

Advisory Opinion

IECDB AO 2002-08

April 11, 2002

Joseph C. Frisbie
Chief of Police
Sioux City Police Department
601 Douglas Street
Sioux City, Iowa 51101

Dear Chief Frisbie:

This opinion is in response to your letter of January 9, 2002, in which you request an opinion from the Iowa Ethics and Campaign Disclosure Board. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and rules in Iowa Administrative Code chapter 351.

FACTUAL STATEMENT:

We understand you request this opinion in your capacity as a member of the Iowa Law Enforcement Academy Council (Council) and as the Chief of Police for the Sioux City Police Department. You advise us that part of the Council's duties include the approval or disapproval of applications made by agencies or educational institutions to become regional law enforcement training facilities. Western Iowa Tech Community College (WITCC) has made an application to become a regional law enforcement training facility.

You further advise us that your only connections with WITCC are its location in Sioux City and the fact that it rents classroom space to Bellevue University, where you are a part-time instructor. You do not believe that you have any pecuniary interest in WITCC.

QUESTION:

Is it a conflict of interest for a member of the Council to vote on an application to be approved as a regional law enforcement training facility made by an educational institution located in the jurisdiction where the member is employed?

OPINION:

Iowa Code section 68B.2A prohibits public officials and employees from engaging in an "unacceptable conflict of interest". The statute then describes three situations where such a conflict could arise. The fact that WITCC is located in your police department's jurisdiction is not a conflict of interest. In addition, based on the information that you

have provided we do not believe the contractual relationship between WITCC and Bellevue University prohibits you from voting on WITCC's application. Thus, so long as you refrain from engaging in any of the activities precluded by Iowa Code section 68B.2A, the situation you describe would not be an "unacceptable conflict of interest".

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
1st Vice-Chair Geraldine Leinen
2nd Vice-Chair Gwen Boeke
Mark McCormick
Bernie McKinley
Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel