

March 21, 2002  
Re: IO-02-31

You inquired whether it would be permissible under the Public Ethics Law for detention center officers to sell Special Olympics Maryland t-shirts to county employees at county facilities to promote "Torch Run Day in Anne Arundel County". The county executive has previously declared such a day, and is being asked to do so again. The Torch Run is the day that the torch for the Special Olympics will be run from the Bay Bridge to the State House in Annapolis. The detention center and the county police department are taking part in this event, along with city and state police and the FBI.

The ethics commission has concluded that under §3-104(a), county employees may not use the authority, prestige, or title of their offices or positions to raise funds for private charitable entities. The ethics commission has interpreted this provision to mean that individuals, including department heads, may not use the prestige or authority of their county positions to promote or actively raise funds for charitable entities. However, the Anne Arundel County government may engage in a charitable fund raising event if it is specifically approved by the county executive on a county-wide basis, for the benefit of the citizens of the County. The United Way campaign is an example of such a situation. If the county executive sets aside a "Torch Day" for the special Olympics, then the county may promote this day within reasonable limits. The county executive may permit county personnel to sell t-shirts to other county employees as part of this promotion.

County employees may be encouraged to participate in a county-wide charitable event, such as the United Way campaign, or the "Torch Day" celebration, but they may not be coerced into doing so. Requiring participation in a fund raising event would constitute the misuse of the authority of one's position for the gain of a private entity, in violation of §3-104. For this reason, county employees may not be required either to sell t-shirts, or to buy them or wear them, or to participate in the Torch Run. For more information on the applicability of §3-104(a) to charitable fund raising, see AO-98-92, IO-00-26, IO-01-29, and IO-00-40, copies of which will be provided upon request.

Thank you for your inquiry. If you have any other questions, please do not hesitate to call.

Sincerely,

Betsy K. Dawson  
Executive Director