

Advisory Opinion No. 92-8

An agency head has asked the Conflicts of Interest of Board for an opinion as to whether Chapter 68 of the City Charter requires his recusal from consideration of contract funding proposals by a not-for-profit organization which the public servant founded and headed for many years prior to his City service.

His request was prompted by the organization's submissions in response to two Requests for Proposals issued by the public servant's agency. These RFP's, which are City-wide and not restricted to specific geographic areas, will result in the award of a large number of contracts by the agency. Responses to the RFP's will be reviewed by the agency and also by a committee of related City agencies. The organization had previously received a contract award from this agency at a time when the public servant was the agency head and still had a relationship with the organization.

It is the opinion of the Board, that, given the agency head's involvement with this organization under the circumstances as described, he must recuse himself from any part of the process where the firm's

proposals for funding are being considered. See Charter Section 2604(b)(2), which provides that no public servant shall have any private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.

Such recusal includes, but is not limited to, the agency head's participation in meetings of his agency or the inter-agency committee, discussions with public servants and others and receiving copies of relevant documents.

Sheldon Oliensis
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Date: March 12, 1992