

GUIDELINES ON GIFTS

The following information is provided as general guidance on the Prince George's County's Code of Ethics gift prohibitions, §2-293(d), and on the prestige of office provision, §2-293(c) as it pertains to the acceptance of gifts. For particular questions, employees are strongly encouraged to consult the Office of Ethics and Accountability at 301-883-3445 or ethics@co.pg.md.us. In some instances, employees or officials may want to seek a formal opinion from the Board of Ethics. You may also access these and other provisions of the County's Code of Ethics in the Prince George's County Code, [Sections 2-289 through 2-297](#).

The Code of Ethics defines a gift as anything of economic value regardless of the form without adequate and lawful consideration. The Code of Ethics restricts employees and officials from accepting gifts from prohibited sources.

PROHIBITED SOURCES: GIFTS FROM "CONTROLLED DONORS"

A controlled donor is a term used by the State Ethics Commission referring to categories of donors from whom unsolicited gifts may not be accepted unless an exception applies. Section 2-293(d) prohibits county employees (including elected officials and appointed officials) from accepting most gifts from "controlled donors." A controlled donor is a person who:

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

EXCEPTIONS

There are exceptions to the general prohibitions. If the gift fits one of the following exceptions, generally the employee or official may accept the following gifts from a controlled donor:

- Gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
- Ceremonial gifts or awards which have insignificant monetary value;
- Meals and beverages consumed in the presence of the donor or sponsoring entity; If the meal exceeds \$20, the meal must be reported on the recipient's financial disclosure statement;
- Reasonable expenses for travel, food, lodging, and scheduled entertainment at a meeting given in return for the official or employee's participation in a panel or as a speaker at the meeting. These expenses must be associated with the meeting.

Individuals are strongly encouraged to consult the Office of Ethics and Accountability before accepting travel expenses to any meetings, conferences or similar functions;

- Tickets or free admission extended to **an elected official** to attend charitable, cultural, or political events, if the purpose of the gift is a courtesy or ceremony extended to the office.
- Gifts from relatives or members of the official or employee's household.
- Honoraria for speaking to or participating in a meeting; however, an official has additional restrictions on accepting an honorarium.
- A specific gift or class of gifts which the County Council or the Board of Ethics exempts in writing upon a finding that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature.

NO EXCEPTION IF GIFT IMPAIRS IMPARTIALITY

A county employee may not accept any gift-even if it would generally be permitted by exception, if it would impair impartiality, give the appearance of impairing impartiality, or is designed to impair impartiality. Generally, employees should not accept gifts if there are pending negotiations, anticipated or ongoing litigation, or some other type of dispute between the donor and the county, as 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 Office of Ethics and Accountability before accepting any gift under these circumstances.

GIFTS OFFERED BECAUSE OF THE INTENDED RECIPIENT'S POSITION WITH THE COUNTY

Section 2-293(c) generally referred to as the "prestige of office" or "abuse of office" provision, provides that officials and employees may not intentionally use the prestige of the official's or employee's office for their private benefit, or the financial gain of anybody else. 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.

DISCLOSURE OF GIFTS

For employees and officials required to file Financial Disclosure Statements, Section 2-294 provides that any gift valued at \$20 or more, or a series of gifts from one controlled donor with a cumulative value of \$100 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 Office of Ethics and Accountability 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

Office of Ethics and Accountability provide you with the most accurate answer to your question but even if you don't have all this information, the Office of Ethics and Accountability will assist and notify you to seek a formal opinion from the Board of Ethics.

The following questions will assist the staff in the Office of Ethics and Accountability in responding to your gift questions:

- Who is the donor? Contact information helps the Office of Ethics and Accountability 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?