



Municipality of Anchorage
Board of Ethics
c/o Municipal Clerk's Office
632 W. 6th Ave. Ste. 250 Anchorage, AK 99501

Date: November 9, 2018

To: Michelle McNulty, Municipal Planning Director
michelle.mcnulty@anchorageak.gov

From: Municipal Board of Ethics

Re: Response to Request for Advisory Opinion 2018-3 – *Confidentiality Waived*¹

Dear Ms. McNulty:

You were recently appointed to Planning Director for the Municipality of Anchorage. Previous to this appointment, you worked for a large planning company, Dowl, which advises a variety of clients that do work with Municipality. The question before the Board is the degree to which your previous work with Dowl clients creates a substantial conflict of interest. According to the Municipal Code of Ethics, "A public servant shall not participate in an official action in which the public servant ... has a substantial financial or private interest." (AMC 1.15.060D.)

Given the concern about conflict of interest and appearance of such conflicts, it seems prudent that:

- You will take no official action on any application from a Dowl client with which you were substantially involved, especially if you were the signatory of the application.
- You will take no official action regarding any Dowl client for a calendar year from the date of your appointment.

Beyond these two cases, the Board will rely on your judgment on a case-by-case basis to determine when your official actions involving Dowl clients create a significant conflict of interest, or would substantially reduce the public trust. We urge you to consult the Municipal Ethics Officer, Dee Ennis, and/or return to the Board of Ethics with any concerns about difficult cases. The Board's view is that, generally, participation in high-level strategy meetings does not create a substantial conflict of interest on your part.

In cases in which you recuse yourself, the Assistant Planning Director will take official action in your place.

Respectfully,

Terrence Kelly, Chair
Ted Carlson, Vice-Chair
Jack McKenna
David Nesbett
Marsha Olson

¹ See AMC 1.15.150.D. ("A request for advice is confidential unless confidentiality is waived by the person requesting an advisory opinion.")