

**City of Memphis
Board of Ethics**

December 4, 2019

Formal Ethics Opinion No. 19-02

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 for a City of Memphis Fire Department Employee's company to do business with the City of Memphis?

Opinion

Per the Mayor's Executive Order Section 7), "[n]o employee shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the City or its agencies."

Therefore, it is not permissible for the company to do business with the City of Memphis.

Facts

The Requester is currently employed as a Lieutenant for the City of Memphis Fire Department (Lieutenant). He has recently started a junk removal service (Junk Jumpers LLC) [Company]. The Company removes, hauls and disposes of unwanted items (furniture, appliances, unwanted items, etc.). The Company has recently been added to the City of Memphis vendors' list.

Analysis

Provision 7) of the Mayor's Executive Order provides that no employee shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the City or its agencies.

From the specific facts given, there appears to be a direct benefit derived by the City of Memphis Fire Department Employee, if his company, which was started and owned by him, does business with the City of Memphis.

Conclusion

Based upon the foregoing, it is the Opinion of the Board of Ethics that under these facts, a Conflict of Interest exists, if the Lieutenant's Company is on the City of Memphis vendors' list, doing business with the City of Memphis.

Therefore, it is not permissible for the company to do business with the City of Memphis.

Board of Ethics, City of Memphis



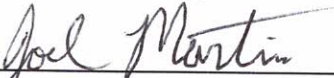
Chairman, the Honorable Robert A. Lanier (Retired)



Mr. Craig Cardwell



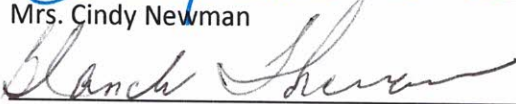
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