



**ANNE ARUNDEL COUNTY  
ETHICS COMMISSION**

**Guidelines on Gifts**

The following information is provided as general guidance on the county's Public Ethics Law gift prohibitions, [§7-5-106](#), and on the prestige of office provision, [§7-5-107](#) as it pertains to the acceptance of gifts. For particular questions, employees are encouraged to consult the ethics commission. You may also access these and other provisions of the county Public Ethics Law at [www.aacounty.org/ethics/publicEthics.cfm](http://www.aacounty.org/ethics/publicEthics.cfm).

**1. Gifts from “controlled donors.”**

Section 7-5-106(b) prohibits county employees (including elected officials and volunteers) from accepting most gifts from “controlled donors.” A controlled donor, (a term borrowed from the state ethics law) is a person or entity that:

- does business or seeks to do business with the county;
- engages in activity that is regulated by the intended gift recipient's governmental unit;
- has a financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the intended gift recipient's official duties; or
- is a lobbyist with respect to the matters within the jurisdiction of the intended gift recipient.

Exceptions to the general prohibitions are found in §7-5-106(c). One exception to the prohibition on gifts permits employees to accept gifts of nominal value<sup>1</sup> unless there are pending negotiations, anticipated or ongoing litigation, or some other type of dispute between the donor and the intended recipient's agency. In these cases, even a gift of nominal value would tend to impair impartiality, give the appearance of impairing impartiality, or be designed to impair impartiality. Where the donor of a gift is a lobbyist, the cost of the gift may not exceed \$20.

*Elected* officials may also accept tickets or free admission from a controlled donor, regardless of value, if the gift meets *all* of the following criteria:

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<sup>1</sup> According to *Webster's II New Riverside University Dictionary*, “nominal” means, “existing in name only.” See also, *Black's Law Dictionary*, 6<sup>th</sup> edition. The ethics commission has previously determined that it would not be practical to enforce the gift prohibition for gifts that are valued at \$25 or less. If the gift is a meal or party to which a guest of the employee would normally be included, the cost or value for the employee and guest may not exceed \$50.

- the ticket or free admission is for a charitable, cultural, or political event;
- the gift is offered by the person sponsoring or conducting the event; and
- the gift is offered as a courtesy<sup>2</sup> or ceremony<sup>3</sup> to the office.

Note that elected officials *may not accept tickets or free admission to sporting events*, e.g. baseball, football, horse races (Roedown, Preakness) unless the cost of the ticket or free admission is under \$25 (or \$20 if offered by a lobbyist). Where the value of the ticket is less than \$25, it is treated as a gift of nominal value.

County employees may also accept *reasonable* expenses for travel, food, lodging, or scheduled entertainment from a controlled donor, including a lobbyist, if the expenses are paid in return for participation by the county employee on a panel or as a speaker at a meeting, conference, or related function. Employees are encouraged to consult the ethics commission about all invitations to attend conferences or similar functions. If the expenses are to be paid by the lobbyist, and will exceed \$500, the employee must notify the ethics commission about the gift before attending.

County employees may accept gifts from relatives or members of the employee's household, even if the donor is also a controlled donor. Employees may also accept gifts the ethics commission determines will not be detrimental to the impartial conduct of government and that are purely personal and private in nature.

Honoraria generally *may not* be accepted, although there are a few exceptions to the prohibition.

## **2. Gifts offered because of the intended recipient's position with the county.**

Section 7-5-107, generally referred to as the "abuse of office provision", provides that employees may not intentionally use the prestige of the employee's office for the employee's private benefit, or the financial gain of anybody else. As it has been interpreted through the years, this provision prohibits employees from receiving gifts in excess of \$25 that are offered because of the employee's position, regardless of whether the donor of the gift is a controlled donor. So for example, employees may not accept gifts worth more than \$25 from members of the general public, which are offered as an expression of gratitude, a reward, honorarium, or other reason.

## **3. Gifts to the county: solicitation and acceptance.**

The county may solicit charitable gifts as long as the solicitation is not targeted at controlled donors. Employees may only solicit gifts as part of a county-wide charitable

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<sup>2</sup> Gifts given as a "courtesy" to the office would include gifts given to *all* council members, to a council member in whose district the event occurs, or to a council member or members who were instrumental in helping to achieve the goals being commemorated by the event.

<sup>3</sup> A "ceremony" must include at least a minimal public recognition of the elected official, for example, a public acknowledgment of the official's presence at the event.

solicitation that has been approved by the county executive. Employees, including department heads, may not initiate charitable fund raising solicitations- only the county executive may do that. Also, an employee may not directly solicit or facilitate the solicitation of a gift on behalf of another person from a lobbyist.

A gift offered to the county may be accepted if the gift will benefit the public, as opposed to individual county employees, and if the gift promotes the county's public purposes and/or programs. For example, a visitor to the county may offer the host-employee a gift of significant value that represents the visitor's state or country. The employee may accept the gift on behalf of the county. That means that the gift may be displayed in the office of the employee-host, but does not belong to that employee and cannot be taken home.

Note that there are also [administrative procedures](#)<sup>4</sup> concerning gifts to the county that may apply in a given situation.

### **Disclosure of gifts:**

For employees required to file financial disclosure, Section 7-6-104(d) provides that any gift valued at \$20 or more or a number of gifts from one controlled donor with a cumulative value of \$50 or more must be disclosed. Disclosure must include the name of the donor and the nature and value of the gift.

### **To request advice:**

If you would like advice on gifts from the commission, try to provide as much of the following information as you have or can obtain:

1. Who is the donor? Contact information helps the ethics commission determine all the pertinent facts, but you will be notified before the donor is contacted.
2. What is the relationship of the donor to the intended recipient? For example, is the donor doing business with the county? Does the donor want to do business with the county?
3. What is the gift?
4. What is the value of the gift? The value is usually determined by cost. If there is more than one intended recipient however, the value may be determined by considering the overall cost to the donor, not the value to the recipient.
5. Why is the gift being offered?
6. Are there any issues pending between the donor and the intended recipient, the recipient's agency, or the county generally?
7. Do you have any particular concerns about accepting the gift?

Do not be intimidated by this list. It is meant to help you in gathering information- the commission will gladly provide advice to you even if you do not have all the answers.

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<sup>4</sup> This link is to the county intranet only and cannot be accessed via the internet. If you cannot access this link, please contact the ethics commission for assistance.

