

April 15, 2003

Re: IO-03-31

You inquired whether you may solicit camera shops and other businesses to donate prizes for a photography contest to be conducted by your agency. The answer is that you may solicit contributions for prizes under certain circumstances, and subject to certain conditions.

Section 3-106(a) of the Public Ethics Law prohibits employees from soliciting gifts. This provision does not prohibit the county from soliciting gifts as long as: the solicitation promotes a legitimate county purpose or serves a county program; the solicitation is directed to a large identifiable group of non-controlled donors; the solicitation is approved by the county executive; and the prizes will be awarded to citizens and not county employees. See, e.g., IO-00-68, 10-0241, AO-99-175. You stated that the purpose of the photography contest is to display photographs taken by county high school students in the lobby of the Arundel Center. The winning contestants would be given prizes, and the citizens who visit the Arundel Center would be treated to new and interesting art work. This contest, if approved by the county executive, would certainly promote a legitimate county interest. You stated that you would like to solicit donations from camera shops. You may solicit from this group or any other identifiable group as long as the members of the group are not primarily controlled donors. Controlled donors would include entities doing business or seeking to do business with the county, entities regulated by the county, entities which have substantial material or financial interests that may be affected by the performance of the official duties of a county employee, or lobbyists with the county. If your target group includes all camera shops in the county, you might be incidentally including a controlled donor but you would not be targeting that donor.

Finally, the solicitation should assure potential donors that contributions are purely voluntary in order to avoid the appearance of coercive tactics by a government agency.

Sincerely,

Betsy K. Dawson
Executive Director