

February 22, 2000
Re: IO-00-22

You inquired whether an employee could sell candy bars to other employees in the office. You stated that there is no solicitation by the seller and no pressure to buy. The candy bars are sold on the "honor system" in the office, in that employees may just take a candy bar and leave fifty cents for their purchase. You further stated that this is a profit-making venture for the seller, and that it is not part of a fund raiser or other charitable solicitation.

Section 3-104(a) of the Public Ethics Law prohibits an employee from using the prestige, title or authority of the office for personal gain. The ethics commission has interpreted this provision to mean that employees may not use county resources, including the workplace, for profit making ventures. While it is true that few candy bars may not seem like a big deal, the operation of a for profit business in a county building would establish a precedent that could lead to a whole market place in the office. If one person can sell candy for a profit, can another person bring in for sale handmade crafts, or baked goods, insurance policies, or resort vacations?

If employees in the office want to have candy or other items available, they can certainly reimburse any employee who brings in a supply. It is the sale for profit that is prohibited by the ethics law.

This letter represents my considered opinion. If you would like consideration of this matter by the ethics commission, please let me know promptly. This letter will be treated confidentially unless the advice offered to you is not followed. Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director