

Advisory Opinion No. 91-9

A public servant has asked the Conflicts of Interest Board whether it would be a violation of the conflicts of interest provisions of Chapter 68 of the City Charter if he were retained by a municipality outside of New York State as a consultant to evaluate a lawsuit against that municipality and to serve as an expert witness on behalf of the municipality if the case goes to trial. The municipality would pay its standard fee for such work.

The public servant did not solicit the proposed consulting work, which he would perform on his own time and which concerns a subject matter that directly involves his official duties. The public servant's agency head submitted a letter to the Board, stating the belief that the agency's reputation will be enhanced if the public servant is permitted to engage in this work, and that the City's interests could be prejudiced if another municipality prohibited one of its employees from being an expert on the City's behalf under similar circumstances.

It is our opinion that, under the circumstances here present, it would not be a violation of Chapter 68 for the public servant to be a consultant to and expert witness for the municipality.

Sheldon Oliensis
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Dated: September 26, 1991