



**Anne Arundel County  
Ethics Commission**

January 6, 2011

*By Electronic Mail Only*

**RE:** AO-10-78

As a member of the county council, you inquired whether you may accept invitations to any of the following events to which you have been or expect to be invited.

1. The annual legislative dinner being held by the Anne Arundel County Farm Bureau, Inc.<sup>1</sup>
2. The annual legislative reception hosted by the Broadneck Federation;  
and
3. The Maryland General Assembly Opening Day Reception hosted by The Artemis Group.

These events are invitation-only events for which there is no charge to any of the invitees. This inquiry raises issues about the definition of lobbying, [§7-101\(18\)](#) and about the acceptance of gifts from lobbyists, [§7-5-106](#).

As to the first event, The [Anne Arundel County Farm Bureau, Inc.](#) is hosting a legislative dinner at a local restaurant. According to a representative, the dinner, to which 78 individuals (including the members of the county council, the county executive, and three executive branch employees) have been invited, will cost less than \$25 per person. Under the definition of lobbyist set forth in [§7-101\(18\)\(ii\)](#) of the ethics law, a person (or entity) is considered to be a lobbyist if that person:

- (ii) *expends cumulatively \$50 or more during a reporting period on one or more employees in the Executive or Legislative Branch for meals, beverages, special events, or gifts in connection with or with the purpose of influencing executive or legislative action. . .*

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<sup>1</sup> Since this inquiry was raised, the farm bureau, which expressed an unwillingness to register to lobby has withdrawn the invitation and has invited the same county employees to attend the dinner at a cost of \$20 per person. It maintains that at \$20/person, it can invite two employees as guests, without being considered a lobbyist. While this “redo” is legal in the most technical sense, it is also clearly an attempt to evade what the farm bureau considers to be an “unfortunate law.”

If just two or three county employees (including elected or appointed officials) were to attend this event, the \$50 gift trigger would be satisfied. The only other issue in determining whether the farm bureau would meet the definition of a lobbyist would be whether the organization has invited county employees in connection with or with the purpose of influencing executive or legislative action. The ethic commission has concluded that it did. The bureau's website clearly demonstrates that one of its priorities is to have an impact in political decision making. Its philosophy, set forth in its organizational stationery specifically states:

*Farm Bureau's purpose is to increase net farm income and improve the quality of life by providing a legislative voice, increasing public understanding, and promoting member involvement. The organization helps members accomplish their goals together – something they cannot do alone.*

It is not necessary, under the ethics law, for communications with county employees to be in reference to a specific bill or executive policy in order to constitute lobbying. The lobbyist's efforts to get a first introduction to a county employee, or to get more "face time," is a critical component of lobbying activity, and when it is achieved through gift giving, it triggers the lobbying registration requirements.

The farm bureau is not alone in resisting the requirement to register as a lobbyist. Many organizations, particularly citizen groups or single-issue advocacy groups resist the label (perhaps because federal tax laws prohibit lobbying by certain types of corporate designations, or because of a perceived negative connotation that often accompanies the lobbyist designation.) Yet, in Anne Arundel County, registering as a lobbyist is free and requires little paperwork- a small price to pay for keeping the public informed about how the county political process works.

As to the second event, and according to its president, the Broadneck Federation (which has no website) is an umbrella membership organization that includes various community associations in the Broadneck area. They hold an annual legislative reception in January, primarily for the state legislative delegates, but they invite "their" council member and usually, the police chief and any other local leaders that their member organizations want to include. At this reception, they hear from the legislators about their proposed agendas for the upcoming session, and they offer their opinions and "wish lists" to the legislators. The January event is held at the Lowe Building and is catered. The president "estimated" the event to cost about \$1,000 which, assuming that 100 people are invited or attend, comes to about \$10/person. They also hold a more informal post-legislative session coffee/dessert, to which state and local representatives are also invited. Although it does not consider itself to be a lobbyist organization and although it does not employ or pay a lobbyist, it qualifies as a lobbyist if it expends cumulatively \$50 or more during a reporting period (six months) on one or more county employees for meals, beverages, or other gifts in connection with or with the purpose of influencing executive or legislative action.

As to the third event, [The Artemis Group](#), a "business consulting and government relations" organization, is hosting or sponsoring a Maryland General Assembly Opening Day Reception on January 12, 2011 at its office. The website describes this organization's "[governmental relations](#)" component as follows:

Government Relations encompasses more than lobbying. It spans the spectrum of activities and personalities that come into play before a bill is introduced, before a law is passed, before a regulation is drafted or a statute is imposed. Legislators, administrative officials and bureaucrats serve the public based on the information at hand, and the best way to get these key players to pay attention to your information is by applying the best knowledge based on years of experience and the experience of having done this before.

We help communicate your ideas and business concerns to the people who make the decisions. Knowledge of how government really operates enables us to work with you to establish the long-term relationships with the people and organizations critical to your success.

This organization, like the farm bureau, is more typical of a traditional or professional lobbying organization and has indicated an intention to register as a lobbyist in the county for 2011.

One of the gift provisions of the ethics law, Section [§7-5-106\(c\)\(2\)\(i\)](#), permits an employee to accept “occasional meals and beverages of modest value” (a value determined by the ethics commission to be \$25 or less) from a person (or entity): that does business with the county; is regulated by the employee’s agency; has financial interests that may be affected by the performance of the employee’s official duties; or is a lobbyist within the jurisdiction of the employee. Another of the gift provisions, subsection (c)(2)(iv) permits an employee to accept “unsolicited gifts from a lobbyist that do not exceed \$20 in cost.” While the difference of five dollars is trivial in this particular case, it raises a question of statutory construction. Does the \$20 limit on unsolicited gifts from lobbyists include meals and beverages (c)(i), travel expenses (c)(2)(vi), or free admission to charitable, cultural, or political events (c)(2)(vii)? Or does the \$20 limit on gifts from lobbyists apply only to those gifts that are not specifically listed?

The ethics commission, after having reviewed earlier and occasionally inconsistent opinions, has concluded that the \$20 limit on unsolicited gifts from lobbyists does not apply to the meals and beverages exception, the travel expenses exception, or the exception for free admission to special events. The reasons for this conclusion are many and it is not necessary to list them here. The gifts specifically listed in subsection (c) may be accepted unless there are objective criteria which would tend to impair the impartial and independent judgment of the employee or would appear to do so. The gifts being offered in these cases are in effect, meals and beverages under \$25 per person in value. With the invitations at issue, there is no likelihood of impairment because there are no specific matters pending before the county that would affect these particular lobbying groups.

For these reasons, the ethics commission advises that the council member may accept the invitations to attend these events. However, accepting these invitations will trigger the lobbying registration requirements and the failure to register may subject these organizations to the sanctions that are available under the ethics law.

Thank you for your inquiry. Please contact the commission if you have additional questions.

The Anne Arundel County Ethics Commission

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By: \_\_\_\_\_  
Betsy K. Dawson, Executive Director