

City of Detroit Board of Ethics

Kristin Lusn, Esq., Chairperson
Freda G. Sampson, Vice Chairperson
Rev. Dr. Charles C. Adams
David W. Jones, Esq.
Hon. Alma G. Stallworth
Robert Watt

Advisory Opinion #2018-14
Issued: October 16, 2018

Advisory Opinion #2018-14: The Ethics Ordinance does not prohibit the Requestor from attending the Oracle Open World Conference because the exception contained in Section 2-6-71 (b)(4) is met and the prohibition on acceptance of gifts and gratuities does not apply. The Requestor may accept the waiver of the conference fee and participate as a speaker.

I. Procedural Background

Request for Advisory Opinion 2018-14 (the “Request”) is dated August 17, 2018, and was sent to the Board of Ethics (the “Board”) by electronic communication and received August 20, 2018. In accordance with Sec. 2-6.101, the Request was submitted by a current public servant as defined by Section 2-6-3 of the Detroit Ethics Ordinance (the “Ordinance”). The Public Servant waived confidentiality with respect to identity.

At its meeting on September 18, 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 October 16, 2018, after consideration and discussion of the issues presented, the Board voted to issue this Advisory Opinion pursuant Section 2-6-104(b)(4) of the Ethics Ordinance.

II. Facts Alleged In the Request

In the Request, Lori Cetlinski states as follows:

I have been accepted to present at Oracle Open World Conference.
Oracle will waive the conference fees for presenters. For

government/public sector speakers/presenters, they require their Government/Public Sector Speaker Compliance letter completed. The conference is scheduled for Oct. 22-25, 2018 in San Francisco.

By this request, Ms. Cetlinski 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. This Request involves Section 2-106.4 of the 2012 Detroit City Charter codified at Section 2-6-71 of the Ethics Ordinance. It states as follows:

Sec. 2-6-71. - 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) This prohibition shall not apply to:

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.

IV. Application of the Charter to the Facts Presented

Subsection (a) clearly prohibits a public servant such as Requester from accepting a gift, gratuity "*or other thing of value,*" regardless of value or amount, from an entity that 1) is doing business with the city. Oracle does business with the City of Detroit through technology development. Therefore, an analysis of the exceptions contained in Section 2-6-71(b) is required.

The exception contained in Section 2-6-71(b)(4) is applicable. Requestor is seeking authorization to accept an "admission or registration fee" to a public event to serve as a speaker on behalf of the City of Detroit; therefore, the exception under Section 2-6-71(b)(4)(i) is met. Further, Requestor's actions would also qualify under the exception contained in Section 2-6-71(b)(4)(ii) permitting the acceptance of the conference fee as a speaker so long as she was not reimbursed or compensated for such fee by the City.

Requestor may accept the waiver of the conference fee as a speaker at the Oracle Open World Conference because the exception contained in Section 2-6-71 (b)(4) is met and the prohibition on acceptance of gifts and gratuities does not apply.

V. Conclusion

The Board of Ethics concludes the Request for Advisory Opinion 2018-14 in accordance with Sec. 2-6-104(b)(4) and issues this advisory opinion in response to the request. The Requestor may accept the waiver of the conference fee as a speaker at the Oracle Open World Conference because the exception contained in Section 2-6-71 (b)(4) is met and the prohibition on acceptance of gifts and gratuities does not apply.

Detroit Board of Ethics
7737 Kercheval, Suite 213
Detroit, MI 48214
(313) 224-9521
BoardofEthics@detroitmi.gov

Dated: March 7, 2019