



Palm Beach County Commission on Ethics

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November 4, 2011

Jacquelyn Anderson
Palm Beach County ISS-Quality Assurance
301 N. Olive Avenue
West Palm Beach, FL

Re: RQO 11-091
Charitable Solicitations

Dear Ms. Anderson,

The Palm Beach County Commission on Ethics (COE) considered your request for an advisory opinion, and rendered its opinion at a public meeting on November 3, 2011.

YOU ASKED, on September 30, 2011 whether county employees may use their public email to solicit donations and gifts on behalf of a non-profit from other county employees.

IN SUM, you are not prohibited by the Code of Ethics from soliciting donations from other county employees on behalf of the Central New Testament Church of God (the Church) unless you are an officer or director of the Church or you corruptly use your official position to give a benefit to another person in exchange for a donation. The COE cannot opine as to county policy or procedure regarding solicitations or other use of county resources in this manner.

THE FACTS as we understand them are as follows:

You are a county employee in the information systems services department (ISS).

Your church runs a program called "the Homeless Project" (the Project). The Project collects food and other donated items to distribute to the homeless in Palm Beach County around the Thanksgiving holidays. You emailed county employees, informed them of the program's mission and asked them to contribute from a list of items including toothbrushes/toothpaste, mouthwash, deodorant, shampoo/conditioner and other toiletries. You are a member of the Church but do not serve as an officer or director. You have not and do not plan to solicit donations from vendors or lobbyists of the County in association with this event. Thus far, you have received several cash donations in addition to toiletry items. In your request, you noted that you have logged all cash donations and submitted this record to the Project director.

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 solicit donations from your co-workers, nor are you required to keep a log of the donations made.

However, no solicitation or donation can be made or accepted in exchange for an official act or duty performed. You may not corruptly misuse your office by offering a benefit as a *quid pro quo* for a donation that is inconsistent with the proper performance of your duties as a county employee.³

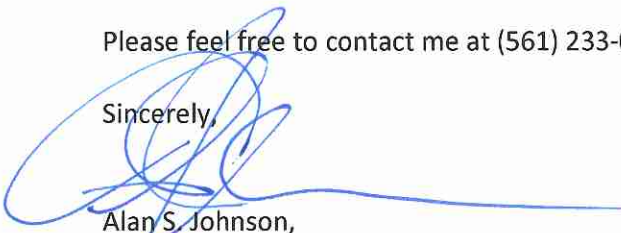
The County may have policies and procedures that address this issue. While the Commission on Ethics will address questions concerning the Code of Ethics, responsibility for interpretation and enforcement of county policies or procedures remains with your supervisor or department head.

IN SUMMARY, based upon the facts you have provided, the Code of Ethics does not prohibit you from using the county email system to solicit donations from other county employees on behalf of your Church's homeless project fundraising effort, so long as you are not an officer or director of the Church, or the Project, and do not use your official position to corruptly benefit a donor in exchange for a donation.

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

³ §2-443(b) corrupt misuse of office, PBC Code of Ethics