



January 31, 1983

ETHICS COMMISSION OPINION 83-1

The College Park Ethics Commission has been asked for an advisory opinion by a member of the City Council as to whether attending a briefing on Litton's plans and an accompanying dinner violates the Ethics Law. Additional facts pertaining to this matter are as follows:

1. The entire City Council was invited to the briefing and dinner.
2. Litton is the largest employer in the City.
3. What was discussed, principally, was Litton's plans for plant expansion.

The Commission met on January 19, 1983, to consider this matter and all members of the Commission were present and participated, except for Sister Kathleen Mary.

The activity comes under the purview of Section 3 of Chapter 19 of the City Code, having to do with conflicts of interest and accepting "gifts". Although not binding on the Commission, guidance may be sought from the Model Laws promulgated by the State Ethics Commission. Section 5(d)(III) of Appendix A of the Model Law reads as follows:

- (III) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it, or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes or has reason to believe, that it is designed to do so, Subsection (II) does not apply to:
- (A) Meals and beverages;
 - (B) Ceremonial gifts or awards which have insignificant monetary value;
 - (C) Unsolicited gifts of nominal value or trivial items of informational value;

The activity or transaction clearly would appear to come under the exceptions enumerated in Section 5(d)(III)(A) of the Model Law; that is, a gift of "Meals and beverages" does not constitute a violation unless it would tend to impair the impartiality and independence of judgment of the official. Moreover, the function (briefing) was attended by other members of the Council, in response to invitations extended to the entire Council. The activity was not "solicited" by the councilmember, was of "nominal value" and hardly likely "to impair the impartiality and the independence of judgment of the official".

The commission therefore concludes that the activity described did not violate the City's Ethics Code.

Harry Grayson
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College Park Ethics Commission

cc: Councilman Perry
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