

May 16, 2003

Re: IO-03-49

You inquired whether you may serve as a fund raising "ambassador" for a non-profit entity affiliated with the International Code Council ("ICC"), and whether you may solicit donations from the member chapters of the ICC.

The answer is that you may solicit funds on behalf of the entity, subject to certain limitations. You may not target "controlled donors" as defined in §3-106(b) of the ethics law, and you may not solicit funds directly from any entity that is subject to regulation from your agency. Finally, you may not use your county job title on any letterhead or other literature connected to the private entity and you may not use county resources, including your computer, work telephone, or other facilities to conduct your fund raising activities.

The ICC is a nonprofit organization that works with government officials and construction professionals to develop national model construction codes. The membership of the ICC consists of local or regional chapters. Chapters have voting members - consisting exclusively of government officials - and non-voting professional members. The members in the latter category receive technical, educational, and informational products and services but do not govern the chapter or vote on chapter matters.

The Building a Safer World Foundation is the charitable foundation of the ICC. This foundation seeks donations to further the objectives and programs of the ICC by reaching interested groups that may not have the financial resources to otherwise participate in ICC activities. The role of the foundation's ambassadors is to solicit donations from various ICC chapters. The chapters' voting members will decide whether to participate and what the extent of the participation will be. The contributions will come from each chapter's resources, not as contributions from individual members.

Since there does not appear to be any issues involving the specific solicitation of donations from controlled donors, or any potential for adversarial interests between your official county responsibilities and the work of the ICC or its charitable foundation, the ethics commission advises that you may participate as a fund raising ambassador for the Build a Safer World Foundation, Inc.

Sincerely,

Betsy K. Dawson  
Executive Director