

BOARD OF ETHICS  
WASHINGTON SUBURBAN SANITARY COMMISSION

**ADVISORY OPINION # A-09-04**

SUBJECT: CODE OF ETHICS § 3-6; SOLICITATION OF GIFTS

By request dated October 6, 2009, a WSSC employee (the Requestor) has requested that the Board of Ethics issue an advisory opinion on the issue of whether WSSC's proposed Bill Roundup program violates Section 3-6 of the Code of Ethics (Code).

According to the information set forth by the Requestor, the Bill Roundup program will allow WSSC customers to choose to donate their excess payment up to the next whole dollar amount to the WSSC Water Fund, a charitable fund that assists customers with limited financial means. For example, if the customer's water bill is \$50.50, the customer would pay \$51. The excess \$.50 would go to the Water Fund. Under this program, all WSSC customers will be given the opportunity to participate, and promotion of the program will be accomplished through bill inserts and information posted on the WSSC website. Customers will not be solicited individually to participate in the Roundup Program.

Section 3-6(a) of the Code states, in part, that WSSC employees are prohibited from soliciting gifts to the employee or to another person or organization from any business or individual who does business with WSSC or who is regulated by WSSC. In that there are some WSSC customers who either do business with WSSC or who are regulated by WSSC, the question is whether the Bill Roundup program will violate Section 3-6(a) as to these customers.

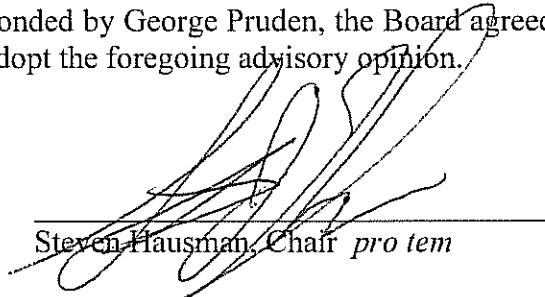
After extensive discussion, the Board has concluded that the Code of Ethics does not prohibit the rollout of the Bill Roundup program to all WSSC customers, including entities that either do business with WSSC or that are regulated by WSSC. This program, which contemplates an appeal to all customers resulting in very small donations per customer (\$.99 maximum) for any given billing cycle, is simply not the type of "solicitation", in the Board's view, that the Code intended to prohibit. There will be no solicitation of individual customers by WSSC employees, and therefore the ethics concerns that Section 3-6(a) generally works to alleviate are not present.

The Board emphasizes that this opinion is based on the specific facts presented by the Requestor and that the slightest change in circumstances could change our opinion. Section 3-6(a) prohibits employees, many of whom work with WSSC contractors and WSSC regulated entities on a daily basis, from soliciting contractors and regulated entities for gifts, either for themselves or the WSSC. This prohibition is important

because employees must conduct the business of WSSC impartially and without favoritism, or even the perception of favoritism, to any particular individual or entity.

For the reasons stated above, the WSSC Bill Roundup program does not violate the Code of Ethics.

On motion by Robert Moore, seconded by George Pruden, the Board agreed at its meeting held on December 10, 2009 to adopt the foregoing advisory opinion.



Steven Hausman, Chair *pro tem*

12/10/09

Date