



ANNE ARUNDEL COUNTY  
ETHICS COMMISSION

## Guidelines on Gifts

(Updated March 2013)

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 strongly encouraged to consult the ethics commission. You may also access these and other provisions of the county Public Ethics Law at the ethics commission's [website](#).

### 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 who:

- Does business or seeks to do business with the county;
- Engages in activity that is regulated by the intended gift recipient's agency;
- 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
- Engages in lobbying before the agency of the intended gift recipient.

There are exceptions to the general prohibitions. These exceptions, found in [§7-5-106\(c\)](#), *generally* permit an employee to accept the following gifts from controlled donors:

- Gifts that do not exceed \$20 in cost;
- *Occasional* meals and beverages of modest value (\$25 or less), consumed in the presence of the donor or sponsoring entity. If the invitation is extended to a county employee for an event where a guest is typically included, the cost may not exceed the combined total of \$50 for the employee and the employee's guest;
- *Reasonable* expenses for a county employee's travel, food, lodging, or scheduled entertainment, in return for the employee's *featured* participation on a panel or as a *featured* speaker at a meeting. These expenses must be associated with the meeting. If the expenses are to be paid by a lobbyist and are anticipated to exceed \$500, the

employee must notify the ethics commission before attending the meeting. Employees are *strongly encouraged* to consult the ethics commission before accepting travel expenses to any meetings, conferences or similar functions;

- Tickets or free admission extended to the county executive or a member of the county council, regardless of value, if the gift meets *all* of the following criteria:
  - The ticket or free admission is for a *charitable, cultural, or political* event<sup>1</sup>;
  - 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.
- Gifts from relatives or members of the employee's household, even if the donor is also a controlled donor.
- Honoraria generally *may not* be accepted.

**NOTE: Important Exception to the Exceptions.** A county employee may not accept any gift even if it would generally be permitted by exception, if there are pending negotiations, anticipated or ongoing litigation, or some other type of dispute between the donor and the county. Acceptance of any gift in these circumstances would tend to impair impartiality, give the appearance of impairing impartiality, or be designed to impair impartiality. Employees are *strongly encouraged* to consult the ethics commission before accepting any gift under these circumstances.

## **2. GIFTS OFFERED BECAUSE OF THE INTENDED RECIPIENT'S POSITION WITH THE COUNTY.**

Section 7-5-107, generally referred to as the "prestige of office" or "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, and based upon current law, this provision prohibits employees from receiving gifts in excess of \$20 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 \$20 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>1</sup> Elected officials may not accept tickets or free admission to sporting events, e.g. baseball, football, horse races (e.g., Roedown, Preakness) unless the cost of the ticket or free admission is \$20 or less.

<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 county employees, and if the gift promotes the county's public purposes and/or programs.

Note that there are also administrative procedures concerning gifts to the county that may apply in a given situation. These procedures are available through the countyweb.

### **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 series 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:**

County employees (including elected officials and volunteers) are encouraged to contact the ethics commission before accepting any gift offered by a controlled donor or in connection with the job. Knowing the answers to the following questions will help the commission provide you with the most accurate answer to your question but even if you don't have all this information, the commission will gladly help.

- 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.
- What is the relationship of the donor to the intended recipient? For example, is the donor a vendor, contractor, or county permit holder?
- What is the gift?
- 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.
- Why is the gift being offered?
- Are there any issues pending between the donor and the intended recipient, the recipient's agency, or the county generally?
- Do you have any particular concerns about accepting the gift?