



EMUS

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: Case No. 94045.Q

Request from Bureau of [REDACTED]
concerning [REDACTED]
[REDACTED] electrical System

Dear [REDACTED],

This letter is in response to the memorandum of [REDACTED] from [REDACTED], [REDACTED] [REDACTED], which you forwarded to us. Mr. [REDACTED] asks whether, under the Governmental Ethics Ordinance, the Department of [REDACTED] [REDACTED], Bureau of [REDACTED], may, at the expense of [REDACTED] X [REDACTED] Company, send department representatives to observe testing of the [REDACTED] [REDACTED] electrical [REDACTED] Systems at the [REDACTED] Company Z facility in [REDACTED]. [REDACTED] X [REDACTED] Company and [REDACTED] Company Z [REDACTED] are the City's contractors for the [REDACTED] [REDACTED] electrical [REDACTED] System. [REDACTED] X [REDACTED] Company has agreed to pay for the employees' transportation, lodging and meals.

[REDACTED], [REDACTED] of [REDACTED] [REDACTED] Division, cites the provision of the City's contract for the [REDACTED] electrical [REDACTED] system that gives the City the right to observe the manufacturer's testing in progress, and states that it is the Bureau [REDACTED]'s standing requirement to have equipment tested in the presence of City representatives. Because of the complexity of this system and equipment, it would be advantageous to send personnel to observe the testing at the factory, in [REDACTED], according to Mr. [REDACTED].

From the facts as they have been presented, it is the opinion of the staff that the offer to pay expenses for department representatives to observe testing of the [REDACTED] electrical [REDACTED] system purchased by the City does not fall within the intended meaning of the gift provisions of the Governmental Ethics Ordinance. For this reason, and based on previous

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Board of Ethics

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opinions of the Board, the staff concludes that the Ordinance does not prevent your department from sending representatives to observe the testing of the electrical system at the expense of [redacted] X [redacted] Company.

The staff opinion in this case is based on the application of the Governmental Ethics Ordinance to the facts stated in this letter. If the facts presented are inaccurate, please notify us, as any change in the facts may alter our opinion.

Thank you for your inquiry. We appreciate your willingness to comply with the ethical standards embodied in the Governmental Ethics Ordinance. If you have any further questions, please contact us.

Sincerely,

Ellen M. W. Sewell
Ellen M. W. Sewell
Legal Counsel

Approved:

Dorothy J. Eng
Dorothy J. Eng
Executive Director

cc. [redacted]
[redacted]

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