



MONTGOMERY COUNTY ETHICS COMMISSION

Nina Weisbroth
Chair

Stuart Rick
Vice-Chair

April 17, 2012

Before the Montgomery County Ethics Commission

Advisory Opinion No. 12-01-001

A public employee inquires whether a check he received to cover travel, food and related expenses for attending a information technology “roundtable” while on County time is acceptable pursuant to the Montgomery County Public Ethics Law. For the reasons stated here, the answer is yes.

The employee was invited by email to attend a roundtable discussion regarding matters of concern to the execution of his County responsibilities. The email stated that a check for \$50 would be available for expenses associated with attending the event. The entity offering the \$50 check was one of three sponsors of the event and is not an entity that does any business or is otherwise regulated by Montgomery County.

The invitation to the employee was made to the employee in his capacity as a public employee and the offer of the check was a part of that invitation. The employee has indicated that all persons receiving an invitation to the event received the same offer. Persons attending the event included persons from state, local and federal government, as well as interested persons from the private sector. Upon registering at the event, each attendee accepting the check, including the County employee signed a statement indicating that the check was acceptable under the signer’s employer’s ethics rules. The County employee, unsure, went ahead and signed and then posed the question of acceptability to the Ethics Commission without cashing the check.

The restrictions on receipt of gifts in the Public Ethics Law § 19A-16(c) apply to gifts from: registered lobbyists, those doing business with the County agency with which the public employee is affiliated, those owning or operating a business that is regulated by the County agency with which the public employee is affiliated, and those with economic interests different from the general public that could be substantially affected by the exercise of the employee’s public duties. As the presenter of the check for \$50 does not fall into any of these categories, the gift rules do not apply to the presentation of the check for \$50.

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While the County Council has directed that the Public Ethics Law “be liberally construed to accomplish the policy goals” of the ethics law, there is no Public Ethics Law provision that prohibits the gift made in this instance.

There is one issue ancillary to the question of acceptability of the check for \$50 concerning the requestor’s entitlement to reimbursement for expenses from the County. Normally, when an employee has travel expenses associated with County business, the employee is entitled to seek reimbursement for those expenses. In the present case, when the gift presented was for reimbursement of expenses, the question is whether the employee can accept the gift and then seek reimbursement from the County for the same expenses for which he already received reimbursement from the private source.

The Commission concludes that seeking reimbursement for travel expenses from the County after having already received a check from another source intended to cover the same travel expenses would be inappropriate and an unjust enrichment.

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

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Date



Nina Weisbroth, Chair