

Board of Ethics: 2003

1. The Police Department asked if it could solicit funds from the public in the \$75,000 to \$85,000 range for erection of a statue at the entrance to the new law enforcement building.

Opinion: The Board decided that solicitation of gifts of this kind by City employees would violate the City's conflicts of interest ordinance. Such solicitation would create the appearance of impropriety and it could reasonably be inferred that any gift was intended to influence the officer or employee in the performance of official duties.

2. The Police Department asked if eight members of the Crimes Against Persons Unit of the department could accept and use a gift certificate to Minerva's for \$40.

Opinion: It was the opinion of the Board that the gift could be accepted. Because the gift was to a group, its value to any individual rendered it of nominal intrinsic value.

3. A City engineer asked if, upon being selected, he could serve as a member of a water development district board that occasionally provided technical assistance to the City.

Opinion: Because the City employee would not receive any personal financial gain because of his City employment from serving on the board, he would not violate the City's conflicts of interest ordinance.

4. A police officer asked if he could solicit prizes and gifts to be distributed to children attending a bicycle rodeo sponsored by a local organization in cooperation with the police and City Planning Department.

Opinion: The Board said that although it believed City employee participation in this program would not violate the City's conflicts of interest ordinance, in the future, in order to avoid the appearance of impropriety, that non-City employees should be relied upon to accomplish the solicitation.

5. Council member Andy Howes asked if his brother's ownership of an interest in a business on the loop in downtown disqualified Andy from participation in Council discussions of the loop.

Opinion: Because the financial interest of a brother cannot be attributed to a City employee under the conflicts of interest ordinance, there would be no violation of the ordinance if Andy Howes participated in Council loop discussions.

6. Paul Livermore asked if his membership on the City's Investment Advisory Board and his employment in the trust department of the First National Bank in Sioux Falls would violate the City's conflicts of interest ordinance.

Opinion: Because of the numerous business relationships existing between the City and the bank, the Board was of the opinion that Mr. Livermore's dual role could create the appearance of impropriety, and thus advised that there would be a conflict of interest .

7. A police officer asked if several police officers could accept a gift of a free ride in an experimental aircraft from aircraft owners they had assisted in moving aircraft on city streets.

Opinion: The Board decided that the free airplane rides were of nominal intrinsic value and acceptance of them would not violate the City's conflicts of interest ordinance.

8. A Health Department employee asked if City employees could solicit private funds to continue a program funded by an expiring grant.

Opinion: The Board said that the solicitation would violate the conflicts of interest ordinance as an improper solicitation of a gift.

9. A community development employee asked if acceptance of a gift of a \$50 gift certificate and a pen and pencil set would violate the gift prohibitions in the conflicts of interest ordinance.

Opinion: The Board concluded that either the \$50 certificate or the pen and pencil set would be of nominal intrinsic value—and thus acceptable. Acceptance of both would violate the ordinance.

10. A City Council member asked if the presence of and involvement of certain individuals on the board of directors of his employer would prevent him from participating in debate and voting on a zoning matter involving property in which these individuals had an interest.

Opinion: The Council member would not violate the ordinance by his participation and voting on the matter because his relationship to the individuals was not of the type that the Board of Ethics believed the ordinance intended to regulate.