

Advisory Opinion 91-1

A high-level public servant has asked the Conflicts of Interest Board (the "Board") for an opinion as to the extent to which the conflicts of interest provisions of Chapter 68 of the City Charter would prohibit the public servant's appearing in a print advertisement for a for-profit entity. The advertisement, which would include a reference to the public servant's City title, promotes only the interests of a for-profit entity. The public servant would donate the compensation for appearing in the advertisement to charity.

Despite the fact that the public servant would donate the compensation to charity, it is our opinion that the use of the public servant's likeness and City title under these circumstances presents a significant risk of creating the appearance that the public servant's official position is being used to advance a private interest. Charter Section 2604(b)(3). Such use under such circumstances would also be in conflict with the proper discharge of the public servant's official duties. Charter Section 2604(b)(2).

The Board does not consider such conduct any more

COIB Advisory Opinion 91-1
February 8, 1991
Page 2

appropriate even where the promotional activity is for
a worthy cause and/or if the public servant does not
accept payment from the for-profit entity.

Sheldon Oliensis
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Dated: February 8, 1991