

Advisory Opinion No. 91-19

A former public servant who recently resigned from City service has asked the Conflicts of Interest Board for an opinion as to whether, consistent with Chapter 68 of the City Charter, he may communicate with his former agency on behalf of a private entity, for the purpose of requesting records that he could otherwise obtain by making a request under the Freedom of Information Law ("FOIL").

Charter Section 2604(d)(2) provides that a former public servant may not make any communication for compensation, other than those involving ministerial matters, before his or her former agency for one year after the termination of his or her City employment.

It is the opinion of the Board that it would not be a violation of Chapter 68 for the public servant to make a FOIL request to his former agency within a year after the termination of his City service, provided that he does not bypass FOIL procedures at the agency by, for example, going directly to the party having the records he seeks. It is also important that the public servant neither requests nor receives treatment that is

in any way different from anyone else who makes a FOIL request to the agency.

Sheldon Oliensis
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Dated: December 27, 1991