

MEMORANDUM

TO:

FROM: Betsy K. Dawson

DATE: February 12, 2001

RE: IO-01-15

You inquired whether there are any ethics issues involved in the long-standing practice of the central garage to charge an extra .05 cents per vending machine purchase. This practice is conducted with the vendor's knowledge and permission, with the proceeds of the extra charges going to the Quality Circle Group. This group represents the employees of the garage and was created to address and solve a variety of issues. The money received from the vending machines, along with funds received from the sale of the aluminum cans purchased from the machines, goes toward improving morale, and pays for such items as cook-outs, retirement and holiday celebrations and so forth. The group holds the money in a bank account and records are kept of all transactions.

Although it seems hard to believe that there is enough money from these vending machines and the sale of soda cans to support these employee activities, there are no ethics issues involved in the practice you described. There is no county property involved, and the employees are not required to purchase vending machine products, or to contribute to any fund. Employees who purchase items from the machines are voluntarily paying to support these social activities. The vendor is not making a gift to anybody, but is simply providing the conduit for payment into the fund. Although you indicated that members of the public occasionally purchase items from the vending machines, the extra amount they pay is negligible, and does not amount to a prohibited solicitation of a gift under §3-106(a) of the ethics law.

For these reasons, the ethics commission advises that the project presents no problems under the Public Ethics Law.

Thanks for your inquiry. Please call any time if you have additional questions.