

BOISE CITY ETHICS COMMISSION

Advisory Opinion 05-04

FACTS: Employee is a Human Resources Advisor. Employee has been offered a complimentary ticket to attend a conference, the “11th Annual Worldwide Luminary Series – Leading to Greatness: Building True Success Wherever You Live and Work.” Boise State University Center for Professional Development is the local coordinator for this satellite broadcast event. The ticket has been offered by a Boise State University representative with the Center for Professional Development who was given several tickets by the organization sponsoring the event. This representative for the Center for Professional Development also offered tickets to other individuals with government entities and private businesses as an act of goodwill. The ticket has a value of \$199.00. Organizational training for the City falls within this employee’s area of responsibility and he frequently works with Boise State University Center for Professional Development arranging training and courses for City employees.

QUESTION: Is it permissible for the City employee to accept a complimentary ticket to a day long educational presentation from the Boise State University Center for Professional Development or would doing so be a violation of Boise City Code of Ethics?

OPINION: It is not permissible for the employee to accept the complimentary ticket. A City official is not allowed to accept any valuable gift from any business which undertakes business dealings with the City is interested in any manner in business dealings with the City.

ANALYSIS: The Commission considered the following Boise City Code of Ethics provisions in reaching its decision.

1. Boise City Code 1-21-03(C)

Boise City Code 1-21-03(C) states that a City official may not accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person or business which is interested directly or indirectly in any manner whatsoever in business dealings with the City. A valuable gift does not include trivial benefits not to exceed the value of fifty dollars (\$50.00) incidental to personal, professional, or business contact and involving no substantial risk of undermining official impartiality.

This code section prohibits the conduct in question. Employee frequently works with the Boise State University Center for Professional Development in arranging training and educational courses for City employees. The code specifically states that an official

cannot personally accept any gift from any business which is interested in any manner in business dealings with the City. While the ticket at issue was provided to Boise State University free of charge, the ticket has a value of \$199.00, which is above the fifty dollar “de minimus” limit. Further, Employee’s frequent interaction with the Center may call into question his impartiality.

2. **Boise City Code 1-21-05(A)**

Boise City Code 1-21-05(A) states that no person shall offer or give to a City official, or a member of any official’s household, and no City official shall solicit or receive, anything of value, including a gift, favor, service, or promise of future employment, based on any understanding that such official’s vote, official action, or judgment would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence the official in the discharge of his duties, or as a reward. Any thing of value does not include trivial benefits not to exceed the value of fifty dollars (\$50.00) incidental to personal, professional, or business contracts and involving no substantial risk of undermining official impartiality.

This code section also prohibits the employee from accepting the complimentary ticket. It could reasonably be inferred that the ticket could influence the employee in his capacity as Human Resources Advisor, who specifically arranges training and courses through Boise State University for City employees. In addition, the Boise State University Center for Professional Development is giving the \$199.00 tickets as a token of appreciation to government and private organization, which may be viewed as a reward.