



Palm Beach County Commission on Ethics

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Alan S. Johnson

September 9, 2011

Elizabeth Harfmann
Palm Beach County Animal Care and Control
7100 Belvedere Road
West Palm Beach, FL 33411

Re: RQO 11-077
Charitable Solicitations

Dear Ms. Harfmann,

Your request for an expedited advisory opinion pursuant to Commission on Ethics rule of procedure 2.6 has been received and reviewed. The opinion rendered is as follows:

YOU ASKED, on August 30, 2011 whether county employees may use their public email to invite co-workers to an upcoming charity event and whether they may sell raffle tickets associated with the event during their lunch breaks or other non-county time.

IN SUM, you are not prohibited by the Code of Ethics from soliciting donations from other county employees on behalf of the Help Lizzy Heal fundraising event (Fundraiser). The COE cannot opine as to county policy or procedure regarding use of county resources in this manner.

THE FACTS as we understand them are as follows:

You are a county employee in the Animal Care and Control Department.

The Slainte Irish Pub in Boynton Beach is hosting an event for a 6 year old girl who was severely injured in a fire. This event is not associated with any non-profit organization, but is a fundraiser to help support this local family. You would like to invite your co-workers at Animal Care and Control to attend. You also would like to offer county staff the opportunity to purchase raffle tickets ahead of time during your lunch break. None of the raffle prizes are from vendors or lobbyists of the county. Slainte is not a county vendor and the restaurant does not employ a lobbyist. You have not and do not plan to solicit donations from vendors or lobbyists of the County in association with this event. In fact, your sole involvement in the Fundraiser is to publicize the event to your co-workers. Your department director has approved using county email to publicize this event conditional upon review by the Commission on Ethics.

THE LEGAL BASIS for this opinion is found in the following relevant sections of the Palm Beach County Code of Ethics:

Under the gift law provisions, §2-444(a) prohibits a public employee from soliciting or accepting more than \$100 from a vendor or lobbyist who sells, leases or lobbies their government employer. The revised Code of Ethics provides an exception to this prohibition to allow participation by officials and employees in charitable fundraising.¹ This exception requires that fundraisers maintain a log of all solicitations and donations in excess of \$100 from vendors or lobbyists doing business with or lobbying their public employer. Furthermore, in soliciting donations from these persons or entities, a public employee may not use county or municipal staff or other county or municipal resources in the solicitation of charitable contributions from vendors or lobbyists.² However, so long as you do not solicit from vendors or lobbyists of the county, the code of ethics does not prohibit you from using your email to publicize this event or from soliciting and accepting donations from your co-workers.

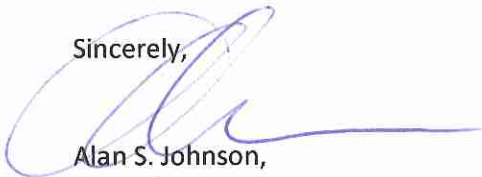
The County may have policies and procedures that address this issue. While the Commission on Ethics will address questions concerning the county code of ethics, responsibility for interpretation and enforcement of county policies or procedures remains with your supervisor or department head.

IN SUMMARY, based upon the facts you have provided, the Code of Ethics does not prohibit you from participating in and soliciting other county employees on behalf of the Help Izzy Heal fundraising event.

This opinion construes the Palm Beach County Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me at (561) 233-0724 should you have any further questions in this matter.

Sincerely,



Alan S. Johnson,
Executive Director

ASJ/mr/gal

¹ §2-444(h), PBC Code of Ethics

² §2-444(h)(3), PBC Code of Ethics