
Office of Government Ethics

97 x 13

Letter to the Executive Director of a Society dated October 16, 1997

This is in response to your request dated October 6, 1997, for a letter “setting forth federal employee fundraising parameters [under the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct), at 5 C.F.R. part 2635] for capital campaigns in their professional societies.”

Executive branch employees’ fundraising for a professional society or other nonprofit organization would be subject to section 2635.808 of the Standards of Conduct. For purposes of the Standards of Conduct, “fundraising” includes “the raising of funds for a nonprofit organization . . . through . . . [s]olicitation of funds or sale of items.” 5 C.F.R. § 2635.808(a)(1)(i). Section 2635.808(c) of the Standards of Conduct provides that employees engaged in fundraising in a personal capacity may not personally solicit funds or other support from subordinates or from persons known to be “prohibited sources” within the meaning of section 2635.203(d) of the Standards of Conduct,¹ except that generally solicitations addressed to large groups are permissible unless the employee knows that the solicitation is targeted at

¹ Under section 2635.203(d) of the Standards of Conduct, a “prohibited source” is anyone (including an organization a majority of whose members are persons) seeking official action by the employee's agency; doing business or seeking to do business with the employee's agency; conducting activities regulated by the employee's agency; or having interests that may be substantially affected by performance or nonperformance of the employee's official duties.

subordinates or persons known to be prohibited sources. *See* 5 C.F.R. §§ 2635.808(a)(4) and 2635.808(c).

Thus, any employee who, in a one-on-one setting or by means of a targeted solicitation, encouraged his or her subordinates to donate funds, would violate this restriction; and the same result would occur if like encouragement were directed at people or organizations that do business with the employee's agency or are, for other reasons, "prohibited sources." Section 2635.808(c) also prohibits an employee engaged in personal fundraising from using or permitting the use of his or her official title, position or any authority associated with his or her public office to further the fundraising effort.

Sincerely,

Stephen D. Potts
Director