

April 9, 2002
Re: IO-02-41

You inquired whether you may solicit sponsors for the SWANA Equipment and Truck Rodeo in which employees of your department will be participating. SWANA, The Solid Waste Association of North America, is a professional organization of solid waste managers. The truck rodeo offers an opportunity for equipment operators to demonstrate their skills and to compete for prizes. This year, the rodeo host chapter has asked participants to solicit sponsors to buy advertisements in the program or to assist with expenses for the rodeo reception or luncheon.

Under the Public Ethics Law, §3-106(a), county employees are prohibited from soliciting gifts. Through a number of opinions, both advisory and informal, the ethics commission has advised that county employees may only solicit gifts under limited circumstances, and subject to a number of guidelines. A gift may only be solicited if it promotes a legitimate agency purpose or program, and only if the beneficiaries of the gift will be members of the public, not county employees. See for example, AO-01-89, AO-99-199, AO-99-199, AO-98-95, AO-97-122, IO-00-95. In AO-01-89, the commission advised that county employees could not solicit sponsors to support an employee recreational baseball team, because the gift would benefit county employees. In the present case, sponsorship of the truck rodeo would provide a benefit only to county employees. While the rodeo may be a valuable experience and morale booster for the employees, its possible benefit to the public is indirect and remote at best.

Even when a gift solicitation is permissible, it must be approved by the county executive's office and it must follow certain guidelines to ensure that controlled donors are not specifically targeted as potential donors. The reason for this restriction is obvious. County agencies and their employees must not engage in activities that may be perceived as coercive, or that may result in partiality toward a generous controlled donor.

For these reasons, the ethics commission advises that you may not solicit any entities that do business, are seeking to do business, or that are regulated by your agency, to sponsor the activities of the truck rodeo. Additionally, if you have already requested sponsorships, the potential donors should be contacted and advised of this opinion and given the opportunity to have their contributions returned.

Thank you for your inquiry. If you have any questions about this letter, please feel free to call.

Sincerely,

Betsy K. Dawson
Executive Director