

City of Detroit Board of Ethics

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Advisory Opinion #2018-06
Issued: August 21, 2018

Advisory Opinion #2018-06: The Ethics Ordinance does not bar the Requestor from taking the employment offer and there is no violation of Sec. 2-6-72 of the Ethics Ordinance, the one year post employment prohibition.

I. Procedural Background

Request for Advisory Opinion 2018-06 (the “Request”) is dated June 21, 2018, and was sent to the Board of Ethics (the “Board”) by electronic communication and received June 21, 2018. The Request was submitted by a current public servant as defined by Section 2-6-3 of the Detroit Ethics Ordinance (the “Ordinance”) who did not waive confidentiality with respect to identity.

At its meeting on July 17, 2018, the Board determined that the Request met the basic requirements for a Request for Advisory Opinion under Section 2-6-101 of the Ordinance. At this meeting the Board reviewed a Preliminary Analysis of the Request. On August 21, 2018, after consideration and discussion of the issues presented, the Board voted to issue this Advisory Opinion pursuant to Section 2-6-72 of the Ordinance.

II. Facts Alleged In the Request

In the Request, the Requestor states in summary as follows:

I am the [public servant]* in the Department of [REDACTED]. I have accepted a position with [REDACTED], who is a sub-recipient of the City as of June 2018 for the [REDACTED]*. There has been no activity on this contract. I was part of the review team for [REDACTED] however, the funding decision at [REDACTED] is by consensus. Additionally, the comprehensive review includes the [REDACTED]

[REDACTED]
the Mayor's Office and City Council.

The Requestor's role with the City includes cursory review of reimbursement packets that are presented to the department manager for comprehensive review. Additionally, it then is reviewed by [REDACTED]
[REDACTED]
[REDACTED]

By this request, the Public Servant seeks an advisory opinion as to the applicability of the 2012 Detroit City Charter.

III. Applicable Charter Sections

The 2012 Detroit City Charter provides at Section 2-106.1 that the purpose of applying and enforcing these requirements and standards is to ensure that governmental decisions are made in the public's best interest by prohibiting public servants from participating in matters that affect their personal or financial interests.

Additionally, Section 2.106.5 of the 2012 Detroit City Charter, which is codified at Section 2-6-72 of the Ordinance, addresses the Requestor's overall question.

Sec. 2-6-72. - One year post-employment prohibition.

- a) Subject to state law, for one (1) year after employment with the city, a public servant shall not lobby or appear before the city council or any city department, agency, board, commission or body, or receive compensation for any services in connection with any matter in which he or she was directly concerned, personally participated, actively considered or acquired knowledge while working for the city.
- b) Subject to state law, for one (1) year after employment with the city a public servant shall not accept employment with any person who, or entity which, did business with the city during the former public servant's tenure where the public servant was in any way involved in the award or management of the contract, or the employment would require the sharing of confidential information.

(Ord. No. 18-12, § 1, 7-31-12)

IV. Application of the Charter to the Facts Presented

Requestor is seeking employment with [REDACTED] who receives funds from Detroit for [REDACTED] through [REDACTED]. While at [REDACTED] Requestor will be the [REDACTED] Employee, which is responsible for the overall management and administration of an assistance program, navigation assistance, and case management. This program receives direct funding from the State of Michigan and not the City of Detroit.

Requestor reports to have had no participation in the award or management of the contract to ██████*. That was confirmed by her supervisor. This award to ██████* went through the Emergency Solution Grant Allocation from ██████. This means it did not go through the process of being reviewed by Requestor's team. Additionally, to perform the new position at ██████, Requestor has no requirement to divulge confidential information. Requestor is encouraged to be mindful not to share information regarding the City of Detroit with her new employer.

V. Conclusion

The Board of Ethics concludes the Request for Advisory Opinion 2018-06 in accordance with Sec. 2-6-104(b)(4) and issues this advisory opinion in response to the request that shows no prohibition of Sec. 2-6-72 and strongly encourages the Requestor to share no confidential information about the City of Detroit with the new employer.

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Dated: October 30, 2018