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EMJ

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

Re: Case No. 9300⁸7.Q

Dear Mr. [REDACTED]:

You telephoned this office on [REDACTED] to ask whether the Governmental Ethics Ordinance prohibits you from accepting an offer of service made to you by a company doing business with your condominium association.

You stated that you are [REDACTED] for [REDACTED] in the Office [REDACTED]. In this position, you function as [REDACTED], in charge of [REDACTED]. You stated that your division of the [REDACTED] Office does not participate in policy-making or in any decisions with respect to cable companies.

You stated that the residents of your condominium building have decided not to have cable television installed. Instead, your building is having a satellite master antenna television ("SMATV") system installed by a company known as X [REDACTED]. This system will improve reception and add channels via antennas and satellite dishes, rather than by laying cables. X [REDACTED] needs a contact person for the building while it installs the system, which requires a total rewiring of the building. The [REDACTED] representative, who is a personal acquaintance, has asked you to serve as the contact person. In return, X [REDACTED] has offered to provide the service to you free of charge. Your question is whether you may accept this offer.

You stated that X [REDACTED] does not do business with the City. Further, X is not an [REDACTED] and therefore the [REDACTED] Office has no jurisdiction over the actions of this company.

Subsection 2-156-040(c) of the Ordinance prohibits a City employee from accepting a gift or service from any person who has an economic interest in a

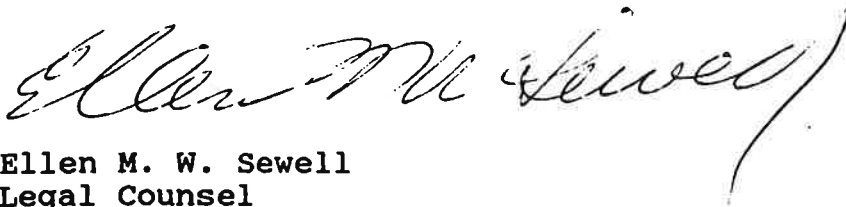


specific City transaction if that employee is in a position to substantially affect that transaction. Because, as you state, you are not in a position to influence any City decision in which [REDACTED] X [REDACTED] might have an economic interest, there is nothing in the gifts provision that would prohibit you from serving as the contact person and receiving the free SMATV service. Moreover, because you are not in a position in your City job to make any decisions affecting [REDACTED] X [REDACTED], there is nothing in any other provision of the Ordinance that would prohibit you from accepting this service.

The staff's opinion in this case is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts presented are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our opinion. Please be advised that other rules or laws may apply to this situation.


We appreciate your bringing this matter to our attention and your willingness to abide by the ethical standards embodied in the Ethics Ordinance. If you have any further questions about this or any other matter, please do not hesitate to contact us.

Sincerely,



Ellen M. W. Sewell
Legal Counsel

Approved by:



Dorothy J. Eng
Executive Director

cc: Kelly Welsh, Corporation Counsel