

November 22, 2004  
Re: IO-04-87

You inquired whether you may participate personally in fund raising activity to assist your community association and special community benefit district in collecting funds to use toward the possible purchase of land for conservation purposes. You have stated that the land in question may soon be subdivided and developed and that the only way that your community may be able to stop this development is to purchase the property, in conjunction with the Bay Ridge Trust. You have stated that you and your spouse might want to host a fund raising event in your home, and that you both may want to make a monetary contribution toward that effort.

The Public Ethics Law does not prohibit you from participating personally in community fund raising efforts such as the one you described. Since the county does not appear to have an interest in this property at the present time, §5-104, which prohibits a county employee from representing any person in a matter in which the county has an interest, does not apply. Since you have no official responsibilities with respect to this community effort, there are no issues of prohibited participation under §5-110.

However, §5-107 prohibits the use of the prestige of your office for the gain of another. For this reason, you may not use your county title or any county resources to engage in fund raising activities. The ethics commission encourages you to take affirmative action to insure that people whom you invite to a fund raising event, or from whom you solicit donations, understand that you are acting in a purely personal capacity, for the sole purpose of raising money to assist your community. You should also avoid soliciting or accepting donations from controlled donors- people who do business with, or are regulated by the county. In IO-04-20, the ethics commission addressed the issue of fund raising by a member of the county council. The commission expressed concern that even permissible fund raising by a county council member may create an appearance of a conflict of interest, a result that the ethics law seeks to prevent.

With the expectation that you will make every effort to avoid even the appearance of a conflict of interest, the ethics commission advises that you may personally participate in fund raising activities on behalf of your community association and special community benefit district.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson  
Executive Director