

- SUBJECT:** Board of Ethics Policy on Solicitation/Fundraising
- PURPOSE:** To provide guidance and standards concerning solicitation and fundraising
- SCOPE:** This procedure applies to all instances when a Prince George's County employee or official is considering solicitation of a gift.
- AUTHORITY:** This regulation is promulgated under the authority provided by Sections 2-292, 2-293 and 2-303 of the Prince George's County Code (Code), and Sections 1001 and 1002 of the Prince George's County Charter.
- RESPONSIBILITY:** All Prince George's County Government Departments, Agencies, Boards, Commissions and Similar Entities

PROCEDURES:

1. INTRODUCTION

The Code prohibits solicitation.

2. DEFINITIONS

- (a) "Business entity" means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation or other organization, whether or not operated for profit. Business entity does not include a governmental entity.
- (b) "Controlled donor" means a person or entity that:
- (i) Is doing business with or seeking to do business with the Council, as to members thereof, or, as to other officials or employees, with their office, agency, board or commission;
 - (ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his official duty; or
 - (iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - (iv) Is a lobbyist with respect to matters within jurisdiction of the official or employee.
- (c) Doing business with means:
- (v) Having or negotiating a contract that involves the commitment (either in a single

or combination of transactions) of Five Thousand Dollars (\$5,000.00) or more of County or County-controlled funds; or

- (vi) Being regulated by or otherwise under the authority of the County; or
 - (vii) Being registered as a lobbyist in accordance with Section 2-295 of the Code.
- (d) “Donor” means a person or entity that donates a gift.
- (e) “Elected Official” means any individual who holds an elective office of the County. Elected official does not include the Sheriff, State’s Attorney, Register of Wills or Clerk of the Court.
- (d) “Employee” means an individual who is employed by the County. Employee does not include an elected local official. Employee does not include an employee of:
- (i) The offices of the Sheriff, State’s Attorney, Register of Wills or Clerk of the Court;
 - (ii) The County Health Department; or
 - (iii) The County Department of Social Services.
- (e) “Gift” means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. Gift does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, Section 26-1 et seq., Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.
- (f) “Official” means an elected official, an employee of the County or a person appointed to or employed by the County or any County agency, board, commission or similar entity whether or not paid in whole or in part with County funds and whether or not compensated.

3. SOLICITATION PROHIBITION

Pursuant to Section 2-293(d) of the Code, an official or employee may not solicit any gift. In addition, an official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

4. EXCEPTIONS

Unless a gift would tend to impair the impartiality and the independence of judgment of the official or employee soliciting the gift, solicitation of a gift may be permitted under the following conditions:

- (a) The solicitation must be for a charitable event to benefit County citizens;
- (b) Written authorization from the County Executive or the Chief Administrative Officer

- officially sponsoring and approving the charitable event, and stating the legitimate interest to be served must be obtained prior to any solicitation;
- (c) Gifts for the benefit of County employees may not be solicited – only gifts that promote the County’s programs and benefit its citizens may be solicited;
 - (d) Unsolicited gifts to the County from controlled (or prohibited, or regulated) donors must be used only for the benefit of the public, not for the benefit of any County employee;
 - (e) County contractors and vendors and other controlled donors shall not be specially targeted because of the perceived pressure upon them to give and because of the expectation that they will receive favored treatment in the future;
 - (f) Solicitations for gifts to the County from donors shall be open to the general public or at least to all donors in the related field or industry to reduce the appearance of favoritism, endorsement or coercion. Potential donors must be informed that contributions are purely voluntary; and
 - (g) Free advertising for controlled donors and other sponsors shall include on the page the same disclaimer.

5. CHARITABLE ORGANIZATIONS

An organization that is the recipient of a gift or donation solicited by County officials or employees shall:

- (a) Be in good standing with the Maryland State Department of Assessments and Taxation; and
- (b) Provide a copy of its latest audited financial report conducted by an independent auditor in accordance with Generally Accepted Auditing Standards (GAAS).

6. RECORDKEEPING

Agencies and departments engaged in solicitation shall maintain records of all gifts collected, including the date, type, value and source of the gift.

7. EXEMPTIONS AND WAIVERS

In accordance with Section 2-293 of the Code, the Board of Ethics may grant additional waivers of the restrictions imposed herein. In accordance with State law and any other applicable law, the Board of Ethics reserves the right to modify, rescind or amend at any time and from time to time, the regulations promulgated herein.

This Administrative Procedure shall become effective on the date of issuance.

April 29, 2016
DATE

Nicholas A. Majett
Nicholas A. Majett
Chief Administrative Officer

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