

Advisory Opinion 91-16

A public servant has asked the Conflicts of Interest Board whether it would be a conflict of interest under Chapter 68 of the City Charter for him to be employed as a consultant by a not-for-profit organization to work on matters that involve assisting the same constituency which he serves in his official capacity.

Charter Section 2604(b)(2) prohibits a public servant from having a private employment or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.

It is the opinion of the Board that the public servant's proposed outside employment would be in violation of Chapter 68, because the similarities of this organization's objectives to the mission of his agency could create an appearance that he is earning income from a private firm for performing services which he is already obligated to perform for the City

as part of his official duties. Further, such employment may cause confusion as to whether the public servant is working for the City or his private employer at any given time. See Charter Section 2604(b)(2) and our Advisory Opinion No. 91-5, in which we advised a public servant that he could not teach a course concerning a subject matter which directly involved his official duties for which he would receive compensation from a private firm.

Sheldon Oliensis  
Chair

Benjamin Gim

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Robert J. McGuire

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Dated: November 19, 1991