

MEMO

COMMISSION ON ETHICS & PUBLIC TRUST

TO: James Rauh
CC: Robert Meyers
FROM: Victoria Frigo
DATE: Dec. 5, 2005
RE: INQ 05-190
Potential Voting Conflict, City Commissioner and Former Debtor

James,

This is to memorialize our telephone conversation this morning regarding the following question:

Q: Does a city commissioner have a conflict if he votes on a matter that involves an adverse party in a lawsuit against the city, when the adverse party was also a former debtor to the city commissioner?

The circumstances surrounding your question are as follows:

- The debt was pending for a period during the lawsuit, but the loan has now been paid, to the satisfaction of both the adverse party and the city commissioner.
- The city commission did not vote on matters regarding the lawsuit while the adverse party was a debtor to the city commissioner.
- You believe that the city commissioner's vote would not result in a benefit to him that is distinct from the general public.
- The city commissioner has stated that he can vote fairly and without bias.

A: Based on the information you have provided, the city commissioner does not have a voting conflict because the debt has been paid and the city commissioner appears to have no other financial interest or other prohibited relationship with the adverse party that would prevent him from voting on matters related to the lawsuit.

I have discussed your question with Robert Meyers, and he concurs.