

Advisory Opinion No. 92-19

Nina Streich, the Acting Director of the Mayor's Office of Film, Theatre and Broadcasting, has requested an opinion as to whether, consistent with Chapter 68 of the City Charter, she may attend the Cannes International Film Festival from May 5 to May 16, 1992, at the expense of private entities, for the purpose of promoting film production in the City. According to Ms. Streich, last year's trip resulted in several films being made in the City which generated economic activity of over \$12 million.*

She has advised the Board that her airfare would be paid by the Association for a Better New York ("ABNY"), a charitable not-for-profit entity which has business dealings with the City, and that her lodging would be provided by the La Napoule Art Foundation,

*The facts stated herein are based on representations by Ms. Streich, who has authorized the use of her name in this opinion. See Charter Section 2603(c) which requires the Board to make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any public servant or other involved party.

which has no business dealings with the City. The approximate value of these expenses is \$2,500. In addition, New York Telephone, which has business dealings with the City, is contributing \$1,000 to cover her incidental expenses, including shipping her office materials to France and meetings with film producers. The only travel expense to be paid by the City is a per diem of \$25.00.

It is the opinion of the Board that, as this trip is for a City purpose and has been approved of in writing by Deputy Mayor Barbara Fife, it would not be a violation of Chapter 68 for Ms. Streich to attend the Cannes Film Festival under the circumstances described above. Under Charter Section 2604(b)(5), public servants may not ordinarily accept gifts from entities which do business with the City. The Board has interpreted this provision under Section 1-01 of its Rules on Valuable Gifts to permit public servants to accept a gift of travel-related expenses if the trip is for a City purpose; the travel arrangements are appropriate to that purpose; the trip is no longer than reasonably necessary to accomplish its purpose; and the trip and the acceptance of payment is approved in advance and in writing by the head of the appropriate

agency, or if the public servant is an agency head, by a deputy mayor. In this instance it is clear that these requirements have been met.

Beryl R. Jones
Acting Chair

Benjamin Gim

Robert J. McGuire

Sheldon Oliensis
Shirley Adelson Siegel

Dated: August 3, 1992