

August 14, 2001

Re: IO-01-124

You inquired whether and to what extent individual police officers may participate in a golf tournament that will be hosted by the Anne Arundel County Police Foundation, a private non-profit entity that was created to support the activities of the police department. The ethics commission has reviewed your questions and directed me to respond.

Section 3-104(a) of the Public Ethics Law prohibits an employee from using the prestige, title, or authority of the employee's office or position for the private gain of another. This provision is intended to ensure that county agencies do not endorse private entities. For this reason, the ethics commission has advised against permitting a private entity to use an official county department logo in its letterhead. I have enclosed that opinion, 00-179, for your information. Although you indicated that the logo used by the Foundation is not an exact replica of the police logo, it appears to be official and many people may reasonably assume it to be the police logo. The logo should be clearly distinguishable by the average person from the official department logo.

For the same reason, the names of police officers should not appear on any type of printed material that advertises the golf tournament or that solicits donations, sponsorships, or participation through the purchase of a foursome. The presence of an officer's name gives the appearance of an endorsement of the entity's activities. Even if the officer's title does not appear on the advertisement, many people in the county recognize those names and will assume that the police department is involved in the solicitation.

You also asked whether police officers may purchase tickets to the tournament. They may certainly do so. However, they may not be coerced to do so, and the apparent participation in the solicitation by superior officers may appear to be coercive to the officers under their supervision. Officers who participate in the golf tournament may also receive prizes based on their achievements - e.g. "hole in one contest", "best ball", "closest to pin contest". They may also participate in the 50-50 raffle. Although the ethics commission has previously advised that employees may not accept door prizes in excess of \$25 from controlled donors, the cash prize from a 50-50 raffle is donated by all the foursome purchasers. There is no one donor providing the prize.

You also asked whether police officers may help out with the running of the tournament - serving refreshments, judging, and other activities. They may volunteer for these activities but again, they may not be coerced into volunteering. And of course, they may not be in uniform while they are volunteers at the golf tournament.

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

Sincerely,

Betsy K. Dawson
Executive Director