



## BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

### Advisory Opinion No. 09-06-006

An employee may not accept a gift from an “interested donor”—an individual or organization that (1) lobbies the employee’s agency, (2) does business with the employee’s agency, (3) is regulated by the employee’s agency, or (4) has an identifiable economic interest that the employee may substantially affect in performing his or her official duties. An employee asks whether he may accept a gift consisting of foreign travel from one entity, and a gift consisting of lodging and meals from another entity (located in the destination country). The Commission concludes that the employee may accept both gifts because neither entity is an interested donor under the ethics law.

The purpose of the trip is to establish educational exchanges, pursue opportunities of educational collaboration, and build relationships between policy makers and educational leaders from both countries. The trip is approximately one week long.

The employee may accept these gifts because the entities funding the trip are not interested donors under § 19A-16(c) of the ethics law. Neither of these entities lobbies the employee’s agency, does business with the employee’s agency, is regulated by the employee’s agency, or has an identifiable economic interest that the employee may substantially affect in performing his official duties. Thus, the situation presented is different from that presented in Advisory Opinion No. 07-07-015 (Sept. 11, 2007) (employee could not accept a gift of foreign travel from a registered lobbyist, even though the lobbyist would receive restricted funding from an uninterested third party that would also designate the person(s) to receive the gift, because the lobbyist would still be making travel arrangements, providing staff to serve as guides, and coordinating all arrangements for and during the trip).

In reaching this decision the Commission has relied upon the facts as presented by the requestor.

FOR THE COMMISSION:

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June 30, 2009

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Antar C. Johnson, Chair