

Advisory Opinion No. 92-4

An agency has asked the Conflicts of Interest Board (the "Board") for an opinion as to whether, consistent with Chapter 68 of the City Charter, the agency may occasionally buy refreshments for its public ceremonies from a store which is owned and operated by the parents of a high-level public servant employed by the agency.

The agency, which employs over ninety people, advised the Board that such small purchases, ranging from \$70 to \$250, may, under the law, be made without seeking competitive bids and would not be purchased from this store exclusively. The public servant has no financial or legal relationship to his parents' store and is insulated from the agency's purchasing decisions.

Charter Section 2604(b)(3) provides that no public servant shall use or attempt to use his or her position to obtain any financial gain or other private or personal advantage, direct or indirect, for a public servant or any person who is "associated" with a public servant, which includes a public servant's parents. See Charter Section 2601(5).

It is the opinion of the Board that it would not be a violation of Chapter 68 for the agency to make occasional small purchases from this store, inasmuch as, under the particular circumstances here described, such purchases would not create the appearance that the public servant was using his official position to benefit his parents. See Charter Section 2604(b)(3)

Sheldon Oliensis  
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Dated: January 9, 1992