



Los Angeles City Ethics Commission

April 26, 2011

The Honorable City Council  
c/o June Lagmay, City Clerk  
200 North Spring Street  
City Hall – 3rd Floor  
Los Angeles CA 90012

**Re: Council File Number 11-0553  
Appointment of Anthony Miller to the Employee Relations Board**

***FOR COUNCIL CONSIDERATION***

Dear Councilmembers:

On April 4, 2011, the Mayor transmitted to the City Clerk a letter indicating his appointment of Mr. Anthony Miller to the Employee Relations Board (ERB). The Ethics Commission received Mr. Miller's pre-confirmation statement of economic interests (SEI) on April 25, 2011, and this letter is provided for your consideration as part of the confirmation process. A copy of this letter is also being provided to Mr. Miller to help him avoid potential conflicts of interests that may arise in the course of his tenure as a member of the ERB.

Mr. Miller reports on his SEI that he owns an arbitration business. If a matter involving this interest comes before the ERB, Mr. Miller should, before acting, seek the advice of the City Attorney regarding whether he should disqualify himself. We are unable to assess if or how frequently Mr. Miller would be in a position of having to recuse himself.

Interests disclosed on an SEI are not the only interests that can give rise to a conflict of interests. For example, state law may require recusal by a board or commission member due to certain business activities of the clients of that member's employer. Additionally, recusal may be required under City Charter § 222, which states that the City Attorney may provide a written opinion concerning the obligation of a City official to refrain from acting on a matter when it may violate state law or when action may not be in the public interest.

If a matter raises a potential conflict of interests, we encourage Mr. Miller to seek the advice of the City Attorney before acting. If Mr. Miller is required to disqualify himself from acting on a matter, Los Angeles Municipal Code § 49.5.6(J) and Executive Directive 2005-1 require him to file the enclosed Recusal Notification Form (CEC Form 51) with the Ethics Commission and the Mayor's office. If a board or commission member is disqualified from acting on three or more agenda items in a year because of a conflict caused by the same interest,

the Ethics Commission is required by City Charter § 707 to review the conflict. If the Ethics Commission determines that the member has a significant and continuing conflict of interests, it must order divestment of the interest that is causing the conflict.

If you have questions, please feel free to contact Ethics Program Manager Shannon Prior at (213) 978-1960.

Sincerely,



Heather Holt  
Executive Director

Enclosure

cc: Mayor Antonio Villaraigosa  
Mr. Anthony Miller