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October 22, 2008

Mr. Bill Malinen
City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113-1899

RE: *Summary of Ethics Opinion*
Our File No. 4002(1)-0001

Dear Mr. Malinen:

We issued an ethics advisory opinion on July 17, 2008. Below please find a summary of that opinion. All references that could identify the affected employee have been removed.

FACTS

A City employee was invited to give a presentation. The presentation topic is based on the employee's own personal research and analysis. However, the general subject matter of the presentation is also related to the employee's duties as a City employee. The employee's travel and lodging expenses will be significant. The expenses will not be reimbursed by the organization sponsoring the presentation or by the City. The employee will not receive compensation from the organization sponsoring the presentation, or from the City, for giving the presentation. The employee will take vacation time for the days the employee is traveling and making the presentation.

QUESTIONS AND BRIEF ANSWERS

Based on the above facts, the employee requested an advisory opinion on four questions under the Code of Ethics for Public Officials in the City of Roseville:

1. While giving the presentation, may the employee wear attire that clearly identifies the employee's employment by the City and status as a public official?

Answer: Yes. Although the employee's attire was purchased with public funds, and identifies the employee's status as a public official, the employee will not obtain personal or private gain, i.e., anything of value, from wearing the attire. The employee may benefit by wearing the attire because the attire bolsters the employee's credibility during the presentation. This benefit, however, is intangible and not a benefit that clearly falls within the prohibition of Section 3(C) and (J).

2. In the employee's capacity as a public official, may the employee solicit civic organizations for financial contributions to help defray the employee's personal travel and lodging expenses?

Answer: No. If the employee approached civic organizations in the employee's public official capacity and solicited funds for the employee's personal trip, the employee's action would violate the Code of Ethics, Section 3(J), in that the employee would be using public office for personal gain. In addition, the employee's solicitation of funds for personal use may cause the appearance of impropriety and may call into question the employee's future actions, or inactions, as being based on an organization's decision to donate, or not to donate, funds to the employee. The appearance of impropriety and perceptions of favoritism or reprisal are incompatible with the City's best interests and contrary to preserving an employee's independence of judgment and action. (Preamble)

3. In the employee's capacity as a private citizen, may the employee solicit civic organizations for financial contributions to help defray the employee's personal travel expenses?

Answer: Yes, provided that certain precautions are taken. The Code of Ethics does not prohibit a citizen, who is acting strictly in the capacity of a private citizen, from asking civic organizations for donations to help pay for a personal trip. However, even when acting in a private capacity, that employee must exercise care and take meaningful precautions to ensure that the employee's public office is not being used for private gain and to avoid the appearance of impropriety.

At a minimum, the employee should explicitly notify the civic organizations of the following: (1) that employee is asking for the donation in the employee's capacity as a private citizen, and not in the employee's capacity as an employee of the City or as a public official; (2) that the donations will be used to help pay personal travel expenses and not for a trip that is being taken in the employee's capacity as a City employee or in furtherance of any City business; and (3) that the City is not sponsoring or endorsing the trip or the employee's solicitation of donations. In addition, the employee should avoid asking for donations from civic organizations that have the potential to benefit directly or indirectly from any action, or inaction, that the employee may take as a City employee.

4. May the employee accept compensation from organizations for giving presentations outside the employee's duty day?

Answer: Yes, provided that certain conditions are satisfied. Code of Ethics Section 3(A) does not prohibit an employee from accepting compensation for giving presentations outside the duty day, provided that (1) the compensation does not create an ongoing employer-employee relationship; (2) the invitation to give the presentation is not because of the employee's position with the City; and (3) the employee is not being compensated because of the employee's position with the City, but because of the employee's unique and personal expertise and knowledge. In the event that the employee will receive compensation, the employee should not wear attire that was purchased with (or reimbursed with) public funds and that identifies the wearer as an employee of the City and public official because a reasonable person could conclude that the employee is using City property for private gain. Section 3(G)(J).

Very truly yours,

Scott T. Anderson

STA/cg