

September 12, 2000  
Re: IO-00-68

You inquired whether you may send fund raising solicitations to people or entities doing business with your department. You stated that you are the President of the Arundel Scottish Festival, Inc., an organization that annually holds a Scottish Highland Games festival in the county. You have prepared a letter to send to various entities, seeking corporate sponsorship for the event. There are various levels of corporate sponsorship beginning with a \$250.00 contribution.

The relevant provision of the Public Ethics Law is §3-104, which prohibits an employee from using the prestige, title, or authority of the office or position for private gain or for the gain of another. This provision has been consistently interpreted by the ethics commission to mean that an employee may not misuse the authority, title, or prestige of the position for inappropriate gain. For example, it would be a misuse of title for a county employee to use the employee's county title in private fund raising endeavors.

This provision would be equally applicable where a county employee, engaged in private fund raising, specifically targets county vendors, contractors, or entities subject to the regulation of the employee's agency. This type of solicitation may reasonably be interpreted as coercive by a vendor or contractor. Conversely, a vendor or contractor who makes a donation, may expect to receive favored treatment. It is important to avoid the appearance of either coercive intent or favoritism in soliciting or accepting donations from donors with connections to a county agency.

However, where the targeted recipients of fund raising letters are members of a large identifiable group, fund raising letters may be sent to all members of that group. If for example, you are targeting members of Scottish organizations, or business entities with some connection to Scotland or the British Isles, it would be permissible to include all the entities in that group.

On the other hand, if the targeted group is made up largely of vendors with whom the county does business, it may create the appearance that you are using the prestige of your office in targeting county vendors, for the purpose of benefiting your organization. These guidelines should provide you with a basis for determining whether the people and entities you plan to solicit are reasonably included in your mailing list.

Thank you for your inquiry. If you have other questions, please feel free to call any time.

Sincerely,

Betsy K. Dawson  
Executive Director