

March 4, 1999
Re: IO-99-54

I met with Chief xxx this morning with regard to the propriety of accepting certain donations that have been offered to the fire department. In the first instance, a commercial towing business offered the department a 7 x 14 foot trailer, which the department would use for hauling equipment for special operations. Since the donor is not a "controlled donor" doing business with the fire department, or subject to any special regulatory controls of the fire department, this gift is permissible because it was unsolicited and it will be used for the benefit of the public, pursuant to departmental programs.

The same donor asked if the department was in need of other items that he could provide and was advised that the department is in possession of an old aluminum truck that is currently used for storage. The cab and chassis of the truck are no longer operable, so the truck cannot be moved. Chief xxx indicated that the department could use a cab and chassis for connecting to the truck bed so that it could also be used for hauling equipment. This response to a question is not a prohibited solicitation and therefore, if the donor can provide this equipment, the department can accept it.

The third inquiry made by Chief xxx, involved the offer by several smoke detector businesses to provide batteries for smoke detectors. These batteries would be given to the fire department and offered to residents who seek the assistance of the department in checking existing detectors and installing new ones. This offer, also unsolicited, will provide a benefit to the general public and will promote the purposes of the fire department. Therefore, it is permissible for the department to accept this offer as well.

The only issue that might arise with unsolicited donations would involve the motivation behind the offer. If the donor is regulated or subject to the authority of the fire department (in a way that is different from other members of the general public), or has contracts with the county in which the fire department is substantially involved, there may be an intent to impair the impartial or independent judgment of fire department officials in the conduct of the department's business with these individuals. Absent these considerations, an unsolicited gift that will benefit the public and promote the public purposes of the fire department will be acceptable.

If you have any other questions, please call.

Sincerely,

Betsy K. Dawson
Executive Director