



## A CITIZENS GUIDE FOR WHEN TO CONTACT THE BOARD OF ETHICS

The Board of Ethics is an independent Charter created entity established by 1997 City Charter. The Ethics Ordinance was enacted by the City Council in 2000 and established disclosure requirements and standards of conduct applicable to all City of Detroit Public Servants. The Board is charged with the responsibility for the implementation and administration of the Ordinance, which includes receiving complaint alleging violations of the Ordinance and issuing Advisory Opinions.

The City of Detroit Board of Ethics has jurisdiction over the following *public servants as defined in the City of Detroit Ethics Ordinance*:

*Public servant* means the mayor, members of the city council, the city clerk, any member of any city agency, board, commission, or other voting body that is established by the 1997 Detroit City Charter or by this Code, and any appointee, any employee, or any individual who provides services to the City of Detroit within or outside of its offices or facilities pursuant to a personal services contract. (Sec. 2-6-3).

The following guidelines are intended to help you determine if the Board is the appropriate entity to assist you and to acquaint you with the Board and its role.

The Board of Ethics handles complaints concerning *public servants* as defined in the Ordinance regarding the *Disclosure Requirements* and *Standards of Conduct* enumerated below:

### Standards of Conduct

1. **Engaging in official duties for private gain prohibited.**

A *public servant* shall not engage in any act or omission in the discharge of his or her official duties for *private gain*. **Sec. 2-6-61.**

2. **Use of confidential information for private gain prohibited.**

A *public servant* shall not use *confidential information* that is acquired in the course of his or her employment for *private gain*. **Sec. 2-6-62.**

**3. Disclosure of confidential information prohibited.**

Except as authorized by law, a *public servant* shall not knowingly disclose to a third party *confidential information* that is acquired in the course of his or her employment. **Sec. 2-6-63.**

**4. Use of City resources for commercial gain prohibited.**

A *public servant* shall not use any *City* owned real or personal property, *City* funds, *City* personnel, or any other tangible *City* resource for *commercial gain*. **Sec. 2-6-64.**

**5. 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 incompatible with the discharge of the *public servants* official duties for the *City*, or where such employment or service is reasonably expected to impair the *public servants* independence of judgment or action in the discharge of his or her official duties for the *City*. **Sec. 2-6-65.**

**6. 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 matter 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, without compensation; and on his or her leave time; and for appointees, in accordance with Chapter 13, Article V, of this Code; or for non-union employees, in accordance with Chapter 13, Article V, of this Code and the City's Civil Service Rules; or for union employees, in accordance with his or her respective union contract and the City's Civil Service Rules; or 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. 2-6-66.**

**7. Self-interested regulation prohibited.**

A *public servant* shall not make a loan of public funds, grant a subsidy, fix a rate, issue a license, permit or certificate, or otherwise regulate, supervise or participate in a decision that pertains to an entity in which the *public servant*, or a member of his or her immediate family, has an *ownership interest*. **Sec. 2-6-67.**

**8. Improper use of official position prohibited.**

A *public servant* shall not use his or her official position in violation of federal or state law, or to obtain a *private gain* for the *public servant* in return for improperly influencing 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. 2-6-68.**

**9. Solicitation or acceptance of promissory note, written loan agreement, or payment from an individual or an entity that is providing service to, or receiving tax abatements, credits or exemptions from, the City prohibited; exceptions.\***

In accordance with subsections (a)-(b) of this Section, a *public servant*, who *exercises significant authority* (Sec. 2-6-3) over City contracts, including but not limited to, the solicitation, negotiation, or approval of City contracts, shall not enter into promissory notes or loan agreements with, or solicit or accept monetary payment from a *contractor*, subcontractor, or bidder or the *immediate family* of a *contractor*, subcontractor or bidder.

In accordance with subsection (c)-(d) of this Section, a *public servant*, who *exercises significant authority* (Sec. 2-6-3) over development of real property within the City, including but not limited, the sale, purchase or leasing of real property, shall not enter into promissory notes or loan agreements with, or solicit or accept monetary payment from a developer or bidder, or the *immediate family* member of a *developer* or bidder.

Subsection (e) does not prohibit a *public servant* from entering into a promissory note or loan agreement, on terms that are available to the general public. **Sec. 2-6-69**

**10. Mayor, City Council Members, and City Clerk prohibited from influencing decision to fill any civil service position with immediate family members or relatives.**

The *Mayor*, *City Council* Members, and the *City Clerk* shall not influence any decision to fill any civil service position with 1) the *Mayor*, a *City Council* Member, or the *City Clerk*'s *immediate family* member, as defined in Section 2-6-3 of this Code, or 2) the *Mayor*, a *City Council* Member, or the *City Clerk*'s relative, as defined in Section 2-6-3 of this Code. **Sec. 2-6-70.**

**WHO MAY FILE A COMPLAINT**

Any member of the public may file a complaint with the Board where a person believes there has been a violation of the Ordinance.

## HOW ARE COMPLAINTS FILED

The complaint must be made in writing on a designated form. It must be signed and sworn to in the presence of a Notary Public, by the person making the complaint. Facts must be included which describe the alleged violation and the specific provision of the Ordinance purportedly violated. The Complaint may be mailed or filed at the Board office located at 660 Woodward, First National Building, Suite 1537. Staff is available at the office to assist or answer questions regarding completion of the forms or Board procedures.

## WHAT IS AN ADVISORY OPINION

An advisory opinion is a written opinion of the Board addressing a question of ethical conduct by a public servant. Advisory opinions are filed with the City Clerk and are also available at the Municipal Reference Library located in Room 1004 of the Coleman A. Young Municipal Center.

## WHO MAY REQUEST AN ADVISORY OPINION

Advisory opinions are rendered upon written request by a *public servant*. The request must relate to the requesting public servant's own conduct and must be related to a question regarding the *Standards of Conduct* or the *Disclosure Requirements* enumerated in the Ethics Ordinance.

## WHAT THE BOARD DOES NOT DO

The Board may only act upon questions or complaints regarding the Ethics Ordinance. Therefore the Board does not have the authority to investigate or address conduct that is not prohibited by the Charter or the Ethics Ordinance.

If the Board determines that there has been a violation of the Ethics Ordinance its authority to sanction the conduct is described in the Ordinance at Section 2-6-116. Primarily, the Board may issue a Resolution of public admonition against the public servant. It can also recommend that disciplinary action be considered by the public servant's supervisor. The Board can recommend further action against elected officials and appointees as outlined in the Detroit City Charter.

The Board has no authority to suspend, fine, fire, directly discipline or remove a public servant from office as a result of violating the Ethics Ordinance.

Questions regarding the Ethics Ordinance may be addressed to:

CITY OF DETROIT  
BOARD OF ETHICS  
1537 First National Building  
Detroit, MI 48226  
313-224-2376  
313-224-2371 (fax)

E-Mail: [boardofethics@detroitmi.gov](mailto:boardofethics@detroitmi.gov)  
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