

From: Ferguson, Boyd
Sent: Thursday, May 27, 2010 2:58 PM
To: Gale, Amy
Cc: Rutan, Ed
Subject: Mayor's receipt of gift card

Amy,

Ed Rutan and I discussed the issue of whether the Mayor could accept the \$50 gift card he received from the Utah paralegal's group for speaking at a lunch last week. Ed asked me to respond to you.

We believe that this should be treated as a gift to the Mayor that should be returned to the paralegal group. Here is the reason. We understand that the Mayor desires to comply with the executive order on gifts. Section 1.4 of that executive order provides that a potential recipient of a gift should ask, "Would I be getting this gift if I didn't work for Salt Lake City? If the answer is "No." then the gift should be refused." The executive order applies to gifts regardless of their monetary value.

For your information, the situation might be different if the Mayor received such a gift card/honorarium for an appearance or event **unrelated to City business**. In such cases City Code § 2.44.060F provides that honoraria are analyzed as outside employment rather than gifts. In this case, however, we didn't see the speech as unrelated to City business.

Let us know if you have more questions.

Boyd Ferguson
Senior City Attorney