

To: Town Clerk
Ms. Holly Cancro

cc: Greenburgh Town Board

ADVISORY OPINION 2013-2

Background

Pursuant to Section 11D(2) of the Code of Ethics, on May 4, 2013, Ms. Holly Cancro, an office assistant in the Town Clerk's office, requested an advisory opinion from the Board of Ethics concerning the posting of a document sent to her by the Avon Breast Cancer Walk for which she registered. The document, a flyer or small poster, would be posted or hung near or in front of her desk. It notes the event, her name and refers to how a donation would help.

Opinion

Section 570-4 A regulates the solicitation and acceptance of gifts by public officers, employees and agency members on town property. In general, the solicitation or acceptance of gifts, other than for or on behalf of the Town, is prohibited. However, there are two exceptions as specified in Section 570-4 A (3) and Section 570-4A (4). The relevant section in this case is Section 570-4A (3).

The relevant part of Section 570-4A (3) of the Code of Ethics states "Nothing in 570-4 shall prohibit soliciting or accepting gifts or donations for fundraisers for the benefit of Internal Revenue Service Section 501(c) (3) organizations, provided that a Public Officer cannot solicit any such gift from an Employee;"

It is the opinion of the Board of Ethics that the posting of the material in question as proposed would not constitute a violation of the Greenburgh Code of Ethics. This opinion is based on the fact that Ms. Cancro is not a Public Officer. This opinion assumes that the employee has already confirmed or will confirm to herself that the Avon Breast Cancer walk is a 501(c) (3) organization.

BY THE BOARD OF ETHICS
Adopted at May 14, 2013 Meeting

Voting for:
Mr. Constantine
Mr. Eisen
Dr. Hopkins, PhD
Mr. McLaughlin

Not present:
Mr. Scott