

EMUS



August 18, 1995

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

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Re: Case No. 95021.Q

Dear Dr.

You recently contacted this office to ask whether your acceptance of a scholarship award to attend the 1995 Congress in _____ is permissible under the Governmental Ethics Ordinance.

You are employed part-time by the City as a psychiatrist at the _____ Center. Last month you received a scholarship award from the _____ Program, funded by a pharmaceuticals company, "Company X". This award consists of a \$200 discount off of the normal \$449 cost of tuition to attend the four-day Congress, and an offer of up to two free tickets for one evening's entertainment during the Congress. If you were to attend the Congress, you would pay all of your own travel, lodging, and other expenses.

You said that your City job is a clinical, not an administrative one, and that you are not in a position to affect any City decisions, including what pharmacological medications or products are ordered for the _____ Center. The drugs you prescribe for patients are those used on-site at the _____ Center and you said that no Company X products are currently being used there. City records we reviewed indicate that Company X does not do business with the City.

As we discussed in our telephone conversation, the gift provisions of the Ethics Ordinance mainly restrict the acceptance of gifts or benefits by City officials and employees if: (1) a mutual understanding exists, either explicitly or implicitly, that the gifts or benefits will influence the official's or employee's City actions or decisions; or (2) the person making the offer has an economic interest in a specific City



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business or transaction, and the City official or employee is in a position to substantially affect that transaction.

In the present circumstances, there is no evidence that Company X has an economic interest in a specific City business. Moreover, even if it did, you are not in a position to substantially affect any City decisions or transactions involving Company X. Therefore, it is the staff's opinion that the gift provisions of the Ethics Ordinance do not prohibit your acceptance of the scholarship award from the program.

Staff's 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 presented are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our opinion. Other laws or rules also may apply to this situation. We note that a City department may adopt restrictions that are more stringent than those imposed by the Ethics Ordinance.

We appreciate your calling us and your willingness to seek guidance on this matter. If you have any further questions, please do not hesitate to contact us.

Sincerely,



Dorothy J. Eng
Executive Director