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June 28, 1995

CONFIDENTIAL

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Re: Case No. 95018.Q
Gifts

Dear :

On June 23, 1995, I received your letter which sought guidance from this office on whether acceptance of the gifts of personalized stationery you and your staff assistant received from X is appropriate under the Governmental Ethics Ordinance. In your letter, you estimate the value of each gift to be \$50.00. Our review of available City records indicates that although X contracts with various City agencies, it has not had contracts with your Department.

For purposes of analyzing your inquiry, we looked at two provisions of the City employee code of conduct as contained in the Governmental Ethics Ordinance.

Section 2-156-040(c) prohibits City employees from accepting a gift whose value exceeds \$50.00 if: the giver of the gift has an economic interest in a specific City business, and the individual accepting the gift is in a position to substantially affect that business. However, it does allow for the acceptance of an occasional non-monetary gift of less than \$50.00.

Therefore, regardless of X's status with your agency, under this provision, if this is an "occasional" gift, it can be accepted because the estimated cost of the stationery is \$50.00.

On the other hand, I call your attention to § 2-156-040(b) of the Ordinance. This section prohibits the offer or acceptance of anything of value based on a mutual understanding, either implicit or explicit, that a City employee's votes, official actions, decisions, or judgments concerning City business would be influenced. Therefore, if X has or is seeking a contract with your



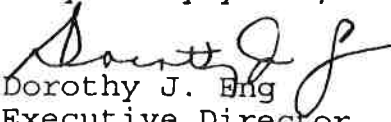
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Department, you and your staff assistant may wish to return the stationery to avoid the possibility of your acceptance of the gifts being misconstrued.

I appreciate your contacting me. If further guidance on this matter is needed, please feel free to call me.

Very truly yours,


Dorothy J. Eng
Executive Director

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