

Office of Government Ethics

89 x 6 -- 05/17/89

Letter to an Agency General Counsel dated May 17, 1989

This letter will confirm the substance of my meeting with you and representatives of [a] University on April 10, 1989, regarding fundraising efforts by the university to endow a chair and name it in honor of its alumnus, [a government official]. [The official] is [a presidential appointee within your agency].

According to the [university] representatives, they had discussions with [the official] between July 1988 and January 1989 concerning their desire to endow a chair in his name. [The official] agreed to have a chair named in his honor, provided it did not give rise to a conflict of interest. In April 1989, [the official] advised university officials that the standards of conduct applicable to Federal officials made it improper to use his name in connection with fundraising efforts to endow the chair. By that time, \$150,000 of the \$600,000 that would need to be raised by the university to endow the chair had been contributed. Of that amount, all but approximately \$17,000 had been raised without the use of [the official's] name. The last \$17,000 was contributed by individuals or organizations who had been informed that the chair was to be named in honor of [the official].

As we discussed, [the official's] position [within the agency] is of such prominence that it is inevitable that his name will be associated with his Federal position by many members of the public. The standards of conduct at 5 C.F.R. § 735.201(a) provide that an employee shall avoid any action that might result in or create the appearance of, among other things, using public office for private gain. In view of this prohibition, we have recognized that it would be improper to use the name, Government title or position of a prominent Federal employee to solicit funds for a university or to attach his name to a university fund for which a specific fundraising effort is undertaken. See OGE informal advisory letter, 87 x 11 of September 9, 1987. In terms of the prohibition against use of public office for private gain, it is irrelevant that [the university] is a part of a State [Education System]. Thus, [the employee] was correct in advising the university that it could not use his name to raise funds to endow the chair.

Most of the funds that had been raised by the time of our meeting had been solicited without any indication to potential contributors that the chair would be named in [the official's] honor. Only those who contributed the final \$17,000 had been advised of the university's intent to honor [the official]. We believe [the official] took appropriate steps to advise the university of the limitations on using his name, and the [university] representatives stated to us that they have since solicited funds for a chair without indicating that it would be endowed in [the official's] name. Under these circumstances, we do not believe the university is obliged to return the \$17,000 to individual donors or to decline those additional contributions that may be made on the basis of its fundraising efforts prior to April. Nor do we believe there is any problem with the university simply naming the chair in [the official's] honor once the chair is fully endowed and requires no further fundraising efforts.

Sincerely,

Frank Q. Nebeker
Director