



## MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel  
*Chair*

Steven Rosen  
*Vice Chair*

**July 19, 2019**

### **Advisory Opinion 19-06-013**

On behalf of an elected official in the County, you have enquired whether a presentation item to the elected official is a prohibited gift pursuant to 19A-16(c) of the Public Ethics Law and, if so, can the gift be turned over to the County so that it may be displayed in the elected official's office. The Ethics Commission advises that the gift is not prohibited. The question of turning the gift over to the County is moot.

The elected official, along with other County employees, attended an event conducted by a local civic group. The group presented the elected official with a piece of wood, laser-engraved with a likeness of the historic Grey Courthouse, a quote from a song, and a note of appreciation for the elected official's support of the organization. The approximate cost of the item was over \$20. (According to an employee of a company that was the source of the item, the materials cost just over \$20, and the laser engraving was performed by the company on its own laser engraving machine.)

The Public Ethics Law provides that "a public employee must not knowingly accept a direct or indirect gift from a restricted donor." 19A-16(c). A restricted donor includes entities that, among other things, have 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 public employee's duties. The Public Ethics Law expressly directs that the law "be liberally construed" to accomplish the policy goals of the chapter, and particularly, the avoidance of improper influence. In this context, the Ethics Commission views the civic group, whose members are subject to policies and programs established by the elected official, as being a restricted donor.

The prohibition of 19A-16(c) does not apply in a number of circumstances, including with respect to "ceremonial gifts or awards that have insignificant monetary value." 19A-16(d)(2). The Commission views the gift presented to the elected official as falling within this exception. The gift here is a presentation item with no other use than presentation and display. The item carries with it little, if any, material or monetary worth. While the cost of the item was not insignificant, the Commission deems that the gift's value is insignificant and therefore can be kept by the elected official.

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The decision of the Commission is limited to the facts presented. The Commission recognizes that there will be circumstances when ceremonial gifts have monetary value that is not insignificant; determinations of whether monetary value is significant or not is a determination that must be made on a case by case basis.

If you have any questions, please contact Ethics Commission staff at 240-777-6670.

For the Commission:



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Rahul Goel, Chair