

Gifts
Charter Section 2604(b)(5)

Advisory Opinion No. 94-23

A high-level public servant has requested an opinion from the Conflicts of Interest Board (the "Board") as to whether, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, he may accept an invitation to attend an annual sporting event sponsored by a trade association (the "Association") which does not have business dealings with the City, though several of the Association's member firms conduct business with various City agencies, including the agency which employs the public servant (the "Agency"). For the reasons discussed below, the Board has determined that the public servant may accept the invitation pursuant to the Board's Valuable Gift Rule, Section 1-01(e)(4).

Background

The public servant has advised the Board that he was invited by the Association to attend its annual golf and tennis outing at no cost; that the value of the invitation exceeds \$50; that approximately 10% of those attending the event are invited as guests of the Association and are not charged a participation fee; that the Association is comprised of companies which have contracts with various City agencies, including the Agency, but the Association itself has no business dealings with the City.

Discussion

Generally, Chapter 68 discourages public servants from accepting valuable gifts from private organizations when those organizations are engaged in business dealings with the City. Charter Section 2604(b)(5) provides that no public servant shall accept any valuable gift, as defined by rule of the Board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the City. The Board's Valuable Gift Rule, Section 1-01, defines a valuable gift as any gift to a public servant with a value of \$50 or more.

The issue of public servants' attendance at annual affairs of private organizations is specifically

addressed in the Board's Valuable Gift Rule, Section 1-01(e)(4), which provides, in relevant part, that a public servant may attend an annual public affair of an organization composed of representatives of business, when invited by the sponsoring organization, and provided that the organization does not have a contract or contracts with the public servant's agency. Since the public servant was invited to attend an annual event by the sponsoring organization, i.e. the Association, and since the organization itself does not have any contracts or other business dealings with the Agency, the public servant may, consistent with Chapter 68 and the Board's Valuable Gift Rule, accept the Association's invitation.¹

¹ In Advisory Opinion No. 92-10, the Board determined that an elected official could not accept an invitation to attend an event sponsored by a firm which had no business dealings with the City. The Board determined that acceptance of the invitation could have created the appearance that the elected official had received a valuable gift solely because of his official position. See Charter Section 2604(b)(3). The Board has, however, recognized in its Valuable Gift Rule that there are instances where the likelihood of the

Conclusion

The Board has determined that the public servant may accept the Association's invitation to attend its annual golf and tennis outing pursuant to the Board's Valuable Gift Rule, Section 1-01(e)(4).

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Dated: November 14, 1994

appearance of conflict is minimal or non-existent, including the one here involved: an annual public affair of a trade association, which does not have business dealings with the City itself, although its members have such dealings.