

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, August 16, 2012 11:55 AM
To: 'David M. Wolpin'
Cc: Centorino, Joseph (COE)
Subject: Not doing business with one's department (INQ 12-141)

Hello David,

You are correct that the County Code at Sec. 2-11.1 (c)(2) allows a city employee to contract through his private company with his city, but the contract cannot be with the city department that employs him. We're assuming the city code is silent on this issue.

Also note that the County Code further states that the employee may not enter into the contract if it would interfere with the full and faithful discharge of his duties to the city. Additionally, he may not participate in awarding the contract, and his job responsibilities must not require him to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance.

This email serves as an informal ethics opinion based on Ethics Commission precedent.

Please feel free to contact me if I can be of further assistance.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

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From: David M. Wolpin [<mailto:DWolpin@wsh-law.com>]
Sent: Thursday, August 16, 2012 10:39 AM
To: Frigo, Victoria (COE)
Cc: David M. Wolpin
Subject: County Ethics Code

Hi Victoria – I hope that you are doing well.

Please advise whether you are able to confirm that so long as the city employee exemption criteria of Sec. 2-11.1 (c) (2) are met, a city employee's business may rent equipment to the City for a City event (rental fee total of approximately \$700) where the employee's department is not involved in the event and the three (3) criteria spelled out in the code section are each complied with, and that it would not be necessary to seek a formal opinion of the County Ethics Commission.

Unfortunately, this is a rush matter for informal confirmation, if possible.

Thank you.

David Wolpin

Member

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