



FREDERICK COUNTY GOVERNMENT

FREDERICK COUNTY ETHICS COMMISSION Office of the County Attorney

Jessica Fitzwater
County Executive

Douglas P. Jones, Chairman

Ethics Commission Guidance

Gifts

April 2024

This Guidance is issued to provide guidance to County officials and employees on compliance with the County's Ethics Ordinance regarding the acceptance of gifts.

Some officials and employees who are subject to the Ordinance may not be fully aware that Section 1-7.1-5(G)(3), Conflicts of Interest, prohibits the acceptance of a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:

- Is doing business with or seeking to do business with the County division, agency, or board or commission with which the official or employee is affiliated;
- Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties ;
- Is engaged in an activity regulated or controlled by the official's or employee's governmental unit;
- Is a lobbyist with respect to matters within the official's or employee's jurisdiction;
- Is an association, or any entity acting on behalf of an association, that is engaged in representing counties or municipal corporations.

The Ordinance permits the following unsolicited gifts from persons falling into one or more of the above categories:

- Meals and beverages consumed in the presence of the donor or sponsoring entity;
- Ceremonial gifts of insignificant monetary value;
- Gifts of nominal value not over \$20 or trivial items of informational value;
- Reasonable expenses incurred in attending meetings where the official or employee is a speaker or participates in a panel discussion; and
- Tickets or free admission to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office.¹

¹ The Maryland State Ethics Commission has stated that "courtesy or ceremony extended to the office" should be limited to situations in which the elected official's presence helps further the responsibility of the office in recognition of important events such as opening or milestone events. (See Opinion No. 06-01 of the State Ethics Commission dated January 19, 2006.) Common or everyday events that do not benefit from or require the presence of the elected official are not considered to be a "courtesy or ceremony extended to the office." Ticket acceptance should be limited to events of importance to the sponsor and generally where the sponsor is present or participates as an integral part of the event.

Even when a gift is allowed under the Ordinance, the Commission encourages employees to remain cognizant of the appearance of impropriety that may accompany the acceptance of gifts. Gifts that fall into one of the following categories should not be accepted:

- A gift that would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift
- A gift of significant value that would give the appearance of impairing the impartiality and independence of the official or employee
- A gift of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee

The Ethics Commission also advises all who are subject to the Ordinance to decline any other gift from anyone who is regulated by or does business with the County. Employees who have questions about the acceptance of specific gifts are encouraged to contact the Ethics Commission for guidance.

Gifts from persons who contract with or are regulated by the County must be reported on the official's or employee's financial disclosure statement.

Any person subject to the Ethics Ordinance may request an advisory opinion from the Ethics Commission regarding the applicability of this provision to their circumstances. Advisory opinions are meant to be requested and issued prior to a contemplated action.