



City of

Annapolis

ETHICS COMMISSION

c/o CITY OF ANNAPOLIS OFFICE OF LAW
160 DUKE OF GLOUCESTER STREET
ANNAPOLIS, MARYLAND 21401

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Summary of Advisory Opinion Dated December 17, 2015

The Annapolis Ethics Law, City Code 2.08.030.C.2, provides that the Ethics Commission may, at its discretion, publically provide extracts from or summaries of advisory opinions. The Commission provided an advisory opinion to Annapolis Chief of Police on December 17 as to the appropriateness of approximately 114 individual Annapolis police officers receiving \$50.00 gift cards from an Annapolis citizen employed in Anne Arundel County for use at an Annapolis restaurant. Specifically Chief Pristoop requested an opinion on the appropriateness of approving this offer.

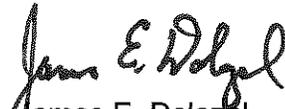
The Ethics Commission reviewed the request at a special meeting on December 16th and found that City Code 2.08.040.F, Solicitation and Acceptance of Gifts, applied to the described circumstances. It provides that the solicitation of any gift is specifically prohibited and paragraphs 2.08.040.F.3 and F.4 provide that:

- "3. An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:
- a. Is doing business with or seeking to do business with the City office, agency, board, or commission with which the official or employee is affiliated;
 - b. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - c. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - d. Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
4. Acceptable gifts.
- a. This paragraph does not apply to a gift:
 - (1) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - (2) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - (3) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee."

In addition, paragraph 2.08.040.F.4.b.(3) provides that "notwithstanding paragraph 3 of this subsection, an official or employee may accept unsolicited gifts of nominal value that do not exceed twenty dollars in cost."

From Chief Pristoop's summary we found there was no indication that the described gifts had been solicited by him or any of the Police Department's officers. We also found that the proposed gift to the Annapolis Police Department was worth approximately \$5,700 in aggregate with approximately \$1,024 being gifted by the local restaurant which is an establishment offering liquor and food under the enforcement jurisdiction of the Police Department. Hence, the gift prohibition at City Code paragraph 2.08.040.F.3.C applied. We therefore believed it would be inappropriate under the City's Ethics Code for the Police Chief to approve the gift offer.

The Commission was unanimous in providing this opinion and appreciated Chief Pristoop's vigilance in seeking the Commission's opinion.


James E. Dolezal
Chairman