

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: May 3, 2021

To: City Council Member Ben Giles

From: Deborah Hoffmann, City Attorney/Director – Human Resources

Re: Conflict of Interest Opinion

CONFIDENTIAL

This memo is an update to the prior Conflict of Interest Opinion of 8.26.20

FACTS

There has been a significant change in the facts that the August 2020 legal opinion was based on. The Fond du Lac Historical Society has started to return to normal operations and their stream of revenue has begun to return to normal as well. The prior gifts from National Exchange Bank and JF Ahern have all been spent. CM Giles's salary is currently being paid for thru normal Historical Society revenues, not the Lakeside Forward Donors' capital gifts. There is no longer an appearance that CM Giles is being paid for his support of Lakeside Forward. There is still one outstanding pledge from JF Ahern to be paid in 2021, but those funds will go towards the capital campaign, with only 10% that may be used for operations if the Historical Society Board would so choose.

Section 19.59(1)(b), reduced to its elements, provides:

No local public official
May accept from any person
Anything of value
If it could reasonably be expected to influence the official's vote, actions,
or judgement.

At this time, CM Giles is not receiving anything of value that could be expected to influence his votes, actions or judgement.

OPINION

There is no longer a conflict of interest. Please do reach out to me if you have any questions. Thanks for your attention.