

May 20, 1997
Re: I -97-87

You inquired whether the police department could solicit a sporting goods store to provide for use by the police department, five dollars off coupons on the purchase of bicycle helmets. The police would distribute the coupons, along with a citation, to children who are stopped for riding a bike without a helmet. You indicated that the department has one particular store in mind to participate as a donor in this program.

The ethics law, §3-106(a) prohibits a county employee from soliciting a gift. Although the prohibition appears to be absolute, the ethics commission has recognized certain limited exceptions to the rule. In AO-97-41, the commission determined that a gift could be solicited if the gift would promote an officially sanctioned public safety program, and if the ultimate beneficiary of the gift would be members of the public rather than county employees. The program you described in this inquiry would certainly fall within both these requirements.

The commission also provided certain guidelines to be followed in pursuing this type of program. First, the program should be officially sanctioned by the county administration, rather than the police department, to give the program the county stamp of approval. Second, the solicitation of the coupons should be from a broad pool of possible donors, to avoid the appearance of favoritism and to avoid the creating a "debt" owed to any particular business by the police department. Records of the donations should be kept in writing and the amount of the contribution, if any, from any source, should be handled outside of the department by non-county personnel. The information should not be made available to the police department. This step, as the commission stated in its previous opinion, would insulate potential donors from unwanted pressure to contribute to the program.

If the program stays within these guidelines, the ethics commission believes that the program to equip children with bicycle helmets would not violate the ethics laws and would therefore be permissible.

Thank you for your inquiry. If you have any questions, give me a call any time.

Sincerely,

Betsy K. Dawson