

Advisory Opinion No. 92-29

The Conflicts of Interest Board has been asked for an opinion as to whether, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, employees of a City agency may accept contributions from private firms to provide financial assistance to a public servant employed by that agency.

This public servant and his wife were involved in a serious motor vehicle accident and as a result, they have incurred heavy medical expenses, some of which are not covered by their insurance policies. In light of this public servant's sudden economic hardship, the agency employees wish to organize a fundraising dinner which would solicit contributions from private firms who are engaged in a trade which falls within the agency's jurisdiction. Some of the work of these private entities may in the future be subject to this public servant's review and approval.

It is the opinion of the Board, under the special circumstances described above, that it would not be a violation of Chapter 68 for the employees of this agency to solicit contributions from such private firms

to alleviate the public servant's financial hardship, provided that all funds are collected by a third party not connected to the agency and that the donors' identities are not in any way revealed to the public servant or to any other agency employee. Accordingly, the agency's employees may solicit contributions but should not raise funds by organizing a fundraising dinner. The donors' attendance at such an event would necessarily result in the disclosure of their identities to the public servant and to other agency employees. This could create an appearance that the donations were being made in exchange for preferential treatment by the agency.

Sheldon Oliensis
Chair

Benjamin Gim

Beryl R. Jones

Robert J. McGuire

Shirley Adelson Siegel

Dated: November 9, 1992