

# **ASK THE CITY ETHICIST**

## *How the Cookie Crumbles*

By  
Quinn Haisley

**Question:** *My daughter just joined the Girl Scouts, and, as you know, a big part of the organization is its annual cookie sale. I would like to help her out by selling the cookies to my co-workers, many of whom have a weakness for Thin Mints. Would this be a conflict of interest?*



**Answer:** Ah yes, the Girl Scout cookie question. The answer to your question is a bit more in-depth than just a simple “yes” or “no.” It is not uncommon for City employees to want to participate in various fundraising activities around the office, whether it is selling Girl Scout cookies or raising money for a walk-a-thon, but there are a few things to keep in mind if you would like to do so.

First off, under the conflicts of interest law, City employees are prohibited from using any City resource, including email, letterhead, and even time, in order to conduct a non-City activity. Now when it comes to selling fundraising items such as Girl Scout cookies, some agencies will allow for a minimal amount of such activity so long as it is not taking place when an employee should be doing his or her City job. For example, selling cookies during lunch or before and after work would typically be acceptable. It would *never* be a good idea, however, to turn selling Girl Scout cookies into your new eight-hour-a-day job. That means no setting up a Girl Scout cookie booth in the hallway of your agency. Employees should also refrain from sending out mass emails, plastering up flyers around the office, or hanging a giant Girl Scout cookie sign on their desk in order to drum up some business, as this would be a misuse of the City’s resources. In addition, although some agencies do allow for such activity, you should **always** check with a supervisor or Agency Counsel beforehand to make sure that your agency doesn’t have stricter rules.

If you have ascertained from your agency that you are permitted to sell the Girl Scout cookies in the office, there are a couple of other rules that you must make sure to follow. Under the conflicts of interest law, superiors and subordinates are not allowed to enter into any sort of business or financial relationship with each other. When it comes to certain fundraising items like Girl Scout cookies, however, this rule has one tiny exception. Subordinates may sell to a superior, so long as the superior does not buy more than \$25 worth of whatever the subordinate is selling. This exception does

not, however, work the other way around, meaning that a superior is still **never** allowed to sell anything to their subordinate, or ask for a charitable donation for that matter. This is because the subordinate is more vulnerable to coercion than a superior. No one ever wants to feel as though her future employment hinges upon how many boxes of Thin Mints she bought from her boss. Lastly, although selling Girl Scout cookies in the office may be acceptable, a City employee, no matter what his or her position, is prohibited from selling fundraising items to, or soliciting charitable donation from, a private citizen the employee is dealing with on his or her City job.

You may be wondering if these rules apply to an employee who would like to sell items such as Tupperware or Mary Kay cosmetics to their co-workers. The rules for that would be a bit different because, as opposed to selling Girl Scout cookies and other fundraising items, the City employee would profit directly from the sales of these items, rather than the money going to a charitable organization. If you would like to read more about the rules regarding outside business ventures, you can do so [here](#).

If you have any further questions, feel free to contact the Conflicts of Interest Board for free legal advice. Someone is available to speak with you Monday through Friday 9am-5pm. The number is 212-442-1400. All calls are confidential, and you can even call anonymously.

---

*Quinn Haisley is a Trainer with the Training and  
Education Unit at the New York City Conflicts of Interest Board*

“Ask the City Ethicist” is written monthly by the staff of the New York City Conflicts of Interest Board. “Ask the City Ethicist” is provided as general information, and should not replace the text of Charter Chapter 68. For legal advice on City ethics matters, please call the Board at 212-442-1400. All calls are confidential. You may call anonymously if you wish. <http://nyc.gov/ethics>.