

Advisory

Opinion No. 92-14

The Conflicts of Interest Board (the "Board") has been asked whether, consistent with Chapter 68 of the City Charter, children of employees of the New York City Fire Department may apply for scholarships awarded by a not-for-profit trade association whose for-profit member companies are subject to regulation by the Fire Department.

This trade association has established a first prize of \$1,000 and a second prize of \$500 to be awarded to graduating seniors starting college in the Fall of 1992, whose parents are employees of the New York City Fire or Police Departments, or their counterparts in Nassau or Suffolk Counties.

An applicant is required to provide the trade association's scholarship committee with his or her parent's Police or Fire Department affiliation and class average, class rank, SAT scores, a writing sample and a list of extra-curricular school activities and information.

These criteria are scored by the trade association's scholarship committee on a non-discretionary numerical basis, except for the writing sample and extra-curricular activities parts of the application, which are evaluated by the committee without knowledge of the applicants' identities. The scholarships are awarded to applicants with the highest numerical scores.

It is our opinion that it would not be a violation of Chapter 68 for children of employees of the Police or Fire Department to compete for these scholarships under the circumstances as described, inasmuch as sufficient precautions have been taken to avoid the appearance that the trade association is seeking to improperly influence these public servants in the performance of their official duties through the potential award of these scholarships to their children. See Charter Section 2604(b)(3) which provides that no public servant should use or attempt to use his or her position as a public servant to obtain any financial gain or other personal advantage,

direct or indirect, for the public servant or anyone "associated" with the public servant, a term which includes his or her children. See Charter Section 2601(5).

Sheldon Oliensis  
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Dated: May 20, 1992