

Municipality of Anchorage



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BOARD OF ETHICS

February 13, 2012

To: Benedicte Rider, Anchorage Fire Department

Re: Request for Advisory Opinion 2012-2

Dear Ms. Rider,

The Board is in receipt of your Request for Advisory Opinion (“RAO”) RAO 2012-2. Based on the information contained in the RAO, and the applicable provisions of the Anchorage Municipal Code of Ethics (the “Code” or “AMC”), the board issues the following Opinion. If material facts have not been disclosed or have been misrepresented, this Opinion is without force and effect.

Introduction

According to the RAO, The Olive Garden restaurant has offered to provide a catered lunch for the Fire Department as a countrywide effort to extend a free lunch to fire stations in the communities where they open restaurants. Supporting documentation provided to the Board places the value of the lunch at \$18.70 per person. The Olive Garden has recently passed its fire inspection and none is anticipated for three years.

Relevant Sections of the Code

AMC 1.15.025 H.2 *Gifts*, states as follows:

Unless rebutted by other factors, an occasional gift worth \$50.00 or less is presumed not to be given under circumstances in which it could be reasonably inferred that the gift is intended to influence a municipal employee’s independence of judgment in the exercise of official duties. When unsolicited, these occasional gifts are allowed, provided that the disclosures requirements for each are met:

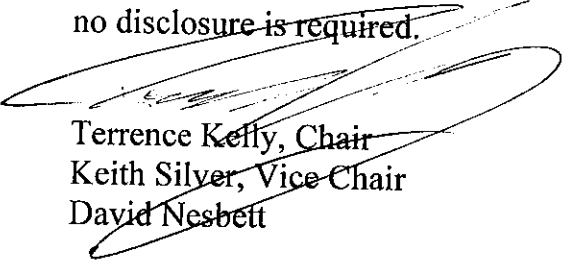
- a. Payment for a business meal offered as a courtesy in the context of the municipal duties of the municipal employee, provided that such meals

shall not be accepted on a basis so frequent from any one source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. A municipal employee shall disclose meals valued in excess of \$50.00, beverage included, as provided in the Gift Disclosure form available from the designated ethics officer and filed with the municipal clerk within 10 working days of the meal.

Discussion

Given the modest value of the lunch and the fact that The Olive Garden has already passed its fire inspection and none is anticipated for three years, the Board finds that the lunch is not "intended to influence a municipal employee's independence of judgment in the exercise of official duties."

Under the Code, municipal employees must disclose meals and beverages received that are in excess of \$50.00. As the individual value of the lunch is not in excess of \$50.00, no disclosure is required.



Terrence Kelly, Chair
Keith Silver, Vice Chair
David Nesbett

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