

July 30, 2001
IO-01-116

You inquired whether WorldCom, an entity that will be offering a discount on cell phones to county employees, may use a county building to set up a table for disseminating information about the offer. The table would be open only during the lunch hour to discourage employees from attending during work hours.

The ethics commission has consistently advised that §3-104(a) of the Public Ethics Law prohibits the use of county resources to promote or endorse commercial marketing strategies. See, IO-01-112. County resources include buildings as well as e-mail and fax machines. Use of county resources is only permitted as a constituent service - expressly permitted under §3-104(b) of the ethics law. Constituent services are those services offered without favoritism to any constituent in the same or similar circumstances as any other constituent seeking those services. See, AO-98-92, IO-98-50. For example, if there are established procedures that permit the use of county facilities on a first come, first serve basis to all applicants, then arguably the facilities are being offered for constituent services. On the other hand, if the county chooses to open its facilities only to those entities offering employees a "good deal," a reasonable person may well perceive the county to be endorsing that entity's products or services.

For this reason, the ethics commission advises that county employees may not permit WorldCom to use a county building to promote its discount offer, unless these same facilities are made available under the same terms and conditions available to any other private entity.

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

Sincerely,

Betsy K. Dawson
Executive Director