

# *City of Detroit Board of Ethics*

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## **ADVISORY OPINION # 2016-05**

Issued: January 11, 2017

**Advisory Opinion # 2016-05:** At its meeting on December 15, 2016, the Board of Ethics (the “Board”) reviewed Request for Advisory Opinion No. 2016-05, regarding the propriety of City employees seeking donations for department events from City vendors. The Board concluded the Ordinance currently bars receipt of anything of value from any person or entity “doing business with or seeking to do business with” the City.

### **I. PROCEDURAL BACKGROUND AND FACTS**

Request for Advisory Opinion No. 2016-05 was filed on October 19, 2016. The Requestors are managers at a City department and are organizing an employee event to take place later this year. The program is designed to “highlight the important connection between learning and achieving organizational results.” According to the Request and the attached draft letter, the organizers plan to solicit “assistance” from various vendors in the form of “donations to give employees. . .”

### **II. APPLICABLE LAW AND DISCUSSION**

Currently, the Ordinance, at Section 2-6-71, 1984 Detroit City Code, provides as follows:

Prohibition on gifts and gratuities; exceptions.

- (a) **A public servant shall not accept gifts, gratuities, honoraria, or other thing of value from any person or entity doing business or seeking to do business with the city**, is seeking official action from the city, has interests that could be substantially affected by the performance of the public servant's official duties, or is registered as a lobbyist under applicable law and Section 2-6-35 of this Code.
- (b) The prohibition in Subsection (a) of this section shall not apply;
  - (1) To an award publicly presented to a public servant by an individual, governmental body or non-governmental entity or organization in recognition of public service;
  - (2) To complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials;
  - (3) To a gift received from a public servant's immediate family member or relative, provided, that the immediate family member or relative is not acting as a third party's intermediary or an agent in an attempt to circumvent this prohibition;
  - (4) To an admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the public servant;
    - (i) By the sponsor(s) of an event, appearance or ceremony, which is related to official city business in connection with such an event, appearance or ceremony and to which one (1) or more of the public are invited; or
    - (ii) In connection with teaching, a speaking engagement, or the provision of assistance to an organization or another governmental entity as long as the city does not compensate the public servant for admission or registration fees, travel expenses, entertainment, meals or refreshment for the same activity.

(Emphasis added.)

The Ordinance bars the receipt of gifts or anything of value from any person or entity “doing business or seeking to do business with the city.” The organizers state an intent to seek gifts from “vendors.” Such gifts are prohibited under the Ordinance.

### **III. CONCLUSION**

The Ordinance bars the receipt of gifts or any other thing of value from City vendors. The Requestors should refrain from seeking or accepting gifts or donations from such vendors.

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