

Utah Public Officers' and Employees' Ethics Act

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UTAH
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Summary of Act

- Sets forth standards of conduct for officers and employees of the state of Utah where there may be conflicts of interest between their public duties and their private interests.
- The law intends to promote the public interest and strengthen integrity in the operations of the Utah government and its employees.
- It does not intend to deny any public officer or employee the opportunities available to all other citizens of the state to acquire private economic or other interests so long as this does not interfere with his/her full and faithful discharge of his/her public duties.

Utah Public Officers and Employees Ethics Act

67-16-4 Improper Use of Job-Related Information

- Improperly disclosing or using private, controlled, or protected information.
- Using position to secure privileges or exemptions.
- Accepting employment which would impair independence of judgment or ethical performance.

Utah Public Officers and Employees Ethics Act

67-16-5 Accepting gift, compensation, or loan -- When prohibited.

- It is an offense for a public officer or public employee to knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift.
 - Economic benefit tantamount to a gift includes a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services

Utah Public Officers and Employees Ethics Act

67-16-5 Accepting gift, compensation, or loan -- When prohibited.

- Where the gift would tend to improperly influence the employee to depart from the faithful and impartial discharge of his or her duties; or
- The employee knows or should know that the gift is for rewarding the employee for official action taken; or
- The employee has recently, is now, or will in the future be involved in governmental action directly affecting the donor or lender, unless proper disclosure is made of the gift

Utah Public Officers and Employees Ethics Act

67-16-5.3. Requiring donation, payment, or service to government agency in exchange for approval -- When prohibited.

- It is an offense for a public officer, public employee, or legislator to demand from any person as a condition of granting any application or request for a permit, approval, or other authorization, that the person donate personal property, money, or services to any agency.

Utah Public Officers and Employees Ethics Act

67-16-7 Disclosure of substantial interest in regulated business -- Exceptions

- A public officer who is an officer, director, agent, employee, or owner of a substantial interest in any business entity that is subject to the regulation of the agency by which the public officer or public employee is employed shall disclose any position held in the entity and the precise nature and value of the public officer's or public employee's interest in the entity:
 - upon first becoming a public officer or public employee;
 - whenever the public officer's or public employee's position in the business entity changes significantly; and
 - if the value of the public officer's or public employee's interest in the entity increases significantly.

Utah Public Officers and Employees Ethics Act

67-16-6 Receiving compensation for assistance in transaction involving an agency.

- It is an offense for a public officer or public employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving an agency unless the public officer or public employee files a sworn, written statement with:
 - the head of the officer or employee's own agency;
 - the agency head of the agency with which the transaction is being conducted; and
 - the state attorney general.

Utah Public Officers and Employees Ethics Act

67-16-14 Unethical transactions -- Duty to dismiss officer or employee -- Right to rescind or void contract

If any transaction is entered into in violation of Chapter 67-16, the state, political subdivision, or agency involved:

- shall dismiss the public officer or public employee who knowingly and intentionally violates this chapter from employment or office as provided by law; and
- may rescind or void any contract or subcontract entered into in respect to such transaction without returning any part of the consideration that the state, political subdivision, or agency has received.

Questions?

