



MONTGOMERY COUNTY ETHICS COMMISSION

Montgomery County Ethics Commission Guidance on bona fide Awards for Meritorious Public Service or Achievement and Items Incident to the Award

The Public Ethics Law prohibits a public employee from knowingly accepting a direct or indirect gift from a restricted donor. (19A-16(c)). A “restricted donor” includes a registered lobbyist; a person or business doing business with or engaged in an activity that is regulated by the employee’s agency; or a person or business that has a financial interest that may be substantially and materially affected by the employee’s duties.

Pursuant to 19A-16(d)(9), the Ethics Commission may exempt from the prohibition of 19A-16(c) “a specific gift or class of gifts which the Commission exempts from this Section after finding in writing that accepting the gift or class of gifts is not detrimental to the impartial conduct of the business of a County agency.”

The Ethics Commission issues this guidance to apply in all circumstances to which the language of the exemption applies based on its conclusion that accepting such gifts is not detrimental to the impartial conduct of the business of a County agency.

In particular, the Commission exempts from application of the prohibition of 19A-16(c) certain gifts by instituting the following guidance:

An employee may accept pursuant to an established program of recognition a bona fide award for meritorious public service or achievement and any item incident to the award, provided that: (1) The award and any item incident to the award are from an association or other organization, the award is for outstanding service to the community and not for specific services rendered to a particular member or group of members of the association, neither the organization nor a majority of its members have interests that may be substantially and materially affected by the performance of the public employee’s duties; and (2) If the aggregate value of the award and any item incident to the award exceeds \$350, concurrence from the Ethics Commission is obtained that the gift meets the requirements of this guidance. Any questions regarding the application of the exemption should be directed to the Ethics Commission, 240-777-6670, Ethics.Commission@montgomerycountymd.gov.

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