

**City of Memphis
Board of Ethics**

October 11, 2016

Advisory Ethics Opinion No. 16-01

This opinion responds to a specific question presented, particularly whether certain behavior is permissible pursuant to the City of Memphis Code of Ethics, Ordinance 5206. It does not address any other applicable policy, local, state or federal laws. The Board of Ethics' jurisdiction is limited to the applicability of the City of Memphis Code of Ethics, Ordinance 5206, as amended. This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation. Failure to disclose relevant information may void the opinion.

Question

Whether it is permissible pursuant to the City of Memphis Code of Ethics for a City Attorney to accept a ticket valued at approximately \$150.00 from a company that does business with the City, working closely with the City's Law Department?

Opinion

City employees are generally prohibited from accepting gifts from individuals or entities that do business with the City. The ticket to the function might reasonably be interpreted as a gratuity. It is therefore not permissible for the City Attorney to accept it.

Facts

A full-time City Employee in the Legal Department (City Attorney) has been invited to sit at the table at a function with a company that does business with the City and works closely with the lawyers in the City's Legal Department. The Company only has one ticket, and the employee cannot take his spouse. The City Attorney and the company have only a business relationship, and there are no close personal friendships established between the City Attorney and the Company.

Analysis

Chapter 2-10 Code of Ethics for City Officials provides, in pertinent part:

"Section 2-10-5. Acceptance of gratuities, etc. An employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city: For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or [t]hat might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing business of the city."

In the instant case, it appears that the ticket to the function might reasonably be interpreted as a gratuity.

Conclusion

Based upon the foregoing, it is my opinion that the acceptance of the ticket to the function might reasonably be interpreted as a gratuity contemplated within the meaning in Section 2-10-5, Code of Ethics for City Officials, Acceptance of Gratuities, etc., and is thereby not permitted.

Board of Ethics, City of Memphis



Latonya Sue Burrow
Chief Ethics Officer