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E M U S

February 16, 1995

C O N F I D E N T I A L

Re: Case No. 95002.Q

Dear Commissioner :

You recently informed the Board of Ethics office about a travel offer received by three employees of your department and asked how the Governmental Ethics Ordinance applies to this offer. The Board staff concludes that the Ordinance does not prohibit their acceptance of the travel and hosting expenses, as described to us.

In your letter, you said that three managers from the Bureau have been invited to attend a two-day factory inspection in at the end of this month.

Company A, a manufacturer, and B, a local distributor of A's products, have offered to cover travel and hosting expenses for the three employees to tour A's plants at those locations. While the City has purchased a product through both these companies in the past, neither A nor B currently holds a City contract. Further, in conversation with Deputy Commissioner and another City employee, we learned that the City currently uses a different product, and that its contracts with current suppliers do not expire for at least two years. They said the City has considered using a product like A's from time to time in the past few years, and will consider it again in the future. You stated in your letter that the Bureau routinely researches new technologies, methods, and materials in order to make such decisions. A City employee added that A and B are not the only providers available for the product.

While the Ethics Ordinance restricts gifts from persons who have an economic interest in a specific City business, those restrictions do not apply where such an interest is not present.



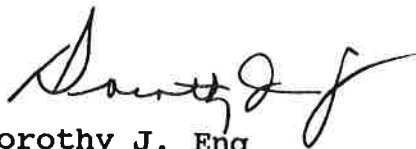
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Therefore, following previous Board cases, the staff concludes that the Ordinance does not prohibit these employees from accepting the travel and hosting expenses from A and B to attend the two-day factory inspections, as described.

We appreciate your bringing this matter to our attention and your concern to abide by the standards embodied in the Ethics Ordinance. Please be advised that other laws or rules also may apply to this situation. If you have any further questions about this or any other matter, please do not hesitate to contact us.

Sincerely,



Dorothy J. Eng
Executive Director