

October 14, 2003
Re: IO-03-91

You inquired whether you may use the county's e-mail to solicit employees to purchase miniature police cars as a fundraiser for the Anne Arundel County Police Foundation. The Foundation, a private entity created to support the police department, paid for the cars and used the police department's official logo with the department's consent. The police department intends to donate the proceeds to the Foundation to use at its discretion.

The answer is that you may only sell the cars, or use the county's e-mail system to solicit employees if you have first received the county executive's express consent to do so. This conclusion is based upon three earlier opinions (enclosed). In AO-97-140, the ethics commission advised that a county department was not permitted to participate as a "team" in a charitable fund raising event for a private organization, unless the "effort is officially sponsored on a county-wide basis and approved by the county executive".

In IO-02-31, the ethics commission advised that were permitted to sell t-shirts in support of the Special Olympics torch run, a campaign that was specifically authorized by the county executive as "Torch Run Day in Anne Arundel County". See also, IO-02-129, where the commission advised that the county e-mail could not be used to solicit donations for a private entity without the specific approval of the county executive.

The justification for this requirement is that §3-104(a) prohibits an employee from using the prestige, title, or authority of the employee's position to endorse a private entity, since an endorsement constitutes a "gain" to that entity. If every department in the county government could choose to support and solicit donations for private charitable organizations, the county and its employees would be inundated with solicitations, and organizations which were not so favored would legitimately complain that the county government was practicing favoritism.

However, if the county executive chooses to support this fund raising activity, and determines that it will benefit the county citizens and not individual employees, the police department may solicit employees for donations. If the activity is permitted, you may use the county's e-mail system to advertise this effort.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director