

City of Norwich, CT Ethics Commission

Advisory Opinion 2010-01

Application Of The Codes' Gift Provisions

The Norwich Ethics Commission has been asked by the Mayor's Office for an advisory opinion to determine how the Ethics Code gift restrictions apply to the following scenario:

The Mayor's Office recently received two invitations to conferences to be held in China. In both instances, the conference sponsors offered to allow representatives to attend the conferences free of charge (lodging, meals, transportation, entry to conference). Travel costs to and from the conferences were not included in the offer.

During a special meeting called to consider this request, the Commission was informed that the Mayor's Office, which is responsible for economic development for the City of Norwich, received these invitations after a Chinese delegation had previously visited the area. The Commission was further informed that the individual who arranged for the invitations had informed the Mayor's Office that the primary value of the trip would be the ability for City Officials to meet with groups of individuals who were interested in investing in the area. As explained by the Mayor's Office, these investors had previously looked for investment opportunities in the New York and Boston areas however were unsuccessful. As Norwich is located between both markets and has a substantial Chinese population, the investors feel Norwich may be an area that would satisfy their desire to invest funding in the area. The Mayor's Office informed the Commission that the offers had been made very recently and that the invitations or similar trips will require due diligence to determine whether or not the trips would be wise investment and will be vetted by the City Council and others. Prior to considering the offers the Mayor's Office requested an Advisory Opinion as to whether or not the Ethics Code would allow representatives of the City (presumably City Officials) to accept these or similar offers.

The Ethics Commission first examined whether or not the offer of attendance and associated activities at the conferences would be considered a gift as defined in the Code of Ethics.

Section 2-52 (d) of the Code of Ethics defines a gift as "a payment, subscription, advance, forbearance, rendering of service, deposit of money, or anything of value unless consideration of equal or greater value is transferred in its place.....". Clearly, the offer of free attendance, lodging, meals and transportation at the conference is a gift as defined in the Ethics Code as none of the exceptions that follow within the ordinance apply.

The Commission then discussed the second applicable section of the Code, Section 2-54(c) Gifts and favors. "No officer, official or employee shall accept or solicit any gift from any person who, to his or her knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the city, or which gift may tend to influence him or her in the discharge of official duties or in granting any improper favor, service or thing of value. "

The intent of section 2-54(c) clearly prohibits the acceptance of gifts and favors by City officials and employees from those interested in business dealings with the city or which gift may tend to influence their official duties. If the purpose of the conference is to gain business from the city,

by way of advertising various products, services and/or equipment to be purchased by the City, the Code of Ethics would apply and acceptance of the offer of free attendance, lodging, meals, etc. is prohibited.

In this case however, the trip would allow City Officials to meet with individuals or groups of individuals who are investing in the area, not marketing products or services for potential purchase by the City. Based on the information provided by the Mayor's Office, there are no apparent "business dealings" or transactions between the individuals/groups and the City assuming the investors would not purchase any property from, or develop any partnerships with, the City. **As such, the provisions of Section 2-54(c) of the Ethics Code would not apply for trips focused on economic development of the City and the receipt of housing, meals, transportation, etc would not be a violation of the Norwich Code of Ethics.**

City Officials are cautioned that should any investments made by an individual or groups initiated by a trip of this sort which then comes under review, for any reason, by the Officials who received said housing, meals, transportation or anything of value, the actions of the Officials could come under the purview of the Code of Ethics and the Ethics Commission, and therefore these officials should recuse themselves.

By Order of the Commission,

Charles Arian,
Chairman