

[Advisory Opinion 1996-5]

MEMORANDUM

March 12, 1996

TO: [Name1 withheld]
Office of the Board of License Commissioners
FROM: Laurie B. Horvitz, Chair [initialled]
Montgomery County Ethics Commission
RE: Advisory Opinion

You have requested an advisory opinion regarding whether the Commissioners and staff of the Office of the Board of License Commissioners may accept certain "VIP" passes that were provided by a business that is licensed and regulated by the Board. You have explained that the passes were mailed directly to specific individuals. The mailings identified each recipient by name and title.

It is the advice of the Ethics Commission that a "VIP" pass issued by a licensee of the Board is a prohibited gift which must not be accepted by any Commissioner or staff member of the Board and should be returned to the business. Section 19A-16(c) of the Ethics Law states, in pertinent part:

(c) A public employee must not knowingly accept a direct or indirect gift from any individual or organization that the public employee knows or reasonably should know:

* * *

- (2) does business with the County agency with which the public employee is affiliated;
- (3) owns or operates a business that is regulated by the County agency with which the public employee is affiliated;

The Ethics Law further requires that "[a] public employee who receives a gift that the public employee must not accept . . . must report the gift to the Commission, if otherwise required to report it, and return the gift to the donor or transfer the gift to the County." Section 19A-16(f) of the Montgomery County Ethics Law. Therefore, the passes should be returned.

If you have any questions concerning this decision, please do not hesitate to contact the Commission.

cc: Barbara McNally, Executive Secretary, Montgomery County Ethics Commission