

BOARD OF ETHICS

WASHINGTON SUBURBAN SANITARY COMMISSION

ADVISORY OPINION # A-22-02

SUBJECT: CODE OF ETHICS CHAPTER 1.70.220(a)
SOLICITING OR ACCEPTANCE OF GIFTS

By request received December 22, 2021, the General Manager/CEO (Requestor) at the Washington Suburban Sanitary Commission (WSSC) asked the Board of Ethics to issue an advisory opinion regarding whether she may designate a golf tournament that raises funds for various charities as an approved WSSC fundraiser. The golf tournament is organized by WSSC retirees and current employees and solicits current WSSC vendors as sponsors. This designation would allow current employees to use WSSC resources to promote the golf tournament.

Code of Ethics (Code) Chapter 1.70.220(a) states, in part, that “[e]xcept as provided in subsection (b), an employee must not solicit a gift to the employee or another person or organization (1) from any business or individual who (i) is registered or must register as a lobbyist; (ii) does business with WSSC; or (iii) is, or owns or operates a business that is, regulated by the WSSC. One of the exceptions to this prohibition is that a WSSC employee may solicit a gift “from any individual, during official work hours, while identifiable as an employee, or at WSSC, for the benefit of WSSC or a *non-profit organization formally cooperating on a program with WSSC if the solicitation is authorized by the Commission or the General Manager...*” [Emphasis added].

The subject golf tournament is organized and run by a group of current and retired WSSC employees (Group). It occurs in the Fall and is conducted in honor of two deceased retirees who suffered from certain diseases. The Group distributes the proceeds to the charities of their choice, usually to a non-profit related to the diseases which caused the demise of the deceased retirees. The Group also hosts a Spring golf tournament. The proceeds of the Spring Golf Tournament are specifically dedicated to the WSSC Water Fund.

Typically, WSSC resources are used to raise funds for the Water Fund. Accordingly, this Board has set forth the information that the General Manager or Commission should consider when approving fundraisers that are conducted for the benefit of the WSSC Water Fund. (See Advisory Opinion # A-08-01). The Spring Golf Tournament follows the process outlined in the aforementioned advisory opinion.

However, the Board has not previously advised on the factors that should be considered when raising funds for a non-profit other than the Water Fund. The only other instance in which WSSC facilities are used to promote donations to other non-profits is during WSSC’s annual United Way of the National Capital Area (United Way NCA) Campaign. This annual campaign helps employees in the region to give to various non-profits through payroll deduction, including the WSSC Water Fund. WSSC’s resources are not used to seek donations from outside

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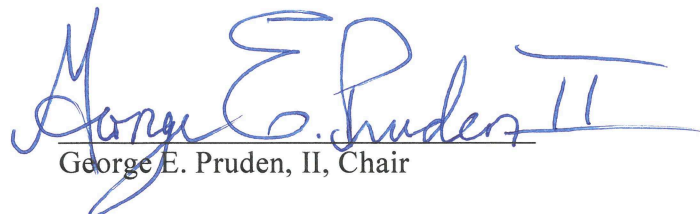
companies or entities that do business with WSSC. One significant difference between the United Way NCA Campaign and the Fall Golf Tournament is that in the former, WSSC is partnering directly with a non-profit organization as contemplated by the Code. Conversely, the Fall Golf Tournament does not appear to be a non-profit organization itself. Instead it is a group of people who then determine how much they will pass on to the non-profit organizations.

Additionally, WSSC vendors are targeted to purchase sponsorships and have been significant contributors to the Fall Golf Tournament. The Board has previously advised that solicitations of businesses for sponsorships of Commission-related events should be limited to non-prohibited parties. (See Advisory Opinion # A-10-01). This is to avoid creating the appearance that entities that donate to the activity will receive preferential treatment in keeping with Code Chapter 1.70.020(b). While the Board expresses no judgment on whether these are worthy causes to donate to, the relative merits of the organizations do not overcome the appearance issues attendant with WSSC associates soliciting sponsorships from current and prospective vendors to be given to private individuals. Also, given the informal structure of the Group, there is no ability to determine the reasonableness of expenditures and whether the funds raised are being spent as intended by donors.

For the above reasons, the Board advises the Requestor that she may designate the Fall Golf Tournament as an approved WSSC fundraiser if: 1) WSSC partners directly with the non-profit organization that will ultimately receive the funds; 2) the General Manager adheres to the criteria established in A-08-01 requiring a detailed proposal; and 3) the final proposal is published on the WSSC external website. Additionally, current WSSC employees may not seek sponsorships from any individuals or businesses that do business with WSSC.

This opinion applies to the specific facts presented herein. Should circumstances change or additional concerns arise, the Requestor should seek further guidance from the Board.

On motion of Member Hausman, seconded by Member Hysen, three members of the Board agreed at its meeting held on **April 13, 2022**, to adopt the foregoing advisory opinion.


George E. Pruden, II, Chair