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SIB

January 29, 1998

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

[REDACTED]

Re: Case No. 98001.Q
Representation

Dear [REDACTED]:

This letter is sent in follow-up to your conversation with my Deputy, Steve Berlin, concerning your letter of December 23. In your letter you indicated a variety of ways in which City employees and elected officials become involved in the administrative hearing process of your agency. You also raised a number of questions relevant to the representation provision, § 2-156-090(a) of the Governmental Ethics Ordinance.

As it relates to your questions, this provision clearly says that employees, except in the performance of their duties, and elected officials, unless on behalf of their constituents in the course of their duties as elected officials, cannot represent or have an economic interest in the representation of any person other than the City in proceedings before your agency.

Although, as you suggest, it is possible for the Board of Ethics to address every individual situation on a case by case basis to determine whether an employee or official is acting within the standards of this provision, I do not believe this is necessary nor the most practical course of action: rather, because the law is clearly stated, a better course of action might be to develop an agency procedure that would establish whether such representations are made on behalf of their departments or on behalf of their constituents in the course of their official duties.

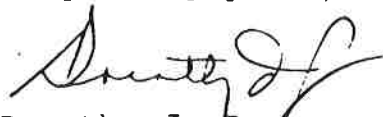


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Individuals uncertain of their status with regard to this provision could then be advised to seek guidance from this agency. Initiating such a procedure would minimize the impact on your operations as well as the Board's.

I appreciate your concern. However you choose to deal with this matter, we will assist you in any way possible.

Very truly yours,


Dorothy J. Eng
Executive Director

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