

Meyers, Robert (COE)

INQ 10-82

From: Meyers, Robert (COE)
Sent: Thursday, April 29, 2010 3:47 PM
To: Meyers, Robert (COE)
Subject: Inquiry

I spoke to Melvin Wolfe, Town Attorney for Medley, on April 29, 2010 and he wanted know whether it was proper for the Police Department to solicit contributions from those businesses located in Medley to hold an awards banquet for the Police Department. Mr. Wolfe advised me that some of these businesses have been cited for code violations in the past. Mr. Wolfe also inquired about the ethics of the Town soliciting businesses within the municipality and outside the municipality to benefit a scholarship fund created by Medley to benefit needy students who might not otherwise be able to afford college.

I advised Mr. Wolfe that the Police Department should not solicit local businesses for its awards banquet. In prior opinions, I have stated that solicitation efforts should be broadly-based and the solicitations contemplated by the Medley Police Department were too narrow and also stood to directly or indirectly benefit employees of the Police Department, who from time-to-time could be in an adversarial position with some of the local businesses who donated to Medley.

The question of soliciting local and foreign businesses for a scholarship fund for needy students is treated differently. The first distinction is that the solicitation goes beyond the borders of the Town of Medley and the second difference is there is no benefit to municipal employees as a result of this solicitation. Therefore, soliciting for this purpose would be permissible.

Robert Meyers
April 29, 2010