

Question re: post employment

RE: Question re: post employment

Berlin, Steve

Sent: Thursday, August 29, 2013 3:20 PM

To: [REDACTED]

Importance: High

Sensitivity: Confidential

Case 13042.Q

CONFIDENTIAL

[REDACTED]

Thank you this elaboration and clarification. This gives us the detail we need--and goes far beyond the facts that you had presented to me and Ana Collazo earlier in the year.

Based on the more complete facts you present below, we agree with your read. You certainly are not prohibited from taking this position with [REDACTED]. And, as you correctly point out, for one year you are prohibited from assisting this company (or any other person or firm, for that matter) on City matters involving the [REDACTED]. And, on these facts, we agree that you have not exercised contract management authority over any contract that would ensue if an rfp is issued for the services that [REDACTED] is currently providing under its existing contract with [REDACTED]. However, as you also recognize, you have indeed exercised contract management authority over that contract itself and are thus subject to a "permanent prohibition" as to that contract (i.e., until it expires). And, because of your 1 year subject matter prohibition, you cannot assist or represent [REDACTED] with respect to an rfp to replace this contract until you have been gone from City employment for 1 year.

Also, as we discussed, you are prohibited from lobbying your former department [REDACTED] for 2 years after you leave City employment. However, solely responding to an rfp is not considered lobbying under the Ethics Ordinance.

This email serves as an opinion under the City's Governmental Ethics Ordinance. It is based upon the facts you presented below. Do note, however, that if your employment plans change, I advise you to come back to our office for further guidance, because you have undoubtedly exercised contract management authority with respect to other City contracts that we have not addressed, and that factor may become relevant in the event your post-City plans change.

Thanks for your clarification, and best of luck in your new position. I appreciate your conscientiousness.

Steve

Steven I. Berlin

Question re: post employment

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