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EMWS

CASE NO. 95046.Q

CONFIDENTIAL

November 8, 1995

Relatives
Conflicts
City Prop

[Redacted]

Re: Installation of [Redacted]

Dear Mr. [Redacted]:

This letter is being sent to you at the request of Mr. [Redacted]. At your suggestion, Mr. [Redacted] called our office on November 7 regarding the project for installation of [Redacted] by the Department of [Redacted]. We have reviewed the facts he presented, and conclude that the provisions of the Ethics Ordinance do not prohibit Mr. [Redacted] from doing the work he described. However, the situation as described gives rise to other legal issues that are outside of our jurisdiction. Before undertaking this project, therefore, we recommend that you consult with the City's Law Department.

Mr. [Redacted] explained that the Department of [Redacted] wants to install [Redacted] so it can [Redacted]. A state permit is required prior to installation and the State [Redacted] issues such permits only to licensed installers. The City is not licensed and therefore precluded from acquiring the necessary permit, [Redacted]. However, Mr. [Redacted] is licensed, and it is possible that if he applied, he could secure a permit for the City's project. He asked whether the Ethics Ordinance prohibits him from doing this. As [Redacted] he would oversee the installation [Redacted]. Mr. [Redacted] indicated that he is licensed because, in addition to being an employee of the City, he works for [Redacted] a company owned by his wife. [Redacted], he said, would not be involved in or receive or derive any income from this project.

If he secures the [Redacted] permit and oversees its installation, it is intended that this project will be performed as part of his responsibilities as a City employee. He would not be under contract and he would receive only the

An American Celebration



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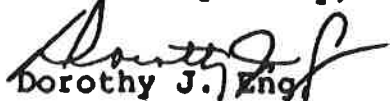
Mr. [REDACTED]
November 8, 1995
Page 2

regular compensation he receives from his current position as an employee of the City.

On the facts presented, staff concludes that nothing in the City's Governmental Ethics Ordinance prohibits Mr. [REDACTED] from applying for the requisite permit and performing the assignment as part of his City responsibilities. However, our conclusion is based solely upon application of the City's Ethics Ordinance to the facts presented. As we previously stated, there are other laws that apply to this situation, and the Department should seek further legal advice from the Corporation Counsel's office.

We appreciate the call about this matter, and your Department's willingness to abide by the standards of the Ethics Ordinance. If the facts presented are incorrect or incomplete, please notify us immediately, as any change could alter our conclusion. If I can be of further assistance, please advise.

Yours very truly,


Dorothy J. Eng
Executive Director

cc: [REDACTED]