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October 12, 1999

CONFIDENTIAL

[John], []
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**Re: Case No. 99039.Q
Request concerning [Alpha] Seminar**

Dear Mr. [John],

This letter is in response to your request of September 14, 1999 for a letter from the Board of Ethics stating whether [the Department] may accept an offer from [Alpha] corporation to pay expenses for employees of the department to attend an information and training seminar on November 17, 18, and 19. [Alpha] is sponsoring the seminar at its [] Research Center and laboratories in []. According to, the department, the seminar will be advantageous to the City and is integral to the seven employees' City work. It is the opinion of the Board staff, based on the facts that your department submitted and prior cases, that the Governmental Ethics Ordinance does not prohibit acceptance of the offer to pay travel and expenses, as long as the expenses are reasonably related to the purposes of the seminar and serve to benefit the City, rather than the employees, personally; and that the offer is not made in exchange for their willingness to influence City decisions concerning business with [Alpha]. We advised you of the staff conclusion by telephone on October 12, 1999.

The staff reviewed the letter of invitation from [Alpha] dated July 29 and the proposed schedule of sessions and discussed the issues with you on September 27. You explained that the seminar is similar to the seminar, hosted by [Alpha] and attended by various members of [the Department] discussed in a letter that the department requested last year (Case No. 98039.Q).

According to our discussion, [Alpha] is a current vendor for the City: you explained that the City has a term agreement of the catalogue type with the company. [Alpha] manufactures various items of use for traffic markings, such as high-quality sheeting for traffic signs and tape that can be used in place of paint, for example, on curbs.



Case No. 99039.Q

October 12, 1999

Page 2

The schedule of sessions and letter indicate that seminar topics relate to [] technology, and will include a simulation of street conditions and demonstrations of various products under such conditions. The seminar will include not only [Alpha] products, but also some [Company Beta] materials, which you explained are produced by a vendor that competes with [Alpha].

You said that this year the department had decided to send employees who are lower on the chain of command instead of the more high ranking employees in the department who attended the [Alpha] seminar last year. You explained that none of these employees, except yourself, are involved in the decision making procedures that result in the purchase of particular products. These employees are more directly involved with the day to day use of the products and you noted that attending this seminar would help the employees to better perform their jobs. You explained that the department especially needs to evaluate new pavement marking powder that will be tested at the seminar.

You said that the department views the educational and informative value of the seminar so highly that if the department is unable to accept the offer of assistance by [Alpha], the City would still send some employees at its own expense.

The facts you have presented indicate no material difference from those of Case No. 98039.Q, and therefore the same conclusion follows. Board staff concludes that nothing in the Ordinance prohibits [the Department] from accepting this offer by [Alpha], as long as the expenses accepted are reasonable and reasonably related to the purposes and functioning of the seminar, and serve to benefit the City, rather than benefit the employees in their personal capacity. Further, the offer must not be made in exchange for the employees' willingness to influence City decisions concerning [Alpha]. Staff's conclusion is consistent with past opinions, in which manufacturers and suppliers have provided expenses of travel and accommodations for City employees to attend educational seminars and demonstrations relating to advances in technology in the products the companies offer. The department has affirmed that attendance at the seminars will assist it in carrying out its City responsibilities.

The staff opinion is not necessarily dispositive of all issues relevant to this situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts stated are incorrect or incomplete, please notify us immediately, as any change may alter our opinion. Other laws or rules also may apply to this situation. Be advised that City departments have the authority to adopt and enforce rules of conduct that may be more restrictive than the limitations imposed by the Ethics Ordinance.

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Case No. 99039.Q
October 12, 1999
Page 3

We appreciate [the Department's] sensitivity to the standards embodied in the Ethics Ordinance and its willingness to comply with them. If you have any further questions, please do not hesitate to contact us.

Very truly yours,

[Signature]
Ellen M. W. Sewell
Legal Counsel

Approved by:

[Signature]
Dorothy J. Eng
Executive Director

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