

City of Detroit Board of Ethics

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**Advisory Opinion #2018-04
Issued: May 15, 2018**

Advisory Opinion #2018-04: The Ethics Ordinance does not prohibit the Requestor from accepting the mini grant from the sponsor. The investigation revealed no incompatible employment or rendering of services and no gifts or gratuities based on Sec. 2-6-65 and -71. The Board of Ethics strongly encourages the Requestor to exercise caution that her judgment and actions on behalf of the City remain independent and that her research activities with the sponsor* and her overseas counterpart are not performed during City business hours or utilizing City resources.”

I. Procedural Background

Request for Advisory Opinion 2018-04 (the “Request”) is dated May 10, 2018, and was submitted electronically to the Board of Ethics (the “Board”). 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 May 15, 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 that meeting the Board reviewed a Preliminary Analysis of the Request. At its meeting on September 18, 2018, after consideration and discussion of the issues presented, the Board voted to issue this Advisory Opinion pursuant to Section 2-6-104(b)(4) of the Ordinance.

II. Facts Alleged In the Request

In the Request, the Requestor states:

I received a Mini Grant from a nonprofit organization, [REDACTED]* that promotes large* conversations around the xxxxx* environment. The funding is for payment of travel and related expenses – accommodation and food- while conducting research in the form of sites visits and interviews of people and places involved in the adaptive reuse of vacant buildings in post-industrial cities. This research will inform the work I am performing in the City of Detroit’s [REDACTED]* to revitalize the many vacant underutilized buildings in the city. My concern has been to avoid any mis-perception of conflict of interest in accepting this funding.

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

III. Applicable Charter Sections

This Request involves Section 2-106.1 of the 2012 Detroit City Charter codified at Sections 2-6-65 and 2-6-71.

Sec. 2-6-65. - Incompatible employment or rendering services prohibited.

Except as otherwise provided for by applicable law, a public servant shall not knowingly engage in or accept employment, or knowingly render services, for a private or public interest where such employment or service is in conflict or incompatible with the proper discharge of the public servant's official duties for the city, or where such employment or service is reasonably expected to impair the public servant's independence of judgment or action in the performance of his or her official duties for the city.

(Ord. No. 22-00, § 1, 8-2-00; Ord. No. 18-12, § 1, 7-31-12)

Sec. 2-6-71. - Gifts and Gratuities.

A Public Servant shall not accept gifts, gratuities, honoraria, or other things of value, as determined by ordinance, from any person or company 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 laws.

This prohibition shall not apply to:

*the name has been changed to protect the confidentiality of the process

1. An award publicly presented to a Public Servant by an individual, governmental body or nongovernmental entity or organization in recognition of public service.
2. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials.
3. A gift received from a Public Servant's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this article.
4. 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 refreshments for the same activity.

(Amended, election of 11-6-12)

IV. Application of the Charter to the Facts Presented

The provider of the funding, ██████████ holds no contract with the City of Detroit nor does it appear to have a bid for a contract. It has no pending matters before the city and appears to have sought no contracts from the City.

The funding is expected to impact the work of the Requestor when she implements the [programing] for re-use of vacant buildings. However, the Requestor is participating as a researcher and academic not as an employee or agent of ██████. While she will use knowledge acquired during the travel to better her work with the City, there appears to be no conflict. Even so, the Requestor should exercise caution that her judgment and actions on behalf of the City remain independent and that her research activities with ██████* and her overseas counterpart are not performed during City business hours or utilizing City resources.”

Additionally, this appears to be no gift. The Requester attached the RFP and her application to her submission and appears to have participated fairly. Additionally, ██████* has no business with the City of Detroit. ██████████ list no bidders, contractors, or any other entity using that name.

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V. Conclusion

The Board of Ethics concludes the Request for Advisory Opinion 2018-04 in accordance with Sec. 2-6-104(b)(4) and issues this advisory opinion in response to the request that shows no incompatible employment or rendering of services and no gifts or gratuities based on Sec. 2-6-65 and -71. The Board of Ethics strongly encourages the Requestor to exercise caution that her judgment and actions on behalf of the City remain independent and that her research activities with ■* and her overseas counterpart are not performed during City business hours or utilizing City resources.”

Detroit Board of Ethics
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Dated: October 30, 2018

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