

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, October 17, 2013 11:16 AM
To: 'Ralph Ventura'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Outside Representation of City Employee (INQ 13-258)

Hello Ralph,

I have discussed your question with Joe Centorino, and we agree that the County Ethics Code does not prohibit you, the City of Sweetwater City Attorney, from representing a City of Sweetwater employee at his real estate closing and providing him with legal advice, either free of charge or for payment. The proposed arrangement you described appears to have been made in the ordinary course of business, at arm's length, and completely independent of any City-related matters.

We understand that the City of Sweetwater City Attorney is an independent contractor who is hired and supervised by the City Commission. As a City of Sweetwater contract worker, you are allowed to maintain a private law practice. The City employee who has asked you to represent him does not supervise you, nor do you supervise him.

Given these facts, your representation does not appear to violate the County Ethics Code at Sec. 2-11.1 (e)(3), which prohibits *quid pro quo* arrangements, nor Sec. 2-11.1 (g), which prohibits exploitation of one's official position to secure special privileges or exemptions for himself or others.

If you have additional questions going forward, please feel free to contact me or my colleague, Gilma Diaz-Greco, Staff Attorney.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Ralph Ventura [<mailto:ralphventura@gmail.com>]
Sent: Wednesday, October 16, 2013 12:18 PM
To: Frigo, Victoria (COE)
Subject: Outside Representation of City Employee

Victoria,

As we just discussed, I have been asked by a city employee to attend his real estate closing and provide him legal advice. I offered to do it for free but he insists on paying. As you know, I am an independent contractor

and am expected to maintain a separate practice. Also, by Charter I work at the pleasure of the City Commission and am not an officer of the executive branch so this employee truly has no authority over me.

I'd like to know if this is permitted under the rules of ethics. I look forward to your response.

RV