
Ethics and Public Service

**Laws, Principles and
Resources for Information**

Federal Law: Public's Right to Honest Services

- Includes the right to conscientious, loyal, faithful, disinterested, unbiased service
 - Free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud and corruption
-

State Ethics Laws

- 1. Personal financial gain**
 - 2. Personal advantages and perks**
 - 3. Governmental transparency**
 - 4. Fair processes**
-

Group 1:

Personal Financial Gain Issues

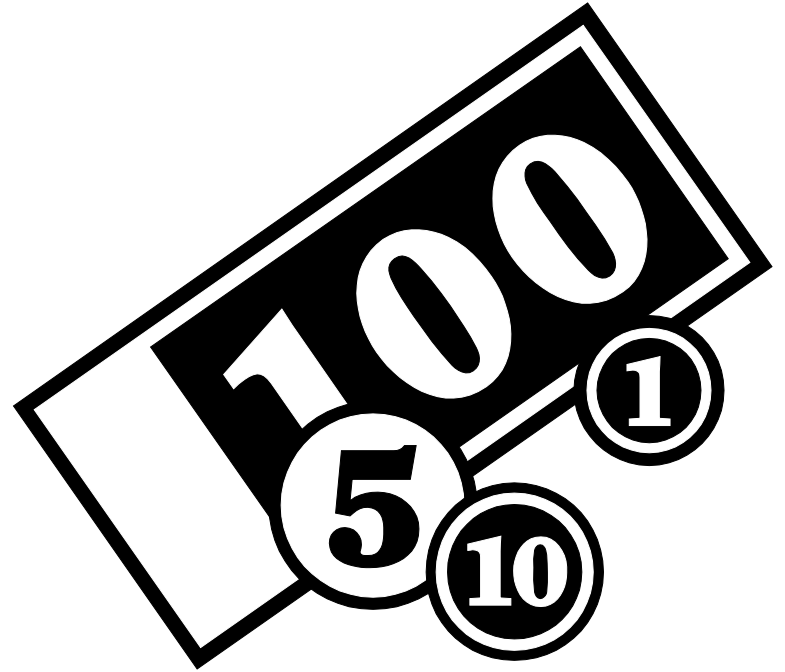
Principles:

- Public's interest should be sole motivation
- Public servants should not benefit financially from their positions



Examples of Financial Gain Laws

- Bribery
- Prohibitions against self-dealing



Bribery

Public officials may not:

- Solicit, receive or agree to receive
- A benefit
- In exchange for their official actions



No Self-Dealing Rules

- **Disqualification/conflicts of interest rules**
- **Special rules for contracts**



Disqualification Based on Financial Interests

- **Rule:** You may not participate in a decision if financial interests are affected by a decision
- Effect can be positive or negative



Disqualification versus Abstention

- **Disqualification => Legally required**
 - Does not imply wrongdoing
 - *Unless* don't disqualify
- **Abstention => voluntary**
 - Beyond minimum legal requirements

What Kinds of Interests?

Getting Advice on PRA Issues

- **County Counsel**
 - No immunity though
- **The FPPC**
 - In writing
 - Allow plenty of time



If You Are Disqualified



- 1. Don't discuss or influence
(staff or colleagues)**
- 2. Identify nature of
conflict at meeting**
- 3. Leave room (unless
matter on consent)**

Failure to Step Aside: Penalties

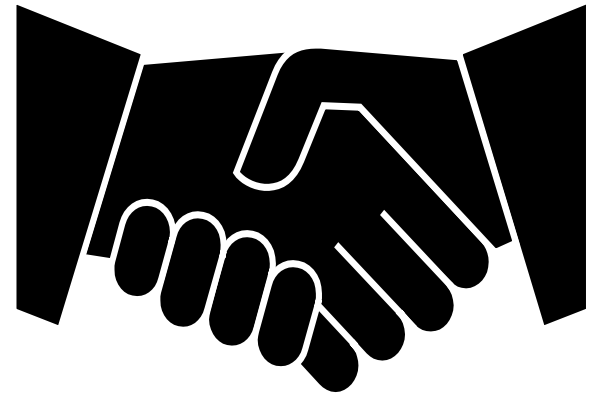
- Invalidate decision
- Misdemeanor (could result in loss of office)
- Fines (\$5,000 to \$10,000 per violation)
- Attorneys fees
- Embarrassment



Warning!

Special Rules for Contracts

- Interests in contracts are *forbidden*
- Disqualification may not be enough
- **Penalties:** Refund money received, fines, imprisonment, and loss of office (felony)



Group 2: Perks



Principles:

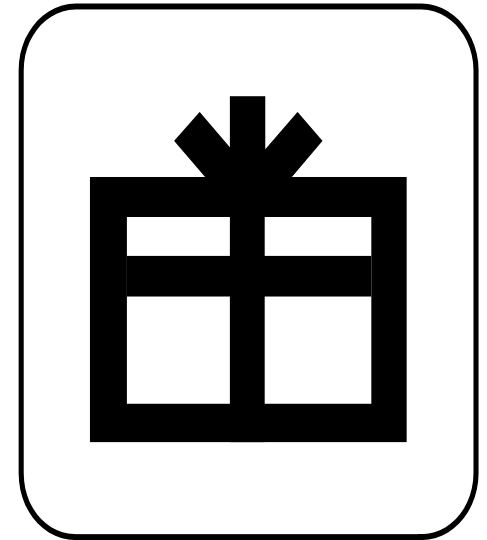
- Democratic equality and serving the public's interests
- No special privileges for public officials

Two Areas

1. Use-of-public-resources issues

1. Personal Use/Expense Reimbursement
2. Political Use

2. Gifts



Use-of-Public-Resources Issues

- **Personal** use of public resources (including staff time and agency equipment) prohibited
- **Political** use of public resources also prohibited



“Public Resources”

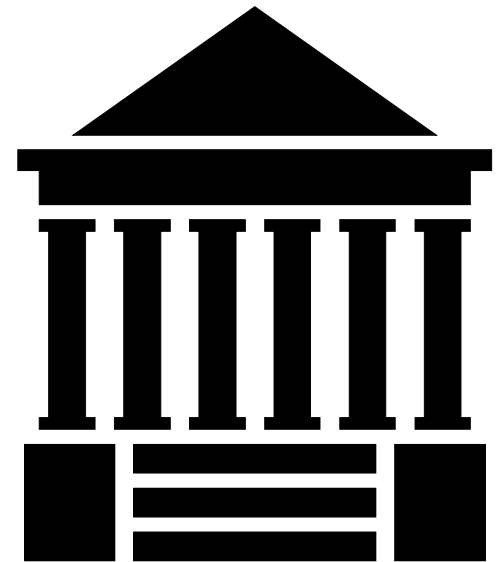
**Money or anything paid
for with public money:**

- Staff time
- Office space
- Equipment
- Supplies



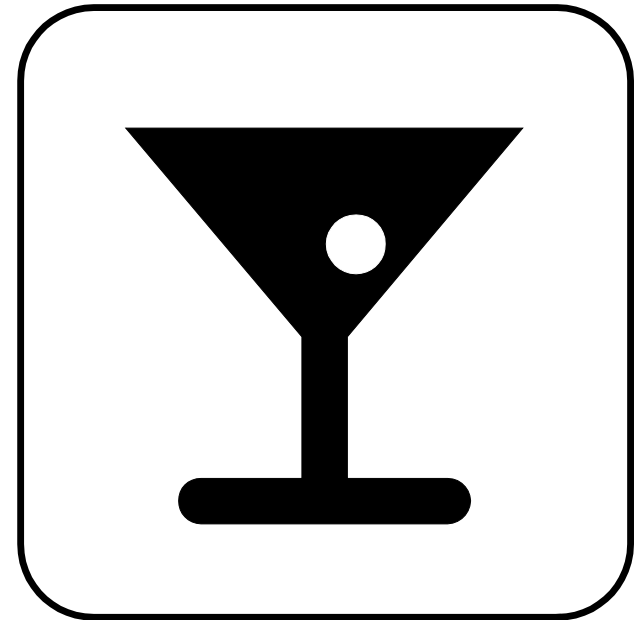
Consequences of Violations

- **Civil penalties:** \$1,000/day fine + 3X value of resource used
- **Criminal penalties:** 2-4 year prison term + disqualification from office



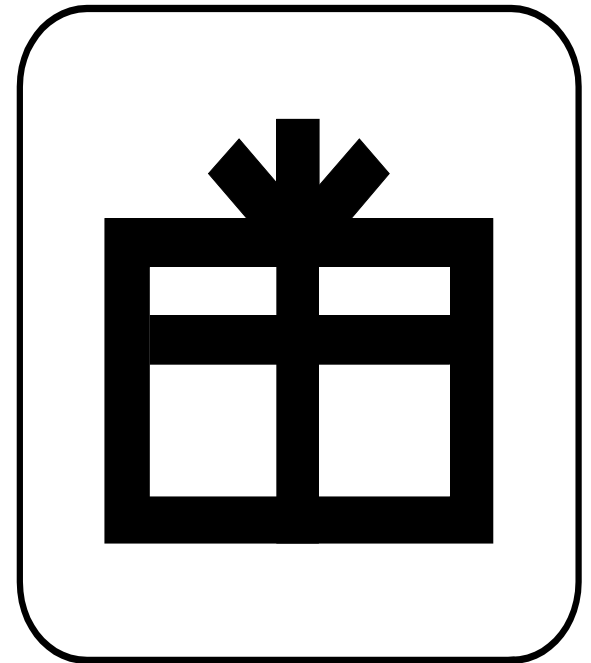
Gifts Don't Always Have Bows

- Meals, food and drink
- Entertainment
(concerts & sporting events)
- Certain kinds of travel



Gift Rules

- Limit \$470 per year (2017)
- Exceptions for some kinds of travel, informational materials
- May also be a disqualifying interest (over \$470 in prior 12 months)



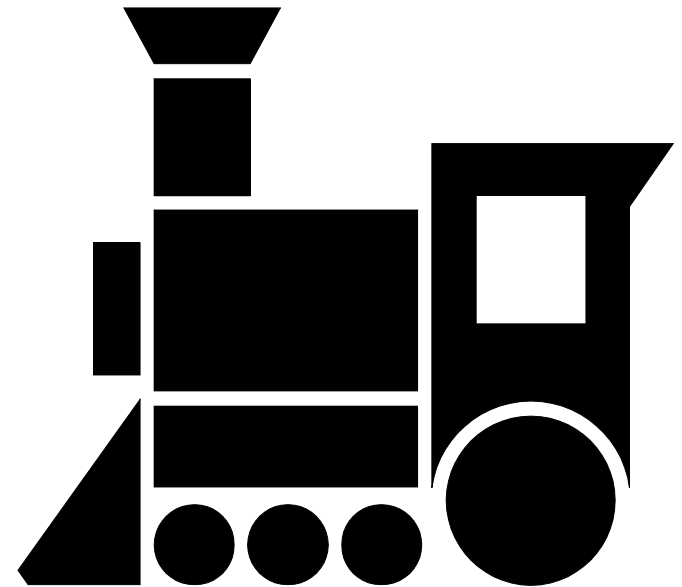
Gift Limits: State Law Penalties



- Up to \$5,000 per violation

Special Rule

- No free transportation from transportation carriers
- **Penalty:** Loss of office



Group 3:

Transparency Laws

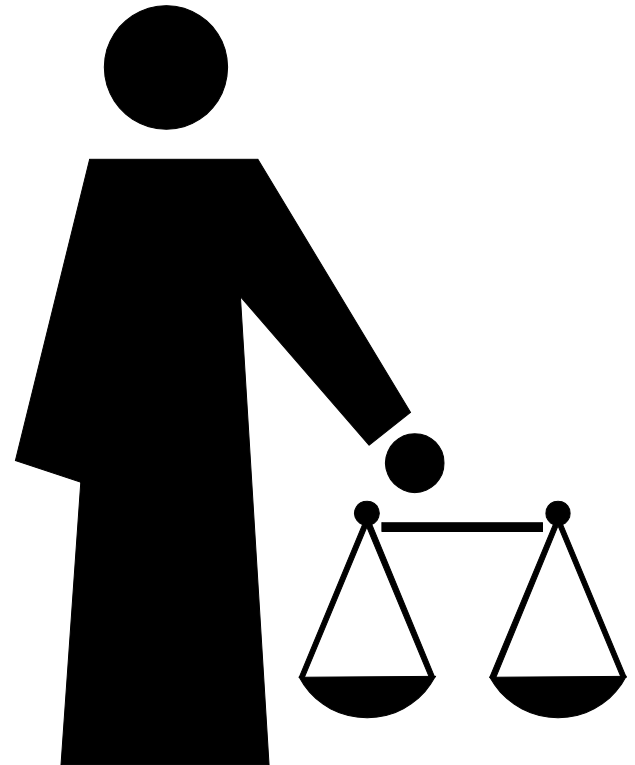
Principles:

- It's the public's business
- The public trusts a process it can see



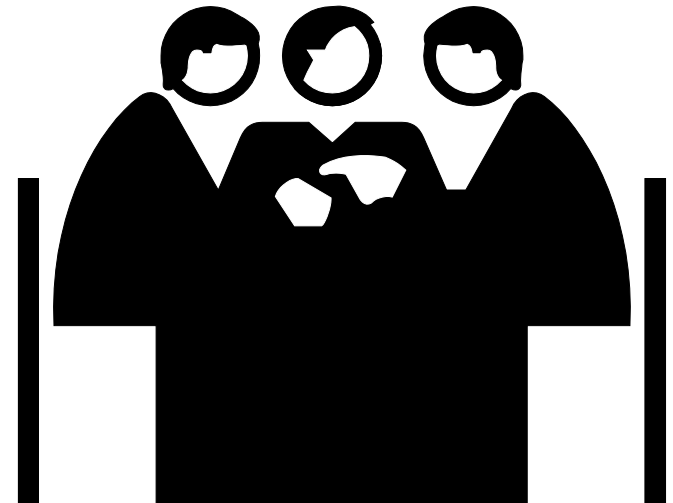
Types of Laws

- Brown Act
- Public Records Act



Transparency Rules

- ✓ Conduct business in open and publicized meetings
- ✓ Allow public to participate in meetings
- ✓ Allow public inspection of records



Conducting Business at Open Meetings

- A majority may not consult outside an agency-convened meeting



Public Records



- Agendas + writings prepared, owned, used or retained by agency (including electronic)
- Penalties: Adverse media attention + costs and fees if litigated

Group 4: Fair Process Laws

- **Principle: Under certain circumstances, public officials are stewards of fair processes**
 - Decision-making
 - Contracting
 - Employment

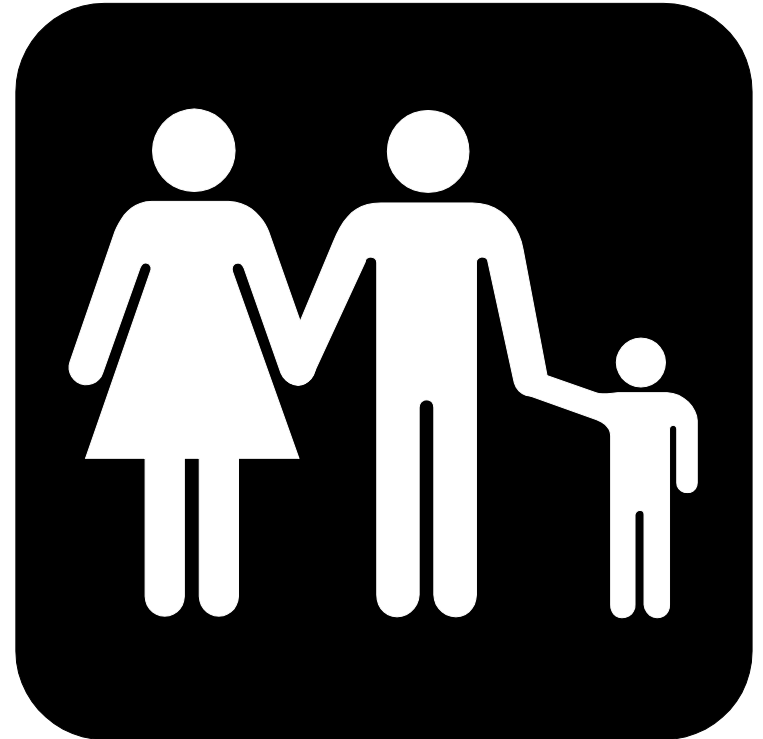


Fair Process Laws

- **Due process requirements and rules against bias**
 - Expressions of views prior to hearing
 - Personal, but non-financial interests

Fair Process Laws, continued

- Disqualification requirements if decision involves family members
- Nepotism



Campaign Contribution Issues

- **State law campaign contribution restrictions** (appointed bodies)
 - **Demands for contributions** in exchange for favorable action = federal fraud and extortion
 - **Soliciting campaign contributions** from fellow officials and employees prohibited
-

Fair Process Laws, *continued*

- Incompatible office prohibitions
 - **Issues:** Conflicting loyalties & overlapping jurisdictions
 - **Result:** forfeit first position



Fair Process Laws, *continued*

- Competitive bidding requirements
 - Everyone has a right to compete for agency's business
 - Competition produces the best price for taxpayers
 - Prevents graft
 - Kickbacks prosecutable under federal fraud and extortion laws
-



Key Things to Remember

Focus on

- The *merits* of decisions
- Providing *fair* decision-making processes

Questions?
