

SUBJECT: SOLICITATION OF DONATIONS

SUMMARY: Employees of the Department of Social Services are not prohibited from soliciting individuals, businesses, clubs, or schools to provide funds or goods to assist with agency activities.

QUESTION: The County Director of Allendale Department of Social Services questions whether that office may solicit individuals, clubs, schools, and businesses to donate funds or goods to be used at a Christmas party for foster children or for needy families during an emergency or on special occasions such as Thanksgiving.

DISCUSSION:

This opinion is rendered in response to a letter dated April 29, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-705 prohibits the solicitation or receipt of anything of value by a public official, public member or public employee in return for being influenced. The Commission does not believe that the provision of goods or funds to the Department of Social Services are ipso facto violations of Section 8-13-705. In Advisory Opinion SEC AO92-172, the Commission expressed the need for the establishment of guidelines for solicitation and donation so as to minimize the possibility of undue influence.

In light of the fact that some firms which are asked to help provide funds or goods to the Department may be doing business or be seeking to do business with the agency, the Commission suggests the following guidelines for any such solicitation:

- (1) Solicitation be done either by a separate foundation and/or by employees who are not directly involved in agency activities regarding such businesses which are being solicited.
- (2) All interested potential sponsors be given the opportunity to contribute.
- (3) The contribution be made to a separate fund or account, with no industry source supporting any particular activity or event
- (4) Such industry source may be identified as a conference supporter or sponsor on conference programs, billboards, etc. with no amounts being shown to participants.