that are part of the Invitation for Bid. One of the bid specifications includes the on-site training.