

October 11, 2000

Re: IO-00-152

You inquired whether the fire department may accept a new classroom building that will be built by students under the direction of the school board. The volunteer fireman's association plans to solicit building materials from various companies for this effort.

Section 3-106 of the Public Ethics Law regulates the solicitation of gifts. Since the volunteer association is not subject to the county ethics law, there is no prohibition on gifts solicited by that organization. Assuming that the fire department is not participating in the solicitation itself, there should be no concerns about the propriety of that activity. If the fire department would like to solicit as well, it may do so, within established guidelines. I am enclosing a copy of IO-00-95 describing those guidelines for your information.

Acceptance of gifts is governed by §3-106(b) and (c). In the situation you describe, the gift is being offered to the fire department for the benefit of the citizens of the county. It is not being offered to benefit an individual or group of employees. Since the county is offering the use of its land for this building, one might argue that there is adequate and lawful consideration being given by all participants. It is also questionable if gifts offered by entities such as the volunteer association or the school board are intended to be covered by the ethics law.

For these reasons, it is the opinion of the ethics commission that this project will present no issues under the Public Ethics Law. Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director