

Advisory Opinion No. 91-14

The Conflicts of Interest Board has been asked for an opinion as to whether, consistent with Chapter 68 of the City Charter, a high-level public servant whose primary employment is not with the City may accept a position with a firm which has business dealings with the City, but not with the executive branch of City government. This position will not involve the public servant's appearances before the public servant's agency, which is not part of the executive branch.

Charter Section 2604(a)(1) provides that no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by the public servant. An "interest" in a firm includes employment with such firm. See Charter Section 2601(18).

In general, the agency served by a paid public servant is the agency employing such public servant. See Charter Section 2601(3). For the purposes of Charter Section 2604(a), however, the agency served by the public servant whose request is before us is the executive branch, since we have determined that this public servant is charged with "substantial policy

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discretion involving City-wide policy". See Charter
Section 2604(a)(5)(b).

It is the opinion of the Board that it would not
be a violation of Chapter 68 for the public servant to
accept a position with this firm, since it does not
have business dealings with the executive branch.

Sheldon Oliensis
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Dated: November 19, 1991