



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

**Advisory Opinion
No. 03-021
(Item 03-021)**

A public employee seeks the Commission's advice regarding participation in, and co-direction of, "The Montgomery County Law Enforcement Gospel Choir." In order to engage in the proposed activity, the public employees involved must obtain an executive order from the County Executive under § 19A-16(b)(3) authorizing the solicitation.

The choir consists of approximately 25 members—sworn and non-sworn—mostly from the County police department. They perform at various functions around the County, including church services, county-sponsored civic events, and community events. This October, the choir plans on conducting a benefit concert to raise money for a non-profit organization. The choir will raise funds primarily through paid advertising in a souvenir booklet. In addition, choir members will solicit pledges from family members and friends, whose names will then appear in the booklet. Finally, the choir plans to have a professional photograph taken for inclusion in the booklet. A local merchant has agreed to provide formal wear in exchange for a credit in the booklet.

An executive branch public employee may solicit a gift during official work hours, while identifiable as a public employee, or at a County agency, for the benefit of a County agency or a nonprofit organization formally cooperating on a program with a County agency, if the solicitation is authorized by the County Executive as provided in § 19A-16(b)(3). The public employees involved must obtain this authorization to proceed.

FOR THE COMMISSION:

June 12, 2003

Date

Elizabeth K. Kellar, Chair