

Advisory Opinion No. 91-15

A public servant has asked the Conflicts of Interest Board for an opinion as to whether, consistent with Chapter 68 of the City Charter, she may work in an official capacity on behalf of her agency with educational institutions that are developing programs for City employees which may be funded by her agency in the future. The public servant's spouse has a high-level position with one of these institutions and would have oversight responsibility with respect to such a program.

It is our opinion that, in general, it would not be a violation of Chapter 68 for the public servant to be involved on behalf of her agency in collaborating with the City's educational institutions for this purpose, including the institution employing her spouse. To avoid the appearance that the public servant's official position is being misused, however, she should play no role in determining whether or not her agency should enter into any contracts with the academic institution where her spouse is employed, nor

should she be involved in negotiating the terms of any such contracts. See Charter Section 2604(b)(3), which prohibits a public servant from using or attempting to use his or her official position to obtain a private or personal advantage for the public servant or someone "associated" with the public servant, a term which, as defined in Charter Section 2601(5), includes the public servant's spouse.

Sheldon Oliensis  
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Dated: November 19, 1991