



Palm Beach County Commission on Ethics

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November 23, 2011

Joe Sherpitis, Assistant Deputy of Inspections
Planning Zoning and Building
2300 North Jog Road
West Palm Beach, FL 33411

Re: RQO 11-109
Fundraising/United Way Campaign

Dear Mr. Sherpitis,

Your request for advisory opinion to the Palm Beach County Commission on Ethics has been received and reviewed. The opinion rendered is as follows.

YOU ASKED in your email dated November 18, 2011, whether the Palm Beach County Code of Ethics affected the county sponsored United Way Campaign. Additional information was obtained from assistant county administrators Brad Merriman and Vince Bonvento

IN SUM, the United Way Campaign is a county sponsored program that enables employees to voluntarily give to charitable organizations via payroll deductions. It is an employee only program and does not solicit or accept donations from vendors, lobbyists, principals or employers of lobbyists who do business with Palm Beach County. Approximately 60% of county employees participate in the program. There is no quid pro quo or other inducement offered in exchange for contributions, nor is pressure used to obtain contributions. The use of public resources is an internal policy issue and does not involve the ethics code. As a voluntary employee program, the United Way Campaign is not prohibited under the code.

THE FACTS as we understand them are as follows:

You are a Palm Beach County employee and support the United Way Campaign program. This county sponsored program provides an internal voluntary means whereby employees can give charitable donations through payroll deduction. As an internal program sponsored by the county, county resources are used for dissemination of information and processing donations through payroll. The program is wholly administered by county personnel and does not solicit or accept donations from vendors or lobbyists of the county. The United Way is not involved in the program other than to make itself available as a charitable conduit in partnership with the county. No county official or employee is an officer or director of the United Way.

A number of county employees are concerned that the Code of Ethics will impact their ability to contribute to charitable causes through this payroll deduction program, specifically the section which prohibits the use of public resources for charitable fundraising.

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

Provided that there is no quid pro quo or other benefit offered in exchange for charitable donations, and donations are not solicited or accepted from vendors, lobbyists, principals or employers of lobbyists who lobby, lease or sell to the county, the gift law does not prohibit or otherwise limit charitable fundraising.¹

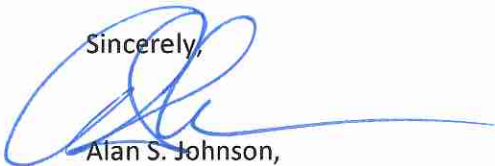
Charitable fundraising from vendors and lobbyists is limited by the gift law prohibition limiting solicitations and donations to \$100, annually in the aggregate, unless a log is maintained in accordance with the code exception for charitable donations.² This exception prohibits the use of government resources.³ The restriction only applies to vendor/lobbyist solicitation and donations otherwise prohibited by the code. Since the United Way Campaign is employee only, use of government resources such as email, phones and employee hours is controlled by county policy and procedure, not the Code of Ethics.

IN SUMMARY, the Palm Beach County Code of Ethics does not prohibit county facilitated employee fundraising as provided by the United Way Campaign. Donations are from county employees and elected officials only. There is no coercion, benefit of quid pro quo offered in exchange for donations, and the program is sponsored and coordinated by county staff. No vendors or lobbyists are solicited, nor are such donations accepted, therefore, the use of public resources is controlled by county policy and procedure.

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,
Commission on Ethics

ASJ/gal

¹ §2-444(e), §2-444(a)

² §2-444(h)

³ §2-444(h)(3)