

From: Valenta, Val
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Porter, Philip S <Philip.Porter@scdmv.net>
Date: 9/14/2007 1:37:30 PM
Subject: Corporation reimbursing agency for programmer time

Marcia,

DMV has a project that is stalled for lack of programming resources/priorities. One industry will benefit when this programming is finished. DMV had hoped to have the project done by now, but it appears that it will wait six months or more before it can be done.

You have asked whether DMV can accept reimbursement from one corporation in that industry for the cost of hiring a contract programmer dedicated to that project, if the reimbursement is offered.

Phil researched the issue from an ethics standpoint. He could not find any ethics problem, since no state employee would benefit and no business would receive any future contract advantage.

I called Ed Evans, General Counsel for the Budget and Control Board, as he is probably the most knowledgeable attorney in the state regarding government law. Ed could not see a problem from a legal viewpoint. As he pointed out, the money would be accepted by the agency, via a MOU, to enhance government providing services to its citizens, with no competitive advantage to the providing corporation. Though the money would be given to reimburse for employment of one person to work on one program, the donor would have no control over selection of the programmer or over how the program was written. If anyone ever questioned the structure of the program, all of the supporting documentation would be available for review.

In summary, you can accept this money if the offer is made.

Val

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