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[REDACTED] 1998

C O N F I D E N T I A L

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[REDACTED]

Re: Case No. 98039.Q
Request concerning Traffic Safety Seminar

Dear [REDACTED]

This letter is in response to your inquiry of [REDACTED] about whether the Department of "D" may accept an offer from "G" Corp. to pay travel expenses, including costs of meals and lodging, for two employees of the Bureau of [REDACTED] to attend a one and one-half day information and training seminar with representatives from the City of [REDACTED] in early September. G is sponsoring the seminar at its Transportation Safety Research Center and laboratories in [REDACTED]. According to the department, the seminar will be advantageous to the City and is integral to the two employees' City work. It is the opinion of Board staff, based on prior cases and the facts your department presented, that the Governmental Ethics Ordinance does not prohibit acceptance of the offer to pay travel and expenses, as long as the expenses are reasonably related to the purposes of the seminar and serve to benefit the City, rather than the employees, personally; and that the offer is not made in exchange for their willingness to influence City decisions concerning business of the company. We advised you of the staff conclusion by telephone on [REDACTED] 31.

The staff reviewed the letter of invitation from G dated [REDACTED] 5 and the proposed schedule of sessions and discussed the issues with Mr. "M" [REDACTED], Director of Administrative Services in the Bureau of [REDACTED] and the Bureau of [REDACTED]. Although the invitation is for [REDACTED], you said that the G seminars are given periodically, and the Chicago representatives may instead attend a seminar in [REDACTED].

Mr. M explained that G is a current vendor for the City: the City has a term agreement of the



catalogue type with the company. (Under an agreement of that type, a City department may purchase items available through the catalogue, but is not obliged to purchase any particular items or spend a certain amount.) G manufactures various items of use for traffic markings, such as high-quality sheeting for traffic signs and tape that can be used in place of paint, for example, on curbs.

The schedule of sessions and letter indicate that seminar topics relate to signage and markings, and will include a tour of laboratories, simulation of street conditions and demonstrations of various products under such conditions. The seminar will include advances in technology, and will cover not only G's products, but also other materials, all related to street safety.

The two employees who will be sent are the Deputy Commissioner and the Superintendent of the Bureau; Mr. M said that these two are responsible for evaluating the types of signage products the City may use in the future. He said that this seminar will provide needed information and comparisons and will help the employees to better perform their jobs. Mr. M explained that the department especially needs to evaluate products to replace oil paint, as the use of oil paint (for such purposes as curb markings) shortly will be banned by the Environmental Protection Agency. Thus the City needs to assess alternatives, which include water-based paints and tapes, and thus it needs to acquire as much information as it can on the alternatives.

You said that the department views the educational and informative value of the seminar so highly that if the department is unable to accept the offer of assistance by G, the City will send the two employees at its own expense.

The Board staff concludes that nothing in the Ordinance prohibits the Department of D from accepting this offer by G, as long as the expenses accepted are reasonable and reasonably related to the purposes and functioning of the seminar, and serve to benefit the City, rather than benefit the employees in their personal capacity. Further, the offer must not be made in exchange for the employees' willingness to influence City decisions concerning G. Staff's conclusion is consistent with past opinions, in which manufacturers and suppliers have provided expenses of travel and accommodations for City employees to attend educational seminars and demonstrations relating to advances in technology in the products the companies offer, and the department has said that attendance at the seminars will assist it in carrying out its

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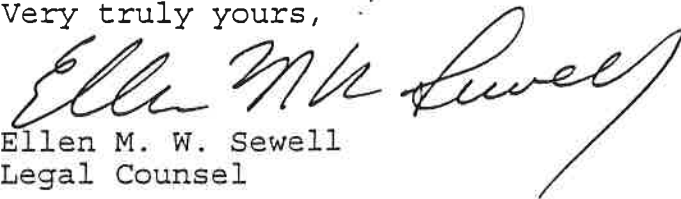
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City responsibilities. (See, e.g., Case Nos. 97014.Q, 96020.Q, 94010.Q, and 91075.Q.)


The staff opinion in this case is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts as presented are inaccurate, please notify us, as a change in facts may alter our opinion.

We appreciate the Department of D's sensitivity to the standards of the Ethics Ordinance and its willingness to comply with them. If you have any further questions, please contact us.

Very truly yours,


Ellen M. W. Sewell
Legal Counsel

Approved:


Dorothy J. Eng
Executive Director

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