



November 21, 2013

Patrick Shey
501 Knollwood Drive SE
Cedar Rapids, IA 52403

Dear Mr. Shey:

This is in response to your October 22, 2013, letter requesting "an ethics opinion if [your] behavior violated the city ethics ordinance."

First, thank you for your obvious sensitivity to ethics considerations involving public servants. Your letter makes it clear you are aware of the city ethics ordinance and have it in mind as you carry out your service on the City Council.

In your letter, you describe an event taking place on October 22, 2013, at a City Council meeting. You seek an advisory opinion as to whether you then had a conflict of interest regarding agenda item #1 and whether there is any issue with how your self-imposed recusal was handled.

Under section 6.22(e) of Ordinance 030-13, enacted May 14, 2013, the Board is empowered to issue an advisory opinion "concerning actual, potential, or hypothetical Conflict of Interest Actions." However, this section contemplates only an opinion regarding acts yet to take place. This is evidenced by the ordinance language providing a defense for someone who had requested an advisory opinion and "acted on it in good faith." An advisory opinion must exist before-the-fact in order for a person to act in reliance upon the opinion.

Therefore, there is no mechanism in place for a Board advisory opinion to be issued after-the-fact. Post-act involvement by the Board is governed by the provisions of 6.22(f). Under that subsection, the Board has the authority to initiate complaint and investigation proceedings "by its own action." After considering the facts set out in your October 22, 2013, letter, the Board declines to exercise this authority.

We apologize for not being able to provide the opinion you requested, but we cannot overstate how important it is that you provided the information and sought guidance. You are to be commended for your awareness of ethics obligations and your desire to avoid even the appearance of a conflict of interest. Thank you for your sensitivity to ethical considerations and our service on the City Council.

Sincerely,

Robert L. Teig, Chair
For the Board.