

May 1, 2002
Re: IO-02-45

You inquired whether the employees in your department may conduct a 50/50 raffle at an employee retirement party where one-half the proceeds would be given to the retiree, and the other half would be kept by the winning ticket holder. The tickets would be offered only to those people attending the party. The answer is that as far as the Public Ethics Law is concerned, the employees may conduct such a raffle, provided that attendees are not required or pressured to participate in the raffle. The Public Ethics Law, §3-106(a) prohibits the solicitation of gifts by employees, but the ethics commission has previously advised that employees may solicit coworkers for contributions to a gift for another coworker, as long as the solicitation is not required or coerced. Additionally, since a participant's contributions toward the raffle also purchases a chance to win, it is not really a gift solicitation. See also, IO-01-124. Anybody who attends the party, whether an employee or a contractor with the department may purchase a raffle ticket. However, since a 50/50 raffle may be considered gambling, you should contact the Office of Law or the State's Attorney to find out whether holding such a raffle would be legal under the circumstances.

A 50-50 raffle is different from a solicitation to contribute directly to a gift. In the latter case, the donor is not purchasing a chance to win, is not giving value for value. For that reason, vendors or others doing business with your department may be invited to attend the party, but may not be solicited to contribute to the retiring employee's gift. One of the reasons for prohibiting gift solicitations is to avoid situations where government contractors feel pressured to contribute to gifts in order to maintain a good relationship with the county, or where such contributions will create expectations of favoritism toward the contractor. So while coworkers may be requested to contribute toward a personal gift for another coworker, vendors and other entities doing business with, or subject to regulation by your department may not be requested to contribute. See for example, AO-01-89 and AO-97-165.

Thank you for your inquiry. Please call if you have other questions.

Sincerely,

Betsy K. Dawson
Executive Director