



June 30, 2009

Mr. Dan Thies
388 East Post Rd SE
Cedar Rapids, Iowa 52403

Re: Request to Cedar Rapids Board of Ethics for Advisory Opinion

Dear Mr. Thies:

The Cedar Rapids Board of Ethics met on June 25, 2009 to further discuss the issue that you raised regarding the interpretation of the City's Conflict of Interest ordinance, specifically Section 6.21(4)(D)(5) thereof prohibiting a city official from appearances before other city agencies on behalf of private interests.

The Board determined that you are a city official as a member of the Cedar Rapids Airport Commission.

The Board also determined that this section of the Rules needs clarification. The Board will propose to the City Council an amendment to the Rules that incorporates clarifying language.

In the meantime the Board interprets the intent of Home Rule Charter Section 6.01 which prohibits the use of public office for private gain as prohibiting members of city boards and commissions from using that board or commission membership on behalf of private interests.

While the Board is drafting the clarifying language and waiting for a decision by the City Council to adopt the proposed amendment, it recommends that you do the following when you or any representative of your business appears before a city agency on behalf of private interests:

- Disclose to the city agency that you are a principal of OPN Architects;
- Disclose to the city agency that you are an airport commissioner;
- State, based upon your understanding of the project or matter pending before the city agency, that there is no connection with, or impact upon, the Eastern Iowa Airport and the airport commission and that you are appearing before the city agency solely in a personal capacity and not in your capacity as an airport commissioner in any way;

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- State that the city agency should not consider your position with the airport commission as relevant in connection with your appearance before the agency; and
- Insure that your disclosure is documented in some manner as part of the official record of the city agency.

If you have any questions regarding the above recommendation, feel free to contact me as a representative of the Board or any Board member.

Regards,

Cedar Rapids Board of Ethics

By: _____
Judith A. Whetstine, Temporary Chairperson

cc: Cedar Rapids Board of Ethics
Cedar Rapids City Council
Alissa Van Sloten
James Flitz

On May 14, 2009, at 9:09 PM, Daniel Thies wrote:

Hi Judy – I am not sure if you know, but I continue to sit on the airport commission. Recently a question has been raised regarding me and my firm (OPN) doing work for the city and how I may or may not seek this work. I have an opinion from Jim Flitz and I think it makes some sense to have your board weigh in on the issue too. I want to make sure there are no conflicts and that not only I, but all other professionals serving the city on various boards and commissions are informed as well. I believe you are out of town right now, so when you return, I would appreciate some time to visit about this matter and to discuss the best way to have you and your fellow board members issue an opinion. Thanks and I look forward to the opportunity to talk.

Regards,

Dan

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