

# CITY OF DETROIT BOARD OF ETHICS

## REQUEST FOR ADVISORY OPINION

Name\* of Requestor: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Requestor's Address: \_\_\_\_\_  
Street City State Zip Code

Requestor's Telephone Number : \_\_\_\_\_

Position/Title: \_\_\_\_\_

**\*Ethics Ordinance provides that the identity of a public servant, is confidential, and any information that reveals the identity of the requestor is also confidential. A requestor who makes his or her identity public is deemed to have waived confidentiality, or may elect to waive this confidentiality. Do you waive confidentiality? \_\_\_\_Yes \_\_\_\_No.**

Requestor Seeks Advisory Opinion Regarding (check one):

\_\_\_\_ Application of Standards of Conduct (**see following pages**), or

\_\_\_\_ Application of Disclosure Requirements (**see following pages**)

Describe the Particular Facts and Circumstances that form the basis for the opinion request (**attach separate sheet if needed**):

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Signature of Requestor

Submit Request to:

City of Detroit Board of Ethics  
660 Woodward Ave.  
First National Building, Suite 1537  
Detroit, MI 48226  
313-224-2376  
313-224-2371 (fax)  
Website: <http://www.detroitmi.gov/BoardOfEthics/>

Dated: 2/2013

## **DIVISION 2. DISCLOSURE REQUIREMENTS**

### **Sec. 2-6-31. Disclosure of interests by public servants \***

(a) Except as otherwise provided by applicable law, a public servant who exercises significant authority over a pending matter shall disclose:

- (1) Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before City Council;
- (2) Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before or within any office, department or agency of the City; and
- (3) Any interest that he or she, or an immediate family member has in real or personal property that is subject to a decision by the City regarding purchase, sale, lease, zoning, improvement, special designation tax assessment or abatement or a development agreement.

(b) All disclosures that are required under Subsection (a) of this section shall be made, in writing, on a form that is created by the Law Department and sworn to in the presence of a notary public. After completion, the form shall be filed with the Board of Ethics, which shall forward a complete copy of the form to the applicable department\_director or agency head.

### **Sec. 2-3-32. Disclosure of immediate family member's employment or application**

(a) Except as otherwise provided by applicable law, a public servant who exercises significant authority shall disclose the identity of any immediate family member employed by the City or who is making application to the City for employment.

(b) All disclosures that are required under Subsection (a) of this section shall be made, in writing, on a form that is created by the Law Department and sworn to in the presence of a notary public. After completion, the form shall be filed with the Board of Ethics, which shall forward a complete copy of the form to the applicable department director or agency head.

### **Sec. 2-6-33. Disclosure of campaign contributions and expenditures**

(a) Except as otherwise provided by applicable law, a public servant who exercises significant authority shall disclose campaign contributions and expenditures, in accordance with applicable laws.

(b) All disclosures that are required under Subsection (a) of this section shall be made, in writing, on a form that is created by the Law Department and sworn to in the presence of a notary public. After completion, the form shall be filed with the Board of Ethics, which shall forward a complete copy of the form to the applicable department director or agency head.

### **Sec. 2-6-34. Disclosure of interests by contractors and vendors**

(a) All contractors and vendors doing business with the City of Detroit shall disclose the following:

- (1) Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before City Council;
- (2) Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before or within any office, department or agency of the City;
- (3) Any interest that he or she, or an immediate family member has in real or personal property that is subject to a decision by the City regarding purchase, sale, lease, zoning, improvement, special designation tax assessment or abatement or a development agreement;
- (4) Campaign contributions and expenditures in accordance with applicable law;
- (5) The identity of any immediate family member employed by the City or who is making application to the City;
- (6) The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before City Council; and
- (7) The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before or within any office, department, or agency of the City.

(b) All disclosures that are required under Subsection (a) of this section shall be made, in writing, on a form that is created by the Law Department and sworn to in the presence of a notary public. After completion, the form shall be filed with the Board of Ethics, which shall forward a complete copy of the form to the applicable department director or agency head.

### **Sec. 2-6-35. Lobbying registration and reporting.**

A lobbyist who lobbies within the City government shall be required to register with the City and file a report of his or her lobbying activity. All documents filed by lobbyists shall be filed with the City Clerk, be a public record and shall be published electronically on the World Wide Web or other format as to provide remote or on-line access to the reports. A fee shall be assessed to each lobbyist.

### **DIVISION 3. STANDARDS OF CONDUCT**

**Sec. 2-6-61. Willful or gross neglect of duties prohibited**

Except as otherwise provided by applicable law, a public servant shall not willfully or grossly neglect the discharge of his or her duties.

**Sec. 2-6-62. Improper use or disclosure of confidential information prohibited**

Except as otherwise provided by applicable law, a public servant shall not knowingly use or disclose confidential information to third parties concerning the property, government or affairs of the City or any office, department or agency thereof, which is not available to members of the public and gained by reason of his or her official duties.

**Sec. 2-6-63. Improper use of City property prohibited**

A public servant shall not knowingly use City property except in accordance with City policies and procedures.

**Sec. 2-6-65. Incompatible employment or rendering services prohibited**

A public servant shall not engage in or accept employment, or render services, for a private or public interest where such employment or service is in conflict or incompatible with the proper discharge of the public servant's official duties for the City, or where such employment or service is reasonably expected to impair the public servant's independence of judgment or action in the performance of his or her official duties for the City.

**Sec. 2-6-66. - Representation of private person, business or organization prohibited; exceptions**

A public servant shall not act as an agent, attorney, or representative for another person, business or organization in any matter that is pending before a city agency, except that:

- (1) A public servant may represent another person, business, or organization before a city agency where such representation is a required part of the public servant's official duties; or
- (2) A public servant who is an uncompensated member of a city board, commission, or other voting body may act as an agent, attorney, or representative for another person, business or organization in a manner that is pending before a city agency, other than the board, commission, or other voting body on which he or she is a member; or
- (3) A public servant who is compensated by the city may act as an agent, attorney or representative for another person, business, or organization in a matter that is pending before a city board, commission or other voting body, other than the board, commission or other voting body on which he or she serves as an appointee or as an employee, or under a personal services contract, as long as he or she does so: (a) without compensation; and (b) on his or her leave time; and (c) for appointees, in accordance with Chapter 13, Article V, of this Code; or (d) for non-union employees, in accordance with Chapter 13, Article V, of this Code and the City's Civil Service Rules; or (e) for union employees, in accordance with his or her respective union contract and the city's civil service rules; or (f) for individuals who provide services to the City of Detroit pursuant to a personal services contract, in accordance with the applicable provisions of the contract.

**Sec. 2-6-67. Self-interested regulation and participation prohibited**

A public servant shall not vote or otherwise participate in the negotiation or making of any City contract, or any other type of transaction with any business entity in which he or she or an immediate family member has a financial interest.

**Sec. 2-6-68. Improper use of official position prohibited\***

A public servant shall not use his or her official position in violation of applicable law to improperly influence a decision of the Mayor, of the City Council, of the City Clerk, or of a member of a City authority, board, commission, committee, council or group, or other City agency.

**Sec. 2-6-69. Solicitation or acceptance of loan or payment prohibited**

A public servant, who, in the course of his or her duties, exercises significant authority, shall not solicit or accept a loan or payment from an individual who is providing service to, or receiving tax abatements, credits or exemptions from the City.

**Sec. 2-6-70. Public servant prohibited from unduly influencing decisions to fill any position in City government with immediate family members.**

A public servant who exercises significant authority shall not unduly influence any decision to fill a position in City government an immediate family member, as defined in Section 2-6-3 of this Code

**Sec. 2-6-71. Prohibition on gifts and gratuities; exceptions**

(a) A public servant shall not accept gifts, gratuities, honoraria, or other things of value from any person or company doing business or seeking to do business with the City, is seeking official action from the City, has interests that could be substantially affected by the performance of the public servant's official duties, or is registered as a lobbyist under applicable laws.

(b) The prohibition in Subsection (a) of this section shall not apply:

(1) To an award publicly presented to a public servant by an individual, governmental body or non-governmental entity or organization in recognition of public service;

(2) To complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials;

(3) To a gift received from a public servant's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this article;

(4) To admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the public servant:

(i) By the sponsor(s) of an event, appearance or ceremony, which is related to official City business in connection with such an event, appearance or ceremony and to which one (1) or more of the public are invited; or

(ii) In connection with teaching, a speaking engagement, or the provision of assistance to an organization or another governmental entity as long as the City does not compensate the public servant for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity.

**Sec. 2-6-72. One year post-employment prohibition**

(a) Subject to state law, for one (1) year after employment with the City, a public servant shall not lobby or appear before the City Council or any City department, agency, board, commission or body, or receive compensation for any services in connection with any matter in which he or she was directly concerned, personally participated, actively considered or acquired knowledge while working for the City.

(b) Subject to state law, for a period of one (1) year after employment with the City, a public servant shall not accept employment with any person or company that did business with the City during the former public servant's tenure if that public servant was in any way involved in the award or management of that contract or the employment would require the sharing of confidential information.

**Sec. 2-6-73. Prohibition on campaign activities using City personal or property, or during working hours**

(a) Elective officers, as defined in Section 2-6-3 of this Code, are prohibited from soliciting appointees, appointive officers and employees to work on political campaign activities using City property or during working hours.

(b) Appointees, appointive officers, and employees are prohibited from engaging in campaign activities by using City property or engaging in such activity during working hours.