



**Anne Arundel County
Ethics Commission**

July 13, 2009

By Electronic Mail Only

Re: AO-09-44

You were referred to this office by the appropriate county agency for an opinion on whether the Naval Academy Athletic Association may give four tickets (valued at \$5 per ticket) to the agency's employees to attend a Navy varsity soccer game. You explained that this offer would help promote Navy varsity sports. You also said that you anticipate the possibility that these tickets would be offered on an occasional basis to permit this same group of county employees to attend other sports games as well as soccer. You would advertise this promotion on your organization's website and with flyers and press releases. You also asked if the gift of tickets may not be accepted, whether the tickets may be offered at a discounted rate to these employees.

On the issue of whether the tickets may be accepted as a gift, the ethics commission advises that the employees about whom you have inquired may accept the gift of tickets as long as the *cumulative* value of these tickets does not exceed \$25.

The Public Ethics Law, §7-5-107(a) prohibits an employee from "intentionally [using] the prestige of office or public position for that employee's private gain or the gain of another." The ethics commission has consistently advised that a gift given to an employee (usually a member of public safety related agency) as a way of acknowledging that employee's service to the public constitutes a gratuity. Acceptance of a gratuity constitutes the intentional use of the prestige of an employee's public position for private gain.

The one exception to this prohibition, which also applies to gifts offered by people doing business with the county, permits gifts to be accepted, with some limitations, if they are of "nominal value." The commission has previously determined that to be of nominal value, a gift may not exceed \$25. See, [IO-01-165](#). Tickets offered to the same group of employees over a relatively short period of time, such as a school year, for different games in different seasons, would constitute one gratuity – or gift – so acceptance of more than one set of four tickets would clearly exceed a nominal value.

You also asked whether, in lieu of an outright gift, the tickets could be offered at a discounted value. The criteria required to permit acceptance of discounts generally are: the discount is also offered to other large non-county government organizations, the discount will still require the employee to pay a fair and adequate consideration, and the discount is available

to all county employees on an equal basis. See, [IO-03-106](#), [IO-98-17](#). Exceptions to these criteria have been made, on a case by case basis, where discounts have been offered to employees of specific departments only. See, [AO-07-20](#) (discounted rentals to large categories of public employees), [IO-03-15](#) (nominal value discount to agency employees as thanks for extraordinary occurrence), and [IO-05-08](#) (one-time discounted tickets to all first-responders in metro D.C. area).

Based on its previous opinions, the ethics commission concludes that you may offer discounted tickets to this group of employees to attend various varsity games if the same discounted tickets are also made available to the employees of similar agencies from other government jurisdictions or other large groups, and if the discounts still require payment of adequate and reasonable consideration.

If your proposed gift of tickets or discounted tickets satisfy the criteria set forth in this opinion, you are also advised that the county resources, including e-mail, may not be used to promote this gift or discount. You may post flyers or circulate brochures only in county facilities to which the public and other commercial establishments have the same access.

Thank you for your inquiry. A copy of this response is also being sent to the appropriate agency.

The Anne Arundel County Ethics Commission

/s/

By: _____
Betsy K. Dawson, Executive Director