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LAWS OF PUERTO RICO ANNOTATED  
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\*\*\* THIS SESSION IS CURRENT THROUGH DECEMBER 2006\*\*\*  
\* ANNOTATIONS CURRENT THROUGH DECEMBER 2006. \*

TITLE 3. EXECUTIVE  
CHAPTER 65. ETHICS IN GOVERNMENT ACT  
SUBCHAPTER I. TITLE AND DEFINITIONS

3 L.P.R.A. § 1801 (2006)

§ 1801. Short title

This chapter shall be known as the "Ethics in Government Act of the Commonwealth of Puerto Rico".

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 1.1, eff. 60 days after July 24, 1985.

**NOTES:** NOTES:

**CODIFICATION.** Act July 24, 1985, No. 12, p. 664, which constitutes this chapter, is itself divided into chapters, which have been designated as subchapters.

**STATEMENT OF MOTIVES.** July 24, 1985, No. 12, p. 664.

**SEPARABILITY.** Section 5.6 of Act July 24, 1985, No. 12, p. 664, provides: "If any clause, paragraph, section, chapter or part of this act [chapter] is declared unconstitutional by a court of competent jurisdiction, the sentence handed down shall not affect nor invalidate the rest of this act and its effect shall be limited to the clause, paragraph, section, chapter or part declared unconstitutional."

**REPEALING CLAUSE.** Section 5.7 of Act July 24, 1985, No. 12, p. 664, provides: "Acts 110 of May 12, 1943 and No. 28 of June 8, 1948, as amended [§§ 567--569 and 570--574 of this title] are hereby repealed. This repeal will not affect the procedures established or that could be established under the provisions of these acts."

**CONSTRUCTION.** Section 5.5 of Act July 24, 1985, No. 12, p. 664, provides: "None of the contents of this act [chapter] shall be interpreted or applied in any way that shall limit or be in conflict with the power of Legislature to discipline its members or to conduct impeachment proceedings, or with the powers of the Commonwealth Committee to Settle Municipal Complaints, or with the power of government agencies to discipline the public servants that work in them."

**APPROPRIATIONS.** Section 5.4 of Act July 24, 1985, No. 12, p. 664, provides: "The sum of two hundred and fifty thousand (250,000) dollars is hereby appropriated from unencumbered funds in the Commonwealth Treasury to the Office of Government Ethics

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to initiate and perform the functions of this Office during fiscal year 1985-86. For subsequent fiscal years, the Governor shall include the estimated operating expenses for the Office in the Budget without reviewing them. [This provision shall become effective July 1, 1985, in accordance with § 5.8 of this act.]"



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TITLE 3. EXECUTIVE  
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3 L.P.R.A. § 1802 (2006)

§ 1802. Definitions

For purposes of this chapter, the words or phrases herein listed shall have the meaning expressed below unless another meaning can be clearly derived from the context:

(a) *Public official*. Includes those persons filling offices or are employed in the Government of the Commonwealth of Puerto Rico who are vested with part of the sovereignty of the Commonwealth, therefore, they intervene in the formulation and implementation of the public policy.

(b) *Public employee*. Includes those persons filling offices or jobs in the Government of the Commonwealth of Puerto Rico which are not vested with part of the sovereignty of the state, and includes regular and irregular employees, those rendering services under contract equivalent to a regular office or position, those with a transitory appointment and those who are in a probationary period.

(c) *Public servant*. Includes public officials and employees.

(d) *Former public servants*. Includes persons who have served as public officials or employees in the executive agencies of the Government of Puerto Rico, the Legislative Branch and the Judicial Branch.

(e) *Executive agencies*. Includes the entities and bodies of the Executive Branch of the Government of the Commonwealth of Puerto Rico, including public corporations, the municipalities and the agencies under control of this Branch.

(f) *Private person*. Includes natural and juridical persons or groups of persons.

(g) *Family unit*. Includes the spouse of the public official or employee, his dependent children or those persons who share his legal residence or whose financial affairs are under de jure or de facto control of the public official or employee.

(h) *Official action*. Includes, among others, executive or administrative decisions such as granting of permits, licenses, orders, authorizations, exemptions, resolutions and contracts. It does not include approval of Commonwealth legislation.

(i) *Contribution*. Includes a payment, gift, subscription, advance loan and any promise or agreement to grant it.

(j) *Income*. Means any income from any source whatsoever, including but not limited to the following categories: salaries, remuneration for services, gross income from a business, profits derived from property transactions, interest, earnings, dividends, royalties, annuities, income from life insurance and endowment policies, pensions, shares from a partnership and income corresponding to an interest in an inheritance or trust. Contributions made to political parties or candidates pursuant to the authorization in the electoral statutes in effect shall not be deemed as income or gifts.

(k) *Gift*. Includes, among others, money, assets, or any object, economic opportunities, tips, discounts, or special attentions.

( l ) Controlling interest or participation. Ownership of more than fifty percent (50%) of an entity, business or asset, or ownership of sufficient shares to grant an effective control of decisions.

(m) *Government of Puerto Rico*. Means the Government of the Commonwealth of Puerto Rico.

(n) *Legislative Branch*. Means the House of Representatives and the Senate of Puerto Rico, the Controller of Puerto Rico, the Ombudsman and any joint office or dependency of both legislative bodies.

(o) *Judicial Branch*. Means the judges of the Court of First Instance, the judges of the Circuit Court of Appeals, and the judges of the Supreme Court.

(p) *Office*. Means the Office of Government Ethics of Puerto Rico created by this chapter.

(q) *Director*. Means the Director of the Office of Government Ethics of Puerto Rico created by this chapter.

(r) *Contract*. Means a covenant or juridical business to do or not to do a specific act, executed with the consent of the contracting parties, with regard to a certain purpose that is the subject of the contract and by virtue of the consideration established.

(s) *Conflict of interest*. Means that situation in which the personal or financial interest of the public servant or persons related to him/her, is, or could reasonably be in conflict with the public interest.

(t) *Official vehicle or means of transportation*. Means any automobile, autobus, truck, motorcycle, four track all-terrain vehicle, bicycle, roller skates, trailer, airplane, helicopter, ship, motorboat, horse or any other land, maritime or air means of transportation, regardless of whether a license from the Department of Transportation and Public Works is required or not to operate them, utilized or used by the Government of the Commonwealth of Puerto Rico and its departments, agencies, offices, public corporation, municipalities and other government entities.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 1.2; Dec. 22, 1994, No. 150, § 1; Feb. 16, 1995, No. 24, § 1; July 30, 1996, No. 93, § 1; Dec. 29, 2000, No. 465, § 1; Apr. 7, 2001, No. 7, § 1; Aug. 1, 2006, No. 138, § 1.

**NOTES:** NOTES:

PURPOSE. Section 6 of Act Apr. 7, 2001, No. 7, provides: "The approval of this Act has the purpose and effect to totally restore the provisions of the Government in Ethics Act indicated in this measure, that were in effect on the date of approval of Act No. 465 of December 29, 2000 [which amended this section and §§ 1814, 1822, 1823 and 1831 of this title], and as a result, the code of laws in effect prior to said date is hereby re-established."

AMENDMENTS--2006 Act 2006 introduced minor lexical changes in the introductory paragraph and added subsection (t).

--2001 Act 2001 repealed subsection (n) and redesignated former subsections (o) through (t) as (n) through (s), respectively; substituted "Citizen's Advocate" with "Ombudsman" in present (n); added "of Puerto Rico" in subsection (q); and introduced minor lexical changes throughout.

--2000 Subsection (n): Act 2000 added this subsection and redesignated former subsections (n)--(s) as (o)--(t) respectively.

--1996 Subsection (o): Act 1996 added this subsection and redesignated former subsections (o)--(r) as (p)--(s), respectively.

--1995. Subsection (n): Act 1995 deleted the word "Ombudsman".

--1994. Subsection (a): Act 1994 substituted "jobs" with "are employed", substituted "which" with "who" after "the Government of the Commonwealth of Puerto Rico", substituted "the sovereignty of the state" with "the sovereignty of the Commonwealth" and added "therefore, they intervene in the formulation and implementation of the public policy" at the end of the paragraph.

Subsection (g): Act 1994 substituted "his legal control" with "de jure or de facto control of the public official or employee".

## 3 L.P.R.A. § 1802

Subsection (n): Act 1994 added the word "Ombudsman".  
Subsection (q) and (r): Act 1994 added these subsections.

EFFECTIVENESS. Section 7 of Act Apr. 7, 2001, No. 7, provides: "This Act [which amended this section and §§ 1814, 1822, 1823 and 1831 of this title] shall take effect immediately after its approval and its effect shall be retroactive to December 29, 2000."

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.  
Feb. 16, 1995, No. 24.  
July 30, 1996, No. 93.  
Dec. 29, 2000, No. 465.  
Apr. 7, 2001, No. 7.  
Aug. 1, 2006, No. 138.

SPECIAL PROVISIONS. Section 3 of Act Aug. 1, 2006, No. 138, provides: "The Office of Government Ethics is hereby authorized to promulgate the regulations it may deem necessary for the application of this Act [which §§ 1802 and 1822 of this title], pursuant to the provisions of Act No. 170 of August 12, 1988, as amended [§§ 2101 et seq. of this title], known as the 'Uniform Administrative Procedures Act'."

## ANNOTATIONS

## 1. GENERALLY.

1990 Op. Sec. Jus. No. 23,; 1990 Op. Sec. Jus. No. 6,.

The term "public official" or "public employee" refers to a public servant who occupies a position in the Commonwealth Government, whether or not he is invested with aspects of the sovereignty of the state. 1988 Op. Sec. Jus. No. 41.

The term "family unit" includes the spouse and children of the public servant and persons who share his legal residence or whose financial affairs are under his control. 1988 Op. Sec. Jus. No. 41.



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TITLE 3. EXECUTIVE  
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 SUBCHAPTER II. OFFICE OF GOVERNMENT ETHICS

3 L.P.R.A. § 1811 (2006)

## § 1811. Creation

The Office of Government Ethics of Puerto Rico, hereinafter denominated the Office, which shall be charged with ensuring strict compliance with the provisions of law that establish specific prohibitions to public officials and employees due to their office or employment or that demand that specific officials disclose financial information, is hereby created.

In order to promote the administrative independence which is indispensable to carry out the delicate function hereby entrusted to it, the Office shall be excluded from the application of §§ 1461 et seq. of this title, known as the "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico"; of §§ 283--283p of this title, known as the "Puerto Rico Government Accounting Act"; of §§ 931 et seq. of this title, known as the "General Services Administration Act"; of §§ 1451 et seq. of this title, known as the "Puerto Rico Public Service Labor Relations Act"; and from the application of the Exclusive Register of Bidders, attached to the General Services Administration; of §§ 1001-1013 of this title, known as the "Public Documents Administration Act"; of §§ 458--477 of Title 1, known as the "Act to Regulate the Transition Process of the Government of Puerto Rico"; of §§ 8161 et seq. of this title, known as the "Act for Regulating Certain Government Financing and Personal Property Leasing Contracts"; of §§ 101--109 of Title 23, known as the "Office of Management and Budget Organic Act"; and of §§ 971 et seq. of this title, known as the "Puerto Rico Institute of Statistics Act".

The above notwithstanding, the fiscal operations of the Office shall be audited and examined by the Comptroller of Puerto Rico at least once every two (2) years. The Office shall have the capacity to sue and be sued.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 2.1; Aug. 3, 2004, No. 184, § 16; Sept. 1, 2005, No. 108, § 1.

**NOTES:** NOTES:

AMENDMENTS--2005 Act 2005 introduced minor lexical changes in the first paragraph, amended the second paragraph generally, and added "at least once every two (2) years" at the end of the first sentence in the last paragraph.

--2004 Act 2004 amended the second paragraph to constitute the Office as an Individual Administrator.

STATEMENT OF MOTIVES. Aug. 3, 2004, No. 184.  
 Sept. 1, 2005, No. 108.

CROSS REFERENCES. Puerto Rico Controller, see §§ 71 et seq. of Title 2.







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TITLE 3. EXECUTIVE  
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3 L.P.R.A. § 1812 (2006)

§ 1812. Executive Director--Appointment and removal

(1) The Office shall be directed by an Executive Director, hereinafter denominated as the Director. Upon approval of this act, the Secretary of Justice shall convene the former Justices of the Supreme Court of Puerto Rico with the charge of recommending to the Governor a list of at least three (3) possible candidates for the office of Director.

In the event that the number of former Justices of the Supreme Court of Puerto Rico is less than five (5), the Secretary of Justice shall appoint former Judges of the Court of First Instance, so that together with the former Justices of the Supreme Court they may constitute a five (5) member panel charged with recommending at least three (3) possible candidates to fill the office of Director.

When there are no former Justices of the Supreme Court of Puerto Rico, the Secretary of Justice shall appoint five (5) former Judges of the Court of First Instance to recommend at least three (3) possible candidates for the office of Director to the Governor.

In the event that the former Judges do not submit a list of recommended candidates to the Governor within thirty (30) days after being convened by the Secretary of Justice, the Governor shall make the appointment.

Nothing provided herein shall be understood as a limitation of the constitutional right of the Governor to exercise his power of appointment with absolute discretion. The Director shall be appointed by the Governor with the advice and consent of the Senate and the House of Representatives.

(2) The Director shall serve for a term of ten (10) years or until his/her successor is appointed and takes office. The person designated to fill said office shall not be appointed for more than one (1) term. In the event the office of Director is left vacant before the expiration of the term of ten (10) years, the new appointment shall be extended for the term of ten (10) years.

The same appointing procedure established in subsection (1) shall be followed for all subsequent appointments. As soon as there is a vacancy in this office, the Secretary of Justice shall convene the former Justices of the Supreme Court of Puerto Rico and appoint the former Judges of the Court of First Instance in the cases provided in subsection (1).

(3) The Director shall not:

- (a) Contribute money directly or indirectly to political parties or organizations.
- (b) Fill or campaign to fill any office whatsoever in the direction or organization of a political party, or run for elective public office.
- (c) Participate or collaborate directly or indirectly in any political campaign whatsoever.

(d) Influence any decision of any government official except when it is within his official duties.

(4) The Director may only be removed from office for the following reasons:

## 3 L.P.R.A. § 1812

(a) Immoral, illegal or reprehensible conduct, or violations of the prohibitions related to this office as established by this chapter.

(b) Manifest professional unfitness or incompetence in the fulfillment of his functions and duties.

(c) Conviction for any felony or misdemeanor that implies moral depravation.

(d) Manifest misuse of the authority or discretion conferred to him by this or other acts.

(e) Dereliction of duty.

The Director may be removed from office for mental or physical disability. The removal shall be deemed as a voluntary resignation for all legal effects and consequences.

The Director may be removed or separated from office only by duly bringing charges against him before the Superior Court [sic], which shall establish the procedure to be followed and shall make the corresponding decision.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 2.2; Apr. 4, 1997, No. 6, § 1.

**NOTES:** NOTES:

CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Act Aug. 22, 2003, No. 201, known as the "Judiciary Act of 2003", §§ 24--25r of Title 4.

The Spanish version of the last paragraph has the reference to the Supreme Court.

AMENDMENTS--1997 Subsection (2): Act 1997 substituted "five (5)" with "ten (10)"; and the phrase "two (2) consecutive terms" with "one (1) term" in the first paragraph of this subsection.

STATEMENT OF MOTIVES. Apr. 4, 1997, No. 6.



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SUBCHAPTER II. OFFICE OF GOVERNMENT ETHICS

3 L.P.R.A. § 1813 (2006)

§ 1813. Executive Director--Requirements and salary

The office of Director may only be held by a person over twenty-one (21) years of age who is a citizen of the United States and a citizen and bona fide resident of Puerto Rico, of recognized professional capacity, moral integrity, and who is knowledgeable of public administration and government functions.

The person shall not have been a candidate in a primary or in a general or special election process during the last four (4) years immediately preceding his appointment.

The Director shall draw an annual salary equivalent to seventy-five thousand (75,000) dollars or a salary equivalent to that of Judge of the Circuit Court of Appeals, whichever is greater.

The Director shall have the option of joining, withdrawing from or rejoining the Retirement System pursuant to the provisions of § 764 of this title and the Savings and Loan Fund created by § 862g of this title.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 2.3; Apr. 4, 1997, No. 6, § 2.

**NOTES:** NOTES:

AMENDMENTS--1997. Act 1997 amended the third paragraph of this section, referring to the Director's salary, generally.

STATEMENT OF MOTIVES. Apr. 4, 1997, No. 6.

CROSS REFERENCES. Salary of Constitutional Cabinet Secretaries, see § 34 of this title.



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3 L.P.R.A. § 1814 (2006)

§ 1814. Executive Director--Powers and authority

The Director shall have the following duties and powers:

(a) To draft and promote programs for the moral and ethical conduct of public servants, addressed to attaining the following objectives:

(1) The establishing of criteria of excellence, personal integrity, honesty, responsibility and truthfulness in public administration to inspire, promote and restore the confidence of the citizens in the institutions of government.

(2) The commitment by all public servants that personal interests shall not replace the public interest and that all illegal, discriminatory, fraudulent norms or administrative incompetence shall be eliminated.

(3) The continuous support of and the holding of workshops and training programs to promote compliance with the merit system, and to achieve excellence and professional skills in public service.

(4) The demeanor of all public servants with an attitude of respect, courtesy, and concern for the citizens' needs beyond the personal convenience of the employee or official, and beyond complacency with the state of things [sic].

(5) The safeguarding of all that confidential information to which the public servant is privileged to have access as part of his responsibilities.

(6) The motivation of all public servants to exercise the maximum allowable discretion to promote the public interest and government efficiency.

(b) To interpret, apply and enforce the provisions of this chapter and the rules and regulations that establish specific prohibitions with regard to the conduct of certain officials and public employees, or that govern questions of ethics, conflicts of interest and filing of financial statements.

(c) To resolve certain controversies on the application of this chapter.

(d) To establish and administer procedures to identify violations of ethics and honesty, to prevent conflicts of interest and to take or direct the disciplinary, administrative or civil measures authorized by this chapter, after the due investigations and hearings where the parties involved have an adequate opportunity to be heard and defend themselves.

(e) To examine and obtain a copy of all relevant evidence concerning any matter he is investigating or studying or which is in dispute before the Office, and designate examining officials to hold hearings and admit evidence.

(f) To take oaths on his own or through any official from his Office on whom he may delegate, and request summons from the Court of First Instance requiring the appearance and testimony of witnesses and the production of documents and all the evidence related to any matter pending before the Office.

(g) To issue the orders which may be necessary and convenient to carry out his functions, responsibilities and duties under this chapter.

(h) To promulgate the regulations which may be necessary and convenient to comply with the purposes of this measure, including rules of procedure for the hearings and investigations it holds, which shall have the force of law.

(i) To review the financial statements that are filed to determine if said statements reveal possible violations of the laws or regulations that apply to conflicts of interest, and recommending the corresponding action to correct any conflict of interest or matter of ethics revealed by the review.

(j) To establish, through regulations the information that shall be included in the financial statements and their accessibility to public inspection. With regard to persons in the Executive Branch and the mayors, these regulations shall take effect as of the date they are approved by the Governor and promulgated; with regard to members of the Legislature, as of the date they are approved by the Senate or the House of Representatives, as the case may be, and promulgated.

With regard to members of the Judiciary Branch, as of the date they are approved by the Hon. Chief Justice of the Supreme Court, and promulgated.

(k) Develop and adopt through regulations consistent with this chapter, the standards to govern the procedures for filing and review of the financial reports filed by the officials and employees who have the obligation to render said reports.

( l ) To supervise and investigate the compliance of individuals or agencies with requirements regarding financial statements or internal review established by this chapter.

(m) To study the reports of the Controller of Puerto Rico and the Joint Committee on Special Reports by the Controller to identify possible violations of the provisions of this chapter; to carry out the investigations he deems necessary and take the pertinent actions authorized herein.

(n) To establish a service regarding opinions issued on matters of his concern that are of general application, or on specific matters on which he is consulted. The opinions of the Director shall be compiled, published and available, not only to government bodies, but to the general public as well. The Director may fix and charge the public a reasonable fee to compensate for the printing and distribution costs of the opinions.

(n) To request such reports as he may deem necessary from the agencies.

(o) To collaborate with the Secretary of Justice in evaluating the effectiveness of the legal provisions that govern conflicts of interest and make pertinent recommendations.

(p) To evaluate the need to amend the rules and regulations regarding conflicts of interest and matters of ethics in Government, in order to adjust them to or so that they adequately supplement the laws on these conflicts.

(q) To develop general standards with regard to the prevention of conflicts of interest by officials and employees in public service, and an effective system to advise the Secretary of Justice as to possible violations of the conflict of interest laws.

(r) To provide information and promote the publication and understanding of ethical standards in the agencies; to orient the public, and to educate and inform public servants and citizens as to the functions of the Office and government ethics, in general.

(s) To delegate any power or faculty, under his/her supervision, on [to] any official of his/her agency or any other government agency designated to such effect, when necessary, except the power to regulate. These delegates shall be recognized, for all legal effects, as if their functions were being perform[ed] directly by the Director.

(t) To organize the Office and appoint or contract the necessary personnel to carry out the duties and functions established in this chapter pursuant to the criteria that will ensure the rendering of services of the highest quality, without being subject to personnel laws. The Director is also authorized to acquire by means of purchase, transfer, exchange or any other legal means, the necessary real property to house the headquarters of the Office; to execute contracts for construction works, repairs, improvements or extensions for said facilities; to regulate such processes; and to finance said transactions through the Government Development Bank, or any of its subsidiaries or affiliates, or through a public or private banking institution, with the assistance and authorization of the Government Development Bank in its function as fiscal agent of the agencies and instrumentalities of the Government, as provided in §§ 551--568 of Title 7. The repayment of any obligation contracted

with the Government Development Bank for these purposes shall originate from the annual budget appropriations received by the Office.

The Director shall be authorized to reserve, encumber or pledge in whole or in part the budget appropriations presently used for the payment of the lease fee of the Office, in order for said appropriations to respond for the payment of the debt service of any financing contracted under this provision. Likewise, the Director shall be authorized to mortgage the property, whose acquisition is hereby authorized, to respond for the financing debt, and to mortgage, sell, exchange or otherwise dispose thereof with the assistance and authorization of the Government Development Bank in its function as fiscal agent of the agencies and instrumentalities of the Government, as provided by §§ 551--568 of Title 7.

Once the acquisition authorized herein is finalized, the Director shall be authorized to lease part of such facilities to public or private entities, provided that he/she certifies that the part to be leased: (i) is not necessary for the operations of the Office; and (ii) the lease shall yield a necessary or convenient benefit for the operations of the Office.

(u) To notify the Secretary of the Treasury, the Administrator of the Retirement Systems of the Employees of the Government and the Judicature and any other Administrator of Public Retirement Systems, the Executive Director of the Association of Employees of the Commonwealth of Puerto Rico and to the nominating authority about an order to withhold and discount against any tax reimbursement, liquidation of leave or disbursements on account of pensions or contributions to the savings or retirement plans of the public servants or the former public servants who have failed to comply with a final and binding administrative fine. To likewise notify the public servant or former public servant at least within thirty (30) days that his/her noncompliance shall be referred to said agencies for the corresponding discount, or the applicable actions, as provided in this section. During the above provided term of thirty (30) days the public servant or former public servant affected shall be entitled to object to the withholding notified to said agencies pursuant to § 2172 of this title, part of the "Uniform Administrative Procedures Act".

In the case of an order to withhold and discount against tax reimbursements or the payment for the liquidation of accrued leave, the Secretary of the Treasury shall notify the Office about the total or partial elimination of the fine after the corresponding discount from such funds. In case the Secretary of the Treasury does not have in his/her possession a reimbursement or payment for accrued leave at the time the order to withhold and discount is received, he/she shall so inform the Office. Furthermore, in case funds may only be collected from the order to withhold, he/she shall determine that said collection must be paid in installments as provided by the Office of Government Ethics by regulations. In such a case, the order to withhold and discount shall remain in force and effect until the Director of the Office requests that it be made ineffective.

If an order to withhold and discount against the funds accrued in the aforementioned entities, except for the Department of the Treasury, is involved, the head of the entity concerned shall remit to the Office the discount from the funds of the public servants or former servants who failed to comply with the payment of the final and binding administrative fine. In case the head of the entity does not have in his/her possession the funds at the time the order to withhold and discount is received, he/she shall so inform the Office. In such a case, the order to withhold and discount shall remain in force and effect until the Director of the Office requests that it be made ineffective.

(v) To take any other action or measure needed or convenient to fulfill the purposes of this chapter.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 2.4; Dec. 22, 1994, No. 150, § 2; July 30, 1996, No. 93, § 2; Dec. 29, 2000, No. 465, § 2; Apr. 7, 2001, No. 7, § 2; Sept. 14, 2004, No. 275, § 1; Aug. 26, 2005, No. 83, § 1; Dec. 12, 2005, No. 146, § 1; May 12, 2006, No. 85, § 1.

**NOTES:** NOTES:

PURPOSE. See note under § 1802 of this title.

CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Act Aug. 22, 2003, No. 201, known as the "Judiciary Act of 2003", §§ 24--25r of Title 4.

AMENDMENTS--2006 Subsection (t): Act 2006 added the third paragraph and amended this subsection generally.

--2005 Act Dec. 12, 2005, No. 146 added a new subsection (u), redesignating former (u) as (v) and amending it generally.

Subsection (t): Act Aug. 26, 2005, No. 83 amended the first paragraph generally and added the second paragraph.

--2004 Subsection (t): Act 2004 added a second sentence to this subsection.

--2001 Subsection (k): Act 2001 deleted as "well as all the members of the transition committees in the Government of Puerto Rico" at the end of the sentence and introduced minor lexical changes.

--2000 Subsection (k): Act 2000 added "as well as all the members of the transition committees in the Government of Puerto Rico."

--1996. Subsection (j): Act 1996 amended this subsection generally and added a new second paragraph.

--1994. Subsection (s): Act 1994 substituted "any government agency" with "his/her agency or any other government agency"; and amended the translation generally.

EFFECTIVENESS. Section 3 of Act Dec. 12, 2005, No. 146, provides: "This Act [which amended this section] shall take effect immediately and shall also apply to the final and binding fines whose payment has not been covered into the General Fund of the Government of the Commonwealth of Puerto Rico, at the time of its approval."

See note under § 1802 of this title.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

July 30, 1996, No. 93.

Dec. 29, 2000, No. 465.

Apr. 7, 2001, No. 7.

Sept. 14, 2004, No. 275.

Aug. 26, 2005, No. 83.

Dec. 12, 2005, No. 146.

May 12, 2006, No. 85.

SPECIAL PROVISIONS. Section 2 of Act Dec. 12, 2005, No. 146, provides: "The Executive Director of the Office of Government Ethics is hereby authorized to promulgate Regulations to provide the payment terms and installment concessions for collecting the fines."

Section 2 of Act Sept. 14, 2004, No. 275, provides: "The Legislature shall appropriate the resources needed to make feasible compliance with this Act [which amended this section]."

CROSS REFERENCES. Special Independent Prosecutor, see §§ 99h--99z of this title.

#### ANNOTATIONS

##### 1. GENERALLY.

The Director of the Office of Government Ethics is empowered to exempt from disclosure, upon request of the interested party and after due consideration, any information disclosure of which could, in his or her judgment, result in injury to said party or third persons, as long as the purpose of the statute is not frustrated. 1988 Op. Sec. Jus. No. 41.

##### 2. SUBMINISTER OF INFORMATION.

, 1989 Op. Sec. Jus. No. 6.



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TITLE 3. EXECUTIVE  
CHAPTER 65. ETHICS IN GOVERNMENT ACT  
SUBCHAPTER II. OFFICE OF GOVERNMENT ETHICS

3 L.P.R.A. § 1815 (2006)

§ 1815. Access to information and services

Upon a request from the Director, every agency shall:

(a) Put at the disposal of the Director its services, personnel and facilities, to the greatest extent possible, to execute the provisions of this chapter.

(b) Furnish the Director with all the information in its possession which the Director may deem necessary to carry out his functions, except when it is expressly prohibited by law.

(c) Consider amendments to the personnel regulations in effect and which, in the judgment of the Director, are needed to incorporate the provisions related to ethics; to prevent conflicts of interest by public employees; to typify the conduct that shall constitute a violation of the regulations in effect, and to establish the corresponding administrative sanctions that are not covered by such regulations or to delete the existing discrepancies when it is pertinent.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 2.5, eff. 60 days after July 24, 1985.





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TITLE 3. EXECUTIVE  
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3 L.P.R.A. § 1816 (2006)

## § 1816. Ethics committees

Upon the requirement of the Director, every executive agency and municipal government shall create a government ethics committee, hereinafter "the Committee," composed of the public servants who hold the following or similar offices:

- (a) Special assistant to the head of the executive agency, or to the mayor, or in its defect, that person on whom he/she delegates.
- (b) The Director of the Legal Division or his/her representative.
- (c) The Director of the Human Resources Office or his/her representative.
- (d) The Director of Internal Auditing or Finances or his/her representative.
- (e) Liaison official of the executive agency or of the municipal government with the Office, if not one of the above persons.
- (f) Any other person appointed by the head of the executive agency or the mayor, as it may be deemed necessary.

The committees shall have the following functions and duties, among others:

- (1) Keep the head of the executive agency or the mayor, as the case may be, informed of the work being performed by the Committee.
- (2) See that there is a follow up, and compliance with the indications of the intervention reports of the Office of the Comptroller, as well as in the reports of the internal and external audits conducted in the executive agencies and municipal governments.
- (3) See to the establishment of administrative controls to prevent and discourage the personnel to incur violations of this chapter, its regulations and any other act directed to fight corruption in the public service.
- (4) See that the personnel complies with the provisions of this chapter, as well as verify, from time to time, the effectiveness of the administrative controls established and enforce compliance thereof.
- (5) Carry out any other function that in the judgment of the Director of the Office is necessary to achieve the objective of preventing corruption in government.
- (6) The committees shall coordinate their activities in accordance with the norms established by the Office.
- (7) The executive agencies and municipal governments shall inform the names of the members of their committees to the Director of the Office. Should any change or vacancy arise in the components of the Committee, they shall be reported to the Director, within thirty (30) days following the date when said changes were made.

**HISTORY:** HISTORY: July 24, 1985, No. 12, added as § 2.6 on July 18, 1999, No. 157, § 1, eff. 30 days after July 18, 1999.

**NOTES:** NOTES:

STATEMENT OF MOTIVES. July 18, 1999, No. 157.





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3 L.P.R.A. § 1817 (2006)

§ 1817. Center for Development of Ethical Thought--Creation

For the purpose of extending and intensifying the public policy for prevention through education, delegated to this Office, the Center for the Development of Ethical Thought (hereinafter the "Center") is hereby created.

(a) The Center has as its mission the following objectives, among others:

(1) To provide for public servants training in services that promotes an adequate academic and operational formation on government ethics and sound administration of public resources.

(2) Offer a formative program of courses that have as objective the study of specific and general substantive and procedural aspects of the "Ethics in Government Act".

(3) Design trainings in which the importance of ethics in government and private processes are analyzed and discussed.

(4) Examine the problem of corruption from an interdisciplinary methodology view that explains the economic, political and socio-cultural components thereof.

(5) Promote the investigation of all aspects of ethics, among them, the inherence of the ethical factor on internal state works and its pertinence and impact on modern international relations.

(6) Disclose through the publications mechanism the findings of an [up-to-date study] on the public and social ethical process.

(b) The Office shall be the entity responsible for designing, offering and coordinating the courses offered by the Center.

In order to carry out said task, the Director of the Office is empowered to:

(1) Coordinate the development of said courses with the University of Puerto Rico and the Office of the Comptroller.

(2) Require the Central Labor Advisory and Human Resources Administration Office and all other agencies or government dependence their technical assistance, property, personnel, technology and other resources to enable the offering of these courses.

(3) Contract the rendering of services, trainings and workshops by persons or private organizations in and outside of Puerto Rico for the purpose [of promoting] the objectives of the Center.

(4) Contract teaching personnel from the University of Puerto Rico in accordance with the needs of the Center.

(5) Review the curriculum of the courses to harmonize the same with the needs that arise in the public service.

(6) Accept donations or legislative appropriations from the Government of the United States of America. The radio and television stations of the Government of the Commonwealth of Puerto Rico, operated by the Public Broadcasting Corporation shall assign, free of cost, permanent space time of at least two hours each month for the

broadcasting of programs, projects and initiatives that promote ethics and the public policy of the Office.

Every public officer or employee shall take every two (2) years a minimum of ten (10) course hours offered by the Office to maintain a continuing education process. The Center shall determine an equivalency and validate within the corresponding biennial period the courses offered in coordination with the Office of the Comptroller of Puerto Rico to elected candidates, as provided by § 3151(a) of Title 16.

Upon the request of an agency or public employee, the Center may validate, for the purposes of this legislation, the course hours offered by the Office to a public employee from May 1, 2004, to the date in which the provisions of this Section are formally implemented.

Every head of an executive agency shall grant time, not chargeable to any leave, to its public employees in order for them to comply with the obligation imposed by this section.

**HISTORY:** HISTORY: July 24, 1985, No. 12, added as § 2.7 on Apr. 11, 2001, No. 13, § 1; Sept. 1, 2006, No. 190, § 3, eff. 90 days after Sept. 1, 2006.

**NOTES:** NOTES:

CODIFICATION. Word placement in the section head has been altered by the editors for clarity and to conform to standard English.

The second and third paragraphs have been designated subsections (a) and (b), respectively, to better distinguish between the clauses of each and to conform to L.P.R.A. style.

AMENDMENTS--2006 Act 2006, made minor lexical changes throughout this section, added the second sentence of the fifth paragraph, and substituted "2000" with "2004" in the sixth paragraph.

EFFECTIVENESS. Section 5 of Act Sept. 1, 2006, No. 190, provides: "This Act [which amended this section] shall take effect within ninety (90) days of its approval, so that the Office of the Comptroller of Puerto Rico, and the Center for the Development of Ethical Thought of the Office of Government Ethics, in coordination with any other government agencies deemed pertinent, may design the course in accordance with the terms provided in this Act, in Section 2.7 of the Ethics in Government Act [this section], and in the Regulations in effect of the Center for the Development of Ethical Thought."

STATEMENT OF MOTIVES. Apr. 11, 2001, No. 13.  
Sept. 1, 2006, No. 190.

APPROPRIATIONS. Section 3 of Act Apr. 11, 2001, No. 13, provides: "The sum of one million (1,000,000) dollars, from unencumbered funds in the Commonwealth Treasury, is hereby appropriated for the operating expenses of the Center during the 2001-2002 fiscal year. The budget for the operation of the Center in subsequent fiscal years shall be included as part of the operating expenses in the budget of the Office."

SPECIAL PROVISIONS. Sections 1, 2 and 4 of Act Sept. 1, 2006, No. 190, provide:

"Section 1.--It is the Public Policy of the Government of the Commonwealth of Puerto Rico to provide public officers, whether elected or by executive appointment, with the training, knowledge and access to available resources that allow them to make decisions using the necessary tools to protect the integrity of the public service, the treasury, and the trust of the People in government institutions.

"Section 2.--Every officer of the Executive Branch nominated by the Governor of Puerto Rico, whose appointment requires the advice and consent of the Senate or of the Legislature, to an administrative or executive position, including the members of the Boards of Directors or Governing Boards of autonomous public corporations and instrumentalities, as well as every Chief Executive Officer nominated by said boards shall complete a course on the use of public funds and property, and on Government Ethics, prior to their being sworn into office or within ninety (90) days after their appointment.

"The course shall have a minimum duration of six (6) hours and a maximum of twelve (12) hours. The Office of the Comptroller of Puerto Rico and the Center for the Development of Ethical Thought of the Office of Government Ethics shall design,

schedule, and offer the corresponding course. Said Offices may require the assistance, cooperation, and participation of other government entities with competency in the areas or matters of public policy that are identified in this Act [which amended this section] and the regulations that govern the operations of said Center.

"The Center for the Development of Ethical Thought, created by virtue of Section 2.7 of Act No. 12 of July 24, 1985, as amended [this section], shall assign to this course within the corresponding biennial period, a validation equivalency for the required Continuing Education hours in government ethics provided by said Section for every public officer or employee, in agreement with the length and contents of the course.

"The course shall include:

- "(a) The use of public funds and property;
- "(b) Government Accounting Principles;
- "(c) Municipal and Commonwealth Auditing Systems and Procedures;
- "(d) Management of Federal Funds;
- "(e) Specific and general substantive and procedural aspects of the Ethics in Government Act and its regulations;
- "(f) Analysis and discussion of the importance of ethics in government and private processes;
- "(g) Any other subjects that the Office of the Comptroller and the Center for the Development of Ethical Thought of the Office of Government Ethics deem essential and pertinent to government management and ethics.

"The Office of the Comptroller and the Office of Government Ethics are hereby authorized to adopt any other necessary regulations for compliance with these provisions.

"Section 4.--Whenever a person is appointed to an executive or administrative position, and at the time of his/her appointment, he/she is holding another executive, administrative, or elective position, and has completed before being sworn into said administrative or elective office, the courses prescribed under the provisions of this Act or of Section 4.001(a) of Act No. 4 of December 20, 1977, as amended [§ 3151(a) of Title 16], within the two (2) years immediately preceding or following the most recent general elections (whichever period is shorter) shall not need to complete said course again before taking office in the new position. However, the public employee shall be responsible for complying with the continuing education hours of the following biennial period, pursuant to the provisions of Section 2.7 of the Ethics in Government Act [this section]."

Section 2 of Act Apr. 11, 2001, No. 13, provides: "The Office is hereby empowered to promulgate the regulations it deems necessary to enforce the provisions of this Act [which added this section]."



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TITLE 3. EXECUTIVE  
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3 L.P.R.A. § 1821 (2006)

§ 1821. Jurisdiction and scope

This Code regulates the conduct of officials and employees of the Executive Branch of the Commonwealth of Puerto Rico, including its public corporations and those agencies that are in control of said Branch, its municipalities, corporations and municipal consortia. In addition, this Code establishes certain restrictions on the actions of former public servants of the Executive, Legislative and Judicial Branches.

In addition to the provisions of the Constitution of the Commonwealth of Puerto Rico, the laws, regulations and executive orders in effect, certain provisions are hereby established with regard to the approval of standards to govern the conduct of public servants of the Executive, Legislative and Judiciary Branches.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 3.1; Dec. 22, 1994, No. 150, § 3.

**NOTES:** NOTES:

TEXT REFERENCES. "This Code" refers to the Code of Ethics for Officials and Employees of the Executive Branch, classified in this Subchapter III.

AMENDMENTS--1994 Act 1994 inserted "its municipalities, corporations and municipal consortia. In addition, this Code"; and amended the translation generally.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

ANNOTATIONS

1. GENERALLY.

See: 1990 Op. Sec. Jus. No. 6, .



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3 L.P.R.A. § 1822 (2006)

§ 1822. Prohibitions--Generally

(a) No public official or employee, whether personally or acting as a public servant, shall disregard the laws in effect, or the summons or orders of the Courts of Justice, the Legislative Branch or the agencies of the Executive Branch thus empowered.

(b) No public official or employee shall delay the rendering of services that the executive agencies of the Government of the Commonwealth of Puerto Rico are obligated to render, or hinder the efficient operation of the Executive Branch.

(c) No public official or employee shall use the duties and powers of his office, or public property or funds directly or indirectly, to obtain advantages, benefits or privileges not permitted by law, for himself, any member of his family unit, or for any other person, business or entity.

(d) No public official or employee shall request or accept any asset whatsoever of monetary value as payment for carrying out the duties and responsibilities of his employment other than the salary, wage or compensation to which he is entitled because of his public duties or employment.

(e) No public official or employee shall accept or solicit from any person whatsoever, directly or indirectly, either for himself, for any member of his family unit or for any other person, business or entity, any asset whatsoever of monetary value, including gifts, loans, promises, favors or services, in exchange for the actions of said public official or employee being of influence in behalf of that person or any other.

(f) No public official or employee who is a regular employee of the Government shall receive additional pay or special compensation of any nature from the Government of Puerto Rico or from any municipality, board, commission or body which in no way depends on the Government for personal services or official services of any nature, even though they are rendered in addition to the regular functions of the official or employee, unless said special pay or compensation is expressly authorized by § 551 of this title, or any other legal provision.

(g) No public official or employee shall reveal or use confidential information acquired as a result of his/her employment, to obtain, directly or indirectly, any economic advantage or benefit for him/her, a member of his/her family unit or for any other person, business or entity.

(h) No public official shall intervene, in any way, in any matter in which he/she or any member of his/her family unit has a conflict of interest.

(i) No public official or employee may appoint or promote to a position as a public official or employee or to contract, whether per se or through another natural or juridical person, business or entity with an interest in the executive agency in which the latter works or has the power to decide or influence, to any person who is a relative of said public official or employee within the fourth degree of consanguinity

or the second degree of affinity. When the public official or employee with power to decide or influence believes that it is utterly necessary for the good of public service and the sound operation of the agency, to contract, appoint or promote a relative of his/her[s] within the degree of kinship mentioned above, in a position as public official or employee, [he/she] shall be bound to request a written authorization from the Executive Director of the Government Ethics Office in which he or she states the specific reasons that justify such a contract, appointment or promotion in that specific case, before carrying out such an action, pursuant to the regulations adopted by the Government Ethics Office.

The Government Ethics Office shall, within the directive term of thirty (30) days from the date of having filed the request for dispensation, authorize or deny the same. The Government Ethics Office shall notify the person making the request of the approval or denial of the dispensation. In the event the request for dispensation is denied, it shall show the grounds for such a decision by presenting a written report.

The prohibition established herein shall not apply in cases in which a public official or employee that appoints or promotes in a career position in the agency in which he/she works or over which he/she exerts jurisdiction, a public official or employee that is his/her relative within the abovementioned degrees, when the appointed or promoted public employee has had the opportunity of competing on an equal footing with other candidates through a selection process based on education and experience tests or evaluations, and it has been objectively determined that he or she is a suitable or the best qualified candidate in the register of eligibles for the position in question and the relative with power has not intervened in the process. Likewise, the prohibitions described above, with the exception of that on appointments, shall apply to those public employees or officials that acquire such a relationship of kinship degree provided for in this act after their appointment or designation.

(j) No public official or employee of the Executive Branch may use any representative motifs, emblems, logos, buttons, transfers, stickers, signs, or insignias of any political party or candidate, or identify or promote, directly or indirectly, the electoral interests of any political party or candidate while in the performance of their duties, regardless of the location in which same are rendering their services.

(k) No official vehicle or means of transportation may bear any emblem, logo, decal, sticker, label or insignia that does not represent the government agency and instrumentality which uses said vehicles or means of transportation. This provision shall not include those mass transit vehicles of any agency or municipality on which space is leased for commercial advertising and on which political party propaganda is prohibited.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 3.2; Dec. 22, 1994, No. 150, § 4; Sept. 6, 2000, No. 381, § 1; Dec. 29, 2000, No. 465, § 3; Apr. 7, 2001, No. 7, § 3; July 6, 2001, No. 53, § 1; Jan. 3, 2003, No. 41, § 1; Aug. 1, 2006, No. 138, § 2.

**NOTES:** NOTES:

AMENDMENTS--2006 Subsection (k): Act 2006 added this subsection.

--2003 Subsection (j): Act 2003 added this subsection.

--2001 Subsection (i): Act July 6, 2001 amended this subsection generally.

Subsection (g): Act Apr. 7, 2001 deleted the reference to Transition Committee and introduced minor lexical changes.

--2000 Subsection (g): Act Dec. 29, 2000 added the reference to the Transition Committee.

Subsection (i): Act Sept. 6, 2000 added this subsection.

--1994 Subsection (h): Act 1994 added this subsection.

EFFECTIVENESS. See note under § 1802 of this title.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150



Sept. 6, 2000, No. 381.  
 Dec. 29, 2000, No. 465.  
 Apr. 7, 2001, No. 7.  
 July 6, 2001, No. 53.  
 Jan. 3, 2003, No. 41.  
 Aug. 1, 2006, No. 138.

SPECIAL PROVISIONS. See the note under § 1802 of this title.

Sections 1--3 of Act Dec. 22, 2006, No. 279, provide:

"Section 1.--Definitions

"a) Government.--For purposes of this Act, means any municipality, board, commission, administration, authority, public-private corporation, government body, or public instrumentality of the Commonwealth of Puerto Rico.

"b) Sign Language Interpreter.--For the purposes of this Act, means any regular government employee with a minimum of twelfth (12th) grade high school education who has a minimum of 175 hours in Sign Language Workshop, including workshops on the Code of Ethics of Sign Language Interpreters or an equivalent, and who has interpreted for the public for a minimum of 104 hours. In the alternative, any employee with the aforementioned characteristics and qualifications who has not been trained in Sign Language, but has taken the workshops on the Code of Ethics of Interpreters or its equivalent, and has interpreted for a minimum of 260 hours for the public. Verification of the minimum hours shall be made through the presentation by the Interpreter of any official document issued by the entity, person or organizer of the activity in which the services of the interpreter were rendered, in order to certify that the service was rendered for a certain amount of hours. Said hours may be added to other hours of services rendered in other activities to complete the specified minimum hours.

"Section 2.--The Government may contract the services of its employees who are qualified as Sign Language Interpreters to render services in accordance with the definition established in Section 1(b) of this Act, and may pay to them the due compensation due in accordance with applicable fees for such additional services rendered outside their working hours, without being subject to the provisions in Section 177 of the Political Code of Puerto Rico of 1902, and Section 3.2(f) of Act No. 12 of July 24, 1985, as amended [§ 1822 of this title], known as the 'Ethics in Government Act of the Commonwealth of Puerto Rico'. For the granting of such contract, the Sign Language Interpreter shall obtain a written dispensation or authorization from the head of the government entity in which he/she works.

"Section 3.--This Act shall take effect immediately after its approval."

Section 2 of Act Jan. 3, 2003, No. 41, provides: 'The Office of Government Ethics is hereby empowered to promulgate the regulations it deems necessary for the application of this Act, pursuant to the dispositions set forth in Act No. 170 of August 12, 1988, as amended [3 L.P.R.A. §§ 2101 et seq.], known as the Uniform Administrative Procedures Act'.

Section 1 of Act Aug. 29, 2002, No. 214, provides: "No public servant or employee of the executive, legislative or judiciary branch, nor public corporations, shall use the duties and powers of their position, or public property or funds to obtain, directly or indirectly for themselves, family members, or any other person, business or entity, any advantages, benefits or privileges that are not allowed by law. Moreover, they are prohibited from using credit or debit cards paid for with public funds for any purpose that is not directly related to their work as public servants. A violation of this provision shall constitute sufficient cause for removing said public servants from the position they are holding. Said removal shall be subject to the appointing authority granting due process of law to the public servant or employee."

#### ANNOTATIONS

##### 1. GENERALLY.

The attorney violated the precepts of the code of ethics by having represented a neighbor while working at his job as a government lawyer; however, the attorney accepted responsibility and had only invested a minimal amount of time in the particular case. *In re Quinones Ayala*, 165 D.P.R. 138 (2005).

*Garcia Aponte v. Hospital Regional de Guayama*, 143 D.P.R. 829 (1997).

## 2. CONSTITUTIONALITY.

Because this section was a constitutional means to insulate the government workplace from political coercion, the employee-husband and wife had not properly alleged that the Public Building Authority's request that the employee remove a political picture from his office constituted a deprivation of the employee's First and Fourteenth Amendment constitutional rights. *Sanchez v. Public Bldg. Auth.*, 402 F. Supp. 2d 393 (2005).



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3 L.P.R.A. § 1823 (2006)

§ 1823. Prohibitions--Related to other employment, contracts or business

(a) No public official or employee shall accept an employment or maintain contractual or business relationships or responsibilities in addition to those of his public office or employment, whether it is in the Government or in the private sector, which, although legally permitted, has the effect of undermining his freedom of judgment in the performance of his official functions.

(b) No public official or employee shall accept employment or maintain contractual business relationships, with a person, business or entity which is regulated by, or does business with the government agency for which he/she works, when the public official or employee participates in institutional decisions of the agency or is empowered to decide or influence the official actions of the agency related to said person, business or entity.

(c) No public official or employee who is authorized to contract in the name of the executive agency for which he/she works, shall execute a contract between his agency and an entity or business in which he/she, or any member of his/her family unit, has, or has had, during the last four (4) years before taking office, a direct or indirect pecuniary interest.

(d) No executive agency may execute a contract in which any of its officials or employees, or any member of their family units, has or has had, during the last (4) years before taking office, a direct or indirect pecuniary interest, unless the Governor authorizes it, subject to the recommendations of the Secretary of the Treasury and the Secretary of Justice.

(e) No public official or employee shall be a part of, or have any interest in, the profits or benefits resulting from a contract with any other executive agency or government dependency, unless the Governor expressly authorizes it, subject to the prior recommendation of the Secretary of the Treasury and the Secretary of Justice. The contracting may only be executed in a case foreseen by this paragraph, without requesting and obtaining the authorization of the Governor, in the case of:

(1) Contracts whose value is not greater than three thousand (3,000) dollars and [which] occur only once in any fiscal year.

(2) Lease, exchange, purchase and sale, loan, mortgage insurance or contracts of any other nature that refer to housing and/or a lot provided or to be financed, or whose financing is secured or guaranteed by a government agency.

(3) Service, loan, guarantee and incentive programs sponsored by government agencies.

(4) Contracts executed with the Department of the Treasury to operate Electronic Lottery terminals.

(5) Lease contracts under the Federal Housing Program known as the Section 8 Program executed between beneficiaries and owners and executive agencies or municipalities that at present administer or that in the future may be authorized to

## 3 L.P.R.A. § 1823

administer said program. This exemption shall apply when any of the items of § 1822 of this title are not present.

In the cases specified in clauses (2)--(5) of this subsection, the contracting agency shall authorize these contract, through a certification to that effect, transactions, provided that the following requirements concur:

(A) The contracts, loans, insurance, guarantees or transactions are accessible to any citizen who qualifies therefor.

(B) Eligibility requirements are of general application.

(C) The public official or employee meets all the eligibility standards and is not granted treatment which is preferential or different from that of the public in general.

(f) No public official or employee who is empowered to approve or authorize contracts, shall evaluate, consider, approve or authorize a contract between an executive agency and entity or business in which he/she or any member of his/her family unit has or has had, during the last four (4) years before taking office, a direct or indirect pecuniary interest.

(g) No public official or employee shall execute or authorize a contract with a private person knowing that this person, in turn, is representing personal interests in cases or matters which involve a conflict of interest or public policy between the contracting government agency and the personal interests said private person is representing. To those effects, all government agencies shall require all private persons with whom it executes a contract, to include a contractual clause in which said private person certifies that he/she is not involved in a conflict of interest or public policy pursuant to the provisions of this subsection.

(h) In every case in which a contract has been executed in violation of the provisions of this section, and once said violations have been indicated by the Director of the Ethics in Government Office, [if] steps have not been taken to obtain a dispensation within ten (10) days following the notice, the contract shall be annulable and the Office of Ethics in Government and the Secretary of Justice are authorized to petition the courts of justice, in representation of the Commonwealth, for said contract [to] be declared null. When a contract is granted without obtaining the dispensation referred to in subsections (d) and (e), or when the same is obtained after the contract is granted, the Director of the Ethics in Government Office may impose a fine on the officials responsible for failing to obtain the dispensation, pursuant to the provisions of §§ 2201 et seq. of this title, part of the Commonwealth of Puerto Rico Uniform Administrative Procedures Act. The efforts to obtain the dispensation within the ten (10) days following the notification by the Director of a violation to subsections (d) and (e) shall be considered as extenuating circumstances but shall not exempt the officials subject of the deficiency, from liability.

(i) The prohibitions set forth in this section shall not apply to contracts executed by any executive agency for the acquisition of literary or artistic property rights, letters or patent to its officers and public employees.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 3.3; Apr. 5, 1991, No. 3, § 1; Dec. 22, 1994, No. 150, § 5; Dec. 29, 2000, No. 465, § 4; Apr. 7, 2001, No. 7, § 4; Jan. 27, 2006, No. 43, § 1; Jan. 27, 2006, No. 45, § 1.

**NOTES:** NOTES:

PURPOSE. See note under § 1802 of this title.

CODIFICATION. Act Jan. 27, 2006, No. 43 proposed to add a clause (5) to subsection (e) without taking into account that no clause (4) existed. After, Act Jan. 27, 2006, No. 45 added a clause (4) to subsection (e). Both acts have been incorporated to give effect first to Act No. 45, and second to Act No. 43.

AMENDMENTS--2006 Subsection (e): Act Jan. 27, 2006, No. 45 added clause (4).

Subsection (e): Act Jan. 27, 2006, No. 43 added clause (5).

--2001 Subsection (h): Act 2001 repealed former subsection (h), redesignated former (i) and (j) as (h) and (i), respectively, and introduced minor lexical changes.

--2000 Subsection (h): Act 2000 added this subsection and redesignated former subsections (h) and (i) as (i) and (j), respectively.

--1994. Subsections (a) and (b): Act 1994 inserted "maintain" preceding "contractual or business relationships"; and amended the translation generally.

Subsection (c): Act 1994 inserted "or has had, during the last four (4) years before taking office"; and amended the translation generally.

Subsection (d): Act 1994 inserted "or has had, during the last four (4) years before taking office", and substituted "Governor" with "Government".

Subsections (f) and (g): Act 1994 added these subsections and redesignated the remaining subsections accordingly.

Subsection (h): Act 1994 redesignated former (f) as (h), inserted "and after the violation...following the indication" after "provisions of this section", and added two sentences to the end of (h).

Subsection (i): Act 1994 redesignated former (g) as (i) and inserted "literary or artistic" preceding "copyrights".

--1991 Subsection (e): Act 1991 substituted at the end of the original paragraph "when the contracts for a value no greater than" with "in the case of", added clauses (1)--(3) and the last paragraph with its clauses (A)--(C).

EFFECTIVENESS. See note under § 1802 of this title.

STATEMENT OF MOTIVES. Apr. 5, 1991, No. 3.

Dec. 22, 1994, No. 150.

Dec. 29, 2000, No. 465.

Apr. 7, 2001, No. 7.

Jan 27, 2006, No. 43.

Jan. 27, 2006, No. 45.

#### ANNOTATIONS

Conflicts of interest, 5  
 Consultation services, 2  
 Contractual obligations, 4  
 Generally, 1  
 Public service, 3

#### 1. GENERALLY.

The mayors of Ponce and Bayamon did not violate this section or § 1834 of this title by making various purchases, where they paid the market price and assumed the debts in question personally without compromising public funds. *O.E.G. v. Cordero, Rivera*, 154 D.P.R. 827 (2001).

This section is constitutional because it is not vague. *O.E.G. v. Cordero, Rivera*, 154 D.P.R. 827 (2001).

1990 Op. Sec. Jus. No. 23,.

The Secretary of Justice is authorized by this act to recommend the approval or disapproval of contracts which could give rise to conflicts of interest, and those for legal services for government agencies. 1988 Op. Sec. Jus. No. 11.

The phrase "government dependency" used in subsection (e) of this section includes the University of Puerto Rico, and the express authorization of the Governor is necessary before a public official or employee can enter into a contract with the University for services to be provided after his regular working hours as a public service unless the contract is for an amount less than \$3,000 and occurs only once during the fiscal year. 1987 Op. Sec. Jus. No. 9.

#### 2. CONSULTATION SERVICES.

1993 Op. Sec. Jus. No. 34,; 1993 Op. Sec. Jus. No. 12,.

#### 3. PUBLIC SERVICE.

1992 Op. Sec. Jus. No. 12,.

#### 4. CONTRACTUAL OBLIGATIONS.

1992 Op. Sec. Jus. No. 12,.

#### 5. CONFLICTS OF INTEREST.

1992 Op. Sec. Jus. No. 25, .



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\*\*\* THIS SESSION IS CURRENT THROUGH DECEMBER 2006\*\*\*  
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TITLE 3. EXECUTIVE  
 CHAPTER 65. ETHICS IN GOVERNMENT ACT  
 SUBCHAPTER III. CODE OF ETHICS FOR THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES;  
 RESTRICTIONS ON FORMER PUBLIC SERVANTS

3 L.P.R.A. § 1824 (2006)

§ 1824. Prohibitions--Related to the representation of private interests in  
 conflict with official functions

(a) No public official or employee may represent any private person, whatsoever directly or indirectly, to obtain the approval of an act or ordinance, to obtain a contract, the payment of a claim, a permit, license or authorization, or any other matter, transaction or proposal, if he or any member of his family unit has participated or will participate, or will probably participate in his official capacity in the disposition of the matter. This prohibition shall not apply when dealing with official acts of the public officials or employee within the limits of his authority.

(b) No public official or employee shall represent any private person whatsoever, directly or indirectly, before an executive agency, with regard to any claim, permit, license, authorization, matter, transaction or proposal that involves official action on the part of the agency, if he/she, or any member of his/her family unit, possesses executive authority over the agency.

(c) No public official or employee shall represent, or otherwise counsel any private person whatsoever, directly or indirectly, before any executive agency, court or other government dependency, in cases and matters related to the Government of Puerto Rico, or in cases or matters that involve conflicts of interest or public policy, between the Government and the interests of said private person.

(d) No full-time public official or employee shall, during working hours, represent, counsel or serve as an expert for private entities or persons in litigation, trials, public hearings or in any other matter before the courts of justice, quasi judicial bodies and administrative agencies.

(e) For the purposes of this section and § 1827 of this title, the term "matter" means those in which the official or employee has participated personally and substantially, and which occurred through a decision, approval or disapproval, recommendation or advice, or a special investigation involving specific parties. It does not include the participation or intervention of the official or the employee in the promulgation of standards or regulations of general application, or abstract directives and instructions that do not allude to special situations or specific cases.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 3.4; Dec. 22, 1994, No. 150, § 6.

**NOTES:** NOTES:

AMENDMENTS--1994 Subsection (b): Act 1994 deleted "in exchange for compensation or financial gain"; and amended the translation generally.

Subsection (c): Act 1994 deleted "in exchange for compensation or financial gain", and inserted "court or other government dependency"; and amended the translation generally.

Subsections (d) and (e): Act 1994 added present subsection (d) and redesignated former subsection (d) as (e).

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

#### ANNOTATIONS

1. GENERALLY.

1990 Op. Sec. Jus. No. 23, .

2. EXPERTS PROHIBITED.

Before the prohibition to serve as an expert before the courts as established in this section can go into effect, a government employee must have previously participated in the matter in question both personally and substantially; and another condition is that the service shall have been rendered during government working hours. If such conditions are not met, the expertise is not prohibited, even assuming that the matter in question falls under the current effective act. *Lopez v. Depto. de Salud*, 145 D.P.R. 721 (1998).

Plaintiffs in medical malpractice cases, especially those involving gynecology or obstetrics, are frequently faced with serious difficulties in finding adequate medical experts who allow the plaintiffs to make their judicial claims; interpreting this section strictly would aggravate the problem and would lead to courts refusing those who have the right to have their cases heard. *Lopez v. Depto. de Salud*, 145 D.P.R. 721 (1998).

It is of vital public interest that controversies be judged based on the facts and said interest cannot be attained if a party cannot find an expert to support his claim, preventing the court too from receiving the specialized information that an expert can provide. *Lopez v. Depto. de Salud*, 145 D.P.R. 721 (1998).





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3 L.P.R.A. § 1825 (2006)

§ 1825. Standards of conduct for officials and employees of the =mb Judiciary and  
Legislative Branches

The conduct of the officials and employees of the Judiciary Branch, the Legislative  
Branch, the Office of the Controller and the Office of the Ombudsman, shall be governed  
by the provisions of the laws in effect that apply to each one of these Branches of  
the Government and offices, and by the regulations they adopt.

Within a year from the effective date of this act, the Legislative Branch or each  
one of its Chambers, and the Judiciary Branch shall approve Codes of Ethics or  
amendments to the regulations in force, which shall incorporate the principles  
enunciated herein as far as possible, without it constituting an impairment of the  
autonomy conferred to them by the Constitution and the laws of the Commonwealth of  
Puerto Rico, to govern the conduct of its respective officials and employees. The  
Office of the Controller and the Office of the Ombudsman shall approve their  
respective Codes of Ethics no later than June 30, 1995.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 3.5; Dec. 22, 1994, No. 150, §  
7.

**NOTES:** NOTES:

TEXT REFERENCES. The reference to the "effective date of this act" is to Act Dec.  
22, 1994, No. 150, eff. Dec. 22, 1994, which amended this section.

AMENDMENTS--1994 Act 1994 added the references to the Ombudsman and the Controller;  
and amended the translation generally.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

CROSS REFERENCES. Office of the Citizens' Investigating Official (Ombudsman), see  
§§ 701 et seq. of this title.



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3 L.P.R.A. § 1826 (2006)

§ 1826. Duty to report situations of possible unethical acts or conflicts of interest

Any public official or employee of the Executive Branch who has to take any official action which constitutes a violation of the prohibitions established by §§ 1822--1824 of this title shall report the fact to the Office of Government Ethics before taking such action. The public official or employee may request to be relieved of having to intervene in the matter or participate in the agency's deliberations related to the matter.

The government official or employee shall deliver a copy of the sworn statement filed at the Office of Government Ethics to his immediate supervisor.

The existence of a conflictive situation shall not stop the public official or employee from taking the official action when his action or participation is required by law or is unpostponable.

When the Office understands that there is no situation of a conflict of interest and it is proper to authorize that the action be taken, it shall so state in an opinion which it shall serve to the official or employee and to the government agency concerned.

The dispensation which may be granted pursuant to the provisions of this section or of any other provision of this chapter shall be forwarded to the Office of Government Ethics and shall be kept in a register available to the public.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 3.6, eff. 60 days after July 24, 1985.

#### ANNOTATIONS

1. GRANT OF DISPOSITION.  
 , 1993 Op. Sec. Jus. No. 34; 1993 Op. Sec. Jus. No. 12.



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RESTRICTIONS ON FORMER PUBLIC SERVANTS

3 L.P.R.A. § 1827 (2006)

§ 1827. Restrictions to the actions of former public servants

(a) No former public servant may give information to, advise in any way or represent in any capacity, whether personally or through another private person, any person with interests contrary to those of the Commonwealth of Puerto Rico in those matters, actions, procedures or claims which were in any way submitted for information, study, investigation, resolution, decision or transaction before any agency, office, dependency or court of the Government of Puerto Rico, while said former servants rendered services in that agency, office, dependency or court, and as long as said former servants had to deal directly or indirectly with these actions and matters.

No former public servant may cooperate in any way whatsoever in the preparation or handling of said matters, actions, procedures or claims against the Commonwealth of Puerto Rico, or use or make available the use of information obtained while he was a public official or employee, against the Commonwealth of Puerto Rico.

(b) No former public servant shall fill any office or have any pecuniary interest whatsoever with any person or entity with which the agency, office, dependency or court for which he worked should have executed contracts for goods and services during the incumbency of said official or employee, and who participated directly in the contracting, during the year following the termination of his employment.

(c) No former public servant, no member of his family unit, or the business in which he or some member of his family unit is a partner, member or employee may offer information, advise or represent any person in any capacity before the agency, dependency or court for which the former public servant worked, with respect to those cases or matters with which the former servant may have had to deal directly or indirectly while he was a public official or employee, during the year following the date of termination of his employment.

(d) No former public servant may, during the year following the termination of his/her employment, fill any position, nor have any pecuniary interest with any person or entity, if the agency, office, dependency or court in which he/she worked has carried out any audit or investigation of said person or entity in which he/she directly participated during the year prior to the termination of his/her employment.

(e) No executive agency shall execute a contract with or in benefit of persons who have been public officials or employees of said executive agency within two (2) years following the termination of their functions as such. The Governor may issue a dispensation with regard to the applicability of this provision provided said dispensation is in benefit of the public service. This prohibition shall not apply to contracts for ad honorem services.

(f) The agencies, offices, dependencies or courts, shall refuse the action or intervention of former public servants who violate the provisions of this section, on their own initiative, or by request of the Director of the Office.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 3.7; Dec. 22, 1994, No. 150, § 8; July 18, 1998, No. 143, § 1.

**NOTES:** NOTES:

AMENDMENTS--1998 Subsection (e): Act 1998 added "of said executive agency" in the first sentence.

--1994 Subsection (d): Act 1994 repealed former subsection (d) and added the present provision under this subsection.

Subsection (e): Act 1994 repealed former subsection (e) and added the present provision under this subsection.

Subsection (f): Act 1994 added this subsection.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

July 18, 1998, No. 143.



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 RESTRICTIONS ON FORMER PUBLIC SERVANTS

3 L.P.R.A. § 1828 (2006)

## § 1828. Sanctions and remedies

Actions of a criminal nature.

(1) Any person who intentionally violates the prohibitions and provisions established in subsections (c), (d), (e) and (g) of § 1822; (b), (c), (d) and (e) of § 1823, § 1824 and § 1827, all of this title, shall be guilty of a felony, and upon conviction, shall be sanctioned for each violation, by a fixed term of imprisonment of one (1) year or a fine of two thousand (2,000) dollars; or both penalties, at the discretion of the court.

If there were aggravating circumstances, the established fixed penalty may be increased to a maximum of two (2) years, or up to three thousand (3,000) dollars. If there were extenuating circumstances, the penalty may be reduced to a minimum of nine (9) months, or to one thousand (1,000) dollars.

(2) A person thus convicted shall be disqualified from filling any public office or employment, subject to the provisions of § 1324 of this title, part of the Public Service Personnel Act of Puerto Rico.

(3) The prescription term of crimes against public functions established in this chapter shall be in accordance with the provisions of the Penal Code of Puerto Rico.

(4) The person convicted of the crimes established by this subchapter shall not have the benefit of a suspended sentence. *Actions of a civil nature.*

(1) The Office shall have the power to request the Court of First Instance to issue an injunction to prevent any violation of this subchapter and file the proper actions to recover the civil sanctions imposed in behalf of the state.

(2) The Office may go before the Court of First Instance to request that the execution of any official action which constitutes a violation of the prohibitions established by this subchapter be prevented, suspended or paralyzed.

(3) Any person who receives financial gain as a result of a violation of this subchapter shall be bound to pay the state, as civil sanction for noncompliance, a sum equivalent to three (3) times the value of the financial gain received.

(4) The violation of any of the provisions of this subchapter may be penalized, in the cases [to which] it is applicable, with any of the following administrative sanctions imposed by the corresponding authority:

(A) Written reprimand.

(B) Suspension from work and salary.

(C) Dismissal or firing. *Actions of administrative nature.*

(1) Every person who violates the prohibitions and provisions established in this chapter and in the regulations, orders and norms promulgated thereunder, shall be sanctioned by the Director with an administrative fine which shall not exceed twenty thousand (20,000) dollars for each violation. The above, shall not limit the power of the Government Ethics Office to impose a triple damages penalty, in addition to said administrative fine, as authorized by subsection (b) of this section.

(d) *Judicial actions for noncompliance with administrative and/or civil sanctions.* In every case whereby a person fails to comply with a final and binding administrative fine or sanction and/or with any final and binding civil sanction, the courts of justice shall impose an interest of ten percent (10%), or interest at the prevailing legal rate, should it be higher, on the amount indebted as well as the payment of attorney's fees in favor of the Commonwealth of Puerto Rico. The interest shall begin to accrue from the moment the sanction becomes final and binding.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 3.8; Dec. 22, 1994, No. 150, § 9; Sept. 1, 2000, No. 291, § 1; Jan. 5, 2002, No. 8, § 1; Sept. 30, 2004, No. 541, § 1; Oct. 25, 2005, No. 133, § 1.

**NOTES:** NOTES:

TEXT REFERENCES. Section 3.4 of Act No. 5 of October 14, 1975, cited in text, former § 1324 of this title, was repealed by § 3 of Act July 17, 1979, No. 1, p. 901.

CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Act Aug. 22, 2003, No. 201, known as the "Judiciary Act of 2003", §§ 24--25r of Title 4.

As approved, subsection (c) has only one clause.

AMENDMENTS--2005 Subsection (a)(3): Act 2005 amended this clause generally.

--2004 Subsection (d): Act 2004 added this subsection.

--2002 Subsection (c): Act 2002 added this subsection.

--2000 Subsection (a)(3): Act 2000 raised the term from 5 to 7 years and added "from the date...Puerto Rico".

--1994 Subsection (a)(1): Act 1994 added the reference to § 1827 of this title, and raised the penalty on extenuating circumstances from six (6) to nine (9) months; and amended the translation generally.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

Sept. 1, 2000, No. 291.

Jan. 5, 2002, No. 8.

Sept. 30, 2004, No. 541.

Oct. 25, 2005, No. 133.

CROSS REFERENCES. Aggravating and extenuating circumstances, see Rule 171 of Criminal Procedure, App. II of Title 34.



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TITLE 3. EXECUTIVE  
CHAPTER 65. ETHICS IN GOVERNMENT ACT  
SUBCHAPTER IV. FINANCIAL STATEMENTS FILED BY PUBLIC OFFICIALS AND EMPLOYEES

3 L.P.R.A. § 1831 (2006)

§ 1831. Applicability

(a) The provisions of this subchapter, that require that financial statements be submitted, [shall] apply to the following public officials and employees:

- (1) The Governor.
- (2) The Controller of Puerto Rico and the Citizen's Advocate.
- (3) Officials of the Executive Branch whose appointments require the advice and consent of the Senate, or of the Senate and the House of Representatives.
- (4) Heads of agencies of the Government of the Commonwealth of Puerto Rico at the secretary and undersecretary level and the heads of the municipal corporations.
- (5) Presidents, vicepresidents, executive directors and deputy directors of public corporations and other Government entities.
- (6) The members of the Legislature, the Director of the Office of Legislative Services and the Capitol Superintendent, subject to the provisions of § 1840(d) of this title.
- (7) Mayors, deputy mayors, directors of finance or persons who hold a similar office.
- (8) Members of the Judiciary Branch, subject to the provisions of § 1840(e) of this title.
- (9) The President of the Commonwealth Election Commission; the Administrator of the Employees Retirement System of the Government of Puerto Rico and its instrumentalities, or any pension or retirement plan established by the Legislature of Puerto Rico or implemented by the public corporations.

(10) Any other office or post including, but not limited to, the office of assistant secretary, bureau director of head of office, whose inclusion is recommended by the head of the agency and directed by the Director of the Office.

(b) The Director of the Office of Government Ethics or the Governor of Puerto Rico may exempt persons who render their services without pay or who only receive per diems from the obligation of filing reports.

(c) The obligation to file financial statements under this chapter shall not be affected by the obligation to file reports of this nature under other acts or authorities.

(d) The Director of the Office of Government Ethics shall have custody of the financial statements submitted by the Director of the Office of Legislative Services and the Capitol Superintendent. It is hereby further provided that said officials shall be governed by the Code of Ethics and the regulations related to the latter adopted by the Legislature.

The latter shall also be responsible for drafting the form to be used to fill out the financial statements to be submitted by the Capitol Superintendent and by the Director of the Office of Legislative Services.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.1; Dec. 22, 1994, No. 150, § 10; Feb. 16, 1995, No. 24, § 1; July 30, 1996, No. 93, § 3; Aug. 29, 2000, No. 228, § 1; Dec. 29, 2000, No. 465, § 5; Apr. 7, 2001, No. 7, § 5; Sept. 14, 2004, No. 269, § 1.

**NOTES:** NOTES:

PURPOSE. See note under § 1802 of this title.

CODIFICATION. Act Aug. 29, 2000, No. 228, proposed to amend clause (5) of subsection (b), but the amendatory language added a new clause (11) to subsection (a) instead.

AMENDMENTS--2004 Subsection (a): Act 2004 introduced minor lexical changes in the introductory paragraph and in clause (6), and added "the Director...Capitol Superintendent" after "Legislature".

Subsection (d): Act 2004 added this subsection.

--2001 Subsection (a): Act 2001 deleted "and members of transition committees" at the end of the introductory paragraph and repealed clause (11).

--2000 Subsection (a)(11): Act Dec. 29, 2000, No. 465, amended this subsection generally.

Subsection (a)(11): Act Aug. 29, 2000, No. 228, added this clause.

--1996. Subsection (a)(8): Act 1996 added this subsection and redesignated former subsections (8) and (9) as (9) and (10), respectively.

--1995 Subsection (a)(2): Act 1995 deleted the word "Ombudsman" and added "Citizen's Advocate".

--1994 Subsection (a)(2): Act 1994 added "and the Ombudsman" at the end of the paragraph.

Subsection (a)(4): Act 1994 included the heads of the municipal corporations.

Subsection (a)(5): Act 1994 added Vice-presidents and Deputy Directors, and added the phrase "and other Government entities".

Subsection (a)(5): Act 1994 added "Vice-president" after "President", added "Deputy Directors" after "Executive Directors" and added "and other Government entities" after "public corporations".

Subsection (a)(7): Act 1994 added "Deputy Mayors, Directors of Finance or persons who hold a similar office".

Subsection (a)(8): Act 1994 added a new subsection (a)(8) and renumbered the former subsection (a)(8) as (a)(9).

EFFECTIVENESS. See note under § 1802 of this title.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

Feb 16, 1995, No. 24.

July 30, 1996, No. 93.

Aug. 29, 2000, No. 228.

Dec. 29, 2000, No. 465.

Apr. 7, 2001, No. 7.

Sept. 14, 2004, No. 269.

SPECIAL PROVISIONS. Section 3 of Act Sept. 14, 2004, No. 269, provides: "The officials who at the date of approval of this Act [Sept. 14, 2004] hold office as Director of the Office of Legislative Services and of Capitol Superintendent, shall submit to the Executive Director of the Office of Government Ethics of the Commonwealth of Puerto Rico the first financial statement within the thirty (30) days following the date on which the Legislature approves the Code of Ethics that shall apply to both officials. The Legislature shall have a term of sixty (60) days as of the date of effectiveness of this Act to approve the aforementioned Code of Ethics."





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3 L.P.R.A. § 1832 (2006)

§ 1832. Frequency and coverage

(a) All public officials shall file a detailed report with the Office within the first sixty (60) days following the date on which the public official takes office or classified position, that includes all the information required by the Office. Said financial report shall not have to be filed by those persons who have abandoned a classified position or office before sixty (60) days have elapsed since they assumed a new classified position or office.

The first report shall cover the calendar year prior to the date in which the public official assumed office or began his/her employment for which he/she is bound to file annual financial reports. However, if the public official does not file annual financial reports, the first report shall include the preceding calendar year and the time transpired during the current year until the date in which he/she assumes office or begins his/her employment for which he/she is bound to file financial reports.

Those public officials who, by the effective date of this act, have held a post or position which is subject to the obligation of filing financial reports for more than sixty (60) days, shall submit their first report within the ninety (90) days following the date on which the Director prepares the forms and the explanatory appendix required by § 1833 of this title.

Every person nominated by the Governor to fill a classified position or office that requires confirmation by the Senate or by the Senate and the House of Representatives shall file a financial report containing the information required by the Office within the first fifteen (15) days following the date on which said nomination was remitted to the Legislature.

(b) The annual statements shall be submitted no later than the first of May of each one of the years following the one in which the first statement was filed, provided the public official or employee has held office for more than sixty (60) days during the previous calendar year. The statement shall cover the preceding calendar year.

(c) Upon ceasing in a classified position or office, every person shall file a financial statement within sixty (60) days after having ceased in the post or position, that includes all the information required by the Office for the previous calendar year, if he has not yet filed it, and including the date on which the person ceased in such office or position, unless he has gone on to fill another classified position or office.

(d) The Director of the Office of Government Ethics may grant an additional term to file the financial statements required by this chapter according to the regulations adopted, but this additional term shall not exceed sixty (60) days.

(e) The provisions of this section notwithstanding, there shall be no obligation to submit the required financial statements until the Director has prepared the forms and explanatory appendix required by § 1833 of this title.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.2; Apr. 30, 1990, No. 7; Sept. 30, 2004, No. 540, § 1.

**NOTES:** NOTES:

TEXT REFERENCES. The "effective date of this act", mentioned in subsection (a), refers to Act No. 12, approved July 24, 1985, set out as this chapter.

AMENDMENTS--2004 Subsection (a): Act 2004, throughout this subsection, deleted "or employees", substituted "statement" with "report", made minor lexical and syntactical changes, and amended generally the second paragraph.

--1990 Subsection (b): Act 1990 changed "March" to "May".

STATEMENT OF MOTIVES. Sept. 30, 2004, No. 540.



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3 L.P.R.A. § 1833 (2006)

§ 1833. Contents

The Director of the Office of Government Ethics shall determine by regulations adopted pursuant to the provisions of § 1814(j) of this title the information that must be included in the financial statements in accordance with the provisions of this chapter; he shall design the official form and the explanatory appendix that will be used to remit the information required, and will have the necessary copies of the forms and explanatory appendix available for every person bound to complete and submit them. The Director shall determine through regulations and shall include on the forms the method of publication, including whether the source should be revealed, whether the exact amounts shall be indicated or whether the value is to be informed by categories or items, and the degree of identification of the information filed for each type of information that is to be revealed.

The Director shall be bound to prepare and publish guidelines with regard to the accounting methods and how to file the required information, which shall be used by the persons submitting financial statements under this chapter.

The person filing the statement shall determine the approximate value of each item based on the guidelines prepared and published by the Director.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.3, eff. 60 days after July 24, 1985.



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3 L.P.R.A. § 1834 (2006)

§ 1834. Required information

The regulations adopted by the Director of the Office of Government Ethics shall require that every financial statement includes the following information with regard to the person filing the statement and his spouse, for the period covered by the statement:

- (1) Name, official address and public office or employment held by the person submitting the statement.
- (2) Name or names under which they do business.
- (3) Occupation, profession or trade.
- (4) Name and address of the main place of business or work.
- (5) All business or employment relations.
- (6) Name, address and name or names under which business is done by other members of his family unit who are public officials or employees, that have done business with or rendered services to the Government of Puerto Rico or its municipalities during the period covered by the financial statement, or who are partners, directors or employees of businesses or entities that have done business with or rendered services to the Government of Puerto Rico or its municipalities during that period.
- (7) Income from or interest in real or personal property and in any property in its broadest meaning.
- (8) Stocks, private enterprise bonds, insurance policies and other proprietary participations in enterprises or businesses, whose joint worth exceeds one thousand (1,000) dollars, including an indication of each enterprise or business involved.
- (9) State or municipal bonds whose joint value exceeds one thousand (1,000) dollars and every related transaction during the period covered by the statement.
- (10) Debts with a balance of over one thousand (1,000) dollars at any time during the period covered by the statement, indicating the rate of interest of each debt and including any debt liquidation or reduction to one thousand (1,000) dollars or less, during the period covered by the statement.
- (11) Debts with regard to which he is receiving any type of preferential or special treatment when compared to that received by other debtors of the same creditor under similar circumstances for the same type of debt.
- (12) Transactions for the purchase, sale or barter of real or personal property.
- (13) Agreements or arrangements for future remuneration.
- (14) A list of all gifts received, excluding payment for transportation, meals, lodging and entertainment, indicating the name and address of the donor, whose aggregate value per donor exceeds two hundred and fifty (250) dollars per year and have been received from persons who have no relationship within the fourth degree of consanguinity or second degree of affinity and have not constituted a strictly personal or familiar measure of hospitality.

(15) All other information that, in the judgment of the person who submits the statement, or of the Director, is pertinent for the correct evaluation of his/her financial situation within the public interest context inspired by this chapter.

The Director may require the person bound to file the financial statement to submit the information reflected in this section with regard to those other members of the family unit of the person filing the statement which the Director judges pertinent to evaluate correctly the financial situation of the public official or employee.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.4; Dec. 22, 1994, No. 150, § 11.

**NOTES:** NOTES:

AMENDMENTS--1994 Subsection (a) (14): Act 1994 added this subsection.

Subsection (a) (15): Act 1994 redesignated former subsection (a) (14) as (a) (15), added "or of the Director", and amended the translation generally.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

ANNOTATIONS

1. GENERALLY.

A public official accused of violating this section must be given the opportunity to explain why certain information was not included in a financial statement. *O.E.G. v. Cordero, Rivera, 154 D.P.R. 827 (2001)*.

The two mayors in the case do not violate this section or § 1823 of this title by making various purchases, where they paid the market price and assumed the debts in question personally without compromising public funds. *O.E.G. v. Cordero, Rivera, 154 D.P.R. 827 (2001)*.

This section is constitutional because it is not vague. *O.E.G. v. Cordero, Rivera, 154 D.P.R. 827 (2001)*.

To determine whether there has been a violation of this section and whether sanctions should be imposed, the following must be considered: the reason why the official does not include the information in question in a financial statement; the consequences of the omission; whether they can be corrected, and how promptly the official makes the omitted information available once its absence is noted. *O.E.G. v. Cordero, Rivera, 154 D.P.R. 827 (2001)*.



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3 L.P.R.A. § 1835 (2006)

§ 1835. Exceptions in specific cases

(a) The Director of the Office of Government Ethics shall be empowered, by his own initiative or by request of the interested party, to exempt from the requirement of filing the financial statement, a person whose whereabouts is unknown, or is dead or disabled to such a degree that he/she [is] impeded from the filing of the financial statement, or to exempt any person from including specific data in the statement, or to authorize any modification in its presentation, if he concludes that the strict application of the legal requirement would cause unreasonable injury to the petitioner or a third party, and that the purposes of this chapter will not be thwarted by the exception.

(b) In cases of security or other pressing public interest, the Director may exempt certain persons from complying with the special provisions of this chapter or establish special conditions and procedures for such persons.

(c) Every exception authorized under this section shall be limited in its scope to that which is strictly necessary to prevent the above-stated injury.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.5; Dec. 22, 1994, No. 150, § 12.

**NOTES:** NOTES:

AMENDMENTS--1994 Subsection (a): Act 1994 amended this subsection generally.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.



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3 L.P.R.A. § 1836 (2006)

§ 1836. Oath; auditing

The financial statements required by this chapter shall be sworn to by the public official whose status it describes, through a written statement rendered under penalty of perjury.

The Director may require that the financial statement be audited by a certified public accountant. If an auditing of the statement is required, the Office may reimburse the person for the cost of the services rendered by a certified accountant, subject to the requirements which the Director established by regulations.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.6; Sept. 14, 2004, No. 274, § 1.

**NOTES:** NOTES:

AMENDMENTS--2004 Act 2004 in the first paragraph deleted "or employee", and added "through a written statement...of perjury".

EFFECTIVENESS. Section 4 of Act Sept. 14, 2004, No. 274, provides: "This Act [which amended this section] shall take effect immediately after its approval, except for what relates to the preceding Section 3 [§ 1837 of this title], which shall take effect for the financial statements filed after January 1, 2006."

STATEMENT OF MOTIVES. Sept. 14, 2004, No. 274.



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3 L.P.R.A. § 1836a (2006)

§ 1836a. Signature

The fact that the name of a public servant appears as signed on a financial statement or other related document be it printed or by digital medium, shall be prima facie evidence, for all legal purposes, that said public servant in fact signed the financial statement or other document.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, added as § 4.6-A on Sept. 14, 2004, No. 274, § 2.

**NOTES:** NOTES:  
EFFECTIVENESS. See the note under § 1836 of this title.

STATEMENT OF MOTIVES. Sept. 14, 2004, No. 274.





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3 L.P.R.A. § 1837 (2006)

§ 1837. Delivery

The statements required by this chapter shall be submitted to the Office of Government Ethics or to its delegated official, by personal delivery, certified mail or email, according to the regulations adopted by the Office.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.7; Sept. 14, 2004, No. 274, § 3.

**NOTES:** NOTES:

AMENDMENTS--2004 Act 2004 deleted "financial" before "statements"; made minor changes in syntax; and added "or e-mail...by the Office".

EFFECTIVENESS. See note under § 1836 of this title.

STATEMENT OF MOTIVES. Sept. 14, 2004, No. 274.



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3 L.P.R.A. § 1838 (2006)

§ 1838. Custody and public access

(a) The Director may allow the inspection of and access to the financial statements filed pursuant to the provisions of this chapter only when they are final, and the interested person demonstrates to the Director that the information is needed to submit additional data that reveals a possible violation of the provisions of this chapter. The Director shall provide a copy of the final financial statements, free of charge, when required by government agencies as part of an official function.

(b) Every person who obtains access to part or all of a financial statement filed before the Office may use the information thus obtained solely for purposes related to the objectives of this chapter.

(c) The use of part or all of a financial statement filed before the Office under this chapter for the purpose of obtaining some commercial gain, to determine or establish the credit rating of a person or to attempt to obtain some special benefit foreign to the objectives of this chapter is hereby prohibited.

(d) Notwithstanding, the provisions of subsection (a) of this section, the public inspection of these financial statements shall not be permitted, and no copies thereof shall be furnished until the interested party has filed a written request under oath with the following information:

- (1) Name, address and occupation of the petitioner.
- (2) Name and address of the person, organization or government dependency for whom the statement is requested.
- (3) That the petitioner knows of the restrictions and prohibitions regarding the use of the statements.
- (4) The data or information on which the petitioner bases the belief that a possible violation of the provisions of this chapter exists which justifies the granting of access to the financial statement.

The Government agencies are hereby exempted from complying with the requirement of requesting the statement under oath.

(e) Any person who knowingly and willfully furnishes the data contained in the financial statements filed with the Office, or allows them to be copied without the Director's authorization, shall be guilty of a felony that shall be punished with a fixed term of imprisonment of one (1) year or a fine of two thousand (2,000) dollars, or both penalties, at the discretion of the court.

If there were aggravating circumstances, the established fixed penalty may be increased to a maximum of two (2) years, or to five thousand (5,000) dollars. If there were extenuating circumstances, the penalty may be reduced to a minimum of six (6) months and one (1) day, or to one thousand (1,000) dollars.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.8; Dec. 22, 1994, No. 150, § 13.

**NOTES: NOTES:**

AMENDMENTS--1994 Subsection (d): Act 1994 amended the translation generally and added clause (4).

Subsection (e): Act 1994 added "who knowingly and willfully," substituted "misdemeanor" with "felony" raised the punishment for the crime, and added a paragraph to the end of the subsection.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

## ANNOTATIONS

## 1. GENERALLY.

In order to obtain access to Legislative Assembly members' reports, the interested party should submit a written request under oath establishing the bases for his believing in the existence of a violation of the provisions of this act, that justify access to the financial report. *El Vocero of Puerto Rico v. Noguerras*, 138 D.P.R. 624 (1995).

When a state Senator authorizes the disclosure to the press of his financial report, the Senate Secretary must give a copy of that report to any communication media that request it. *El Vocero of Puerto Rico v. Noguerras*, 138 D.P.R. 624 (1995).

Once the Director of the Governmental Ethics Office determines that the financial reports fulfill all the requirements established by regulation, he/she will sign and date it and will deliver it to the Senate Secretary. *El Vocero of Puerto Rico v. Noguerras*, 138 D.P.R. 624 (1995).

It is a clearly defined obligation in the text of the Governmental Ethics Act, the Senate Ethics Code, and the Rules for the Filing of Financial Reports, that both the Senators and employees under the statute must submit annual reports with the information required by such Senate regulations, an obligation that arises from the public position they have held, and it is not subject to any discretion. *El Vocero of Puerto Rico v. Noguerras*, 138 D.P.R. 624 (1995).



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3 L.P.R.A. § 1839 (2006)

§ 1839. Conservation

The Office shall establish, through regulations, the period of time during which it will conserve and maintain the financial statements filed pursuant to the provisions of this chapter available to the public. The Office shall be bound to conserve the statements for a period of not less than three (3) years after the public official has ceased in his office. No document may be destroyed when it is needed to complete an investigation that has been initiated.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.9, eff. 60 days after July 24, 1985.



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3 L.P.R.A. § 1840 (2006)

## § 1840. Actions regarding the statements

Once each financial statement required by this subchapter is received, the Office shall examine and study the same within ninety (90) days following the date it was filed for the following purposes:

(a) If, after studying and analyzing the financial statement, the Director determines based on the information contained in the statement that the person submitting it has complied with the applicable laws and regulations, he shall so state it on the financial statement and sign it.

(b) If the Director determines that it is necessary to submit additional information, he shall advise the person who filed the financial statement of the additional information needed, and require him to file it within a term of not more than thirty (30) days after said notice. If, in his opinion, based on the information submitted, the person is not complying with the applicable laws and regulations, he shall inform the person thereof, specifically indicating those aspects in which it is deemed that the statement does not meet the legal requirements. In the notice, the Director shall inform the person of his right to submit his contentions in writing, and also to request a hearing before the Office, if he wishes it. The Director shall prepare a preliminary determination, based on all the information submitted which shall be served to the person, and shall provide a reasonable time that shall not exceed thirty (30) days for him to answer it. After considering the answer, he shall modify the statement, if proper, and shall render a final determination which shall be considered a public document. The Director shall maintain the strict confidentiality of the revision processes prior to the final report. If indicated, the Director shall take the pertinent action, directly or with the aid of the Secretary of Justice, in the event that said report reveals that there has been a violation of the law which requires penal or any other kind of action.

(c) In every case in which, upon comparing the most recent statement with the previous one, some increment or substantial change in some item is detected for which the Director considers there is no satisfactory explanation, the informant shall be required to give an explanation and demonstrative evidence of the legal source thereof. If the Director deems it necessary, he shall proceed to make the corresponding investigation. If after the public servant has submitted the evidence and the pertinent explanation, the Director deems them to be unsatisfactory, he may take pertinent action directly or with the aid of the Secretary of Justice.

(d) When dealing with the financial statements of the members of the Legislature, of the Director of the Office of Legislative Services or of the Capitol Superintendent, the Director shall receive and evaluate the statements to verify that the information is complete. Once he/she verifies that the information is complete, he/she shall determine that the document is final so it can be deemed a public document. Public access to said statement shall be governed by the provisions of § 1838 of this title and in the Codes of Ethics of the Legislative Branch or the

corresponding legislative Body. When in the judgment of the Director there is a possibility that an official or an employee of the Legislative Branch has violated the provisions of this chapter, the Director shall remit the financial statement to the corresponding Body so that the appropriate action may be taken. Should the Director understand that the Director of the Office of Legislative Services or the Capitol Superintendent may have violated the provisions of this subchapter, he/she shall so notify both the Senate of Puerto Rico and the House of Representatives remitting the financial statement in question.

(e) With regard to financial statements of the Judiciary Branch, the Director shall receive and evaluate the statements to ascertain that the information is complete.

Once he/she verifies that the information is complete, he/she will determine that the document is final and shall return it to the Honorable Chief Justice of the Supreme Court. Public access to said statement shall be governed by the provisions of § 1838 of this title, and the Code of Ethics of the Judiciary Branch. When, in the judgment of the Director, there is a possibility that a judge, an administrative director, or a high official has violated the provisions of this subchapter, the Director shall remit the financial statement together with an account of his/her findings to the Supreme Court so that the corresponding actions be taken pursuant to its Code of Ethics and Regulations.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.10; Dec. 22, 1994, No. 150, § 14; July 30, 1996, No. 93, § 4; Nov. 15, 1997, No. 131, § 1; Sept. 14, 2004, No. 269, § 2.

**NOTES:** NOTES:

AMENDMENTS--2004 Subsection (d): Act 2004 added "the Director...Capitol Superintendent" after "Legislature"; made minor syntactical and lexical changes; and added the fifth sentence.

--1997 Act 1997 substituted "sixty (60)" with "ninety (90)" in the introductory paragraph.

--1996. Subsection (e): Act 1996 added this subsection.

--1994 Act 1994 amended the introductory language generally.

Subsection (d): Act 1994 added "The public access to that statement shall be governed by the provisions of § 1838 of this title and the Codes of Ethics of the Legislative Branch, or the corresponding Chamber"; and amended the translation generally.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.

July 30, 1996, No. 93.

Nov. 15, 1997, No. 131.

Sept. 14, 2004, No. 269.

SPECIAL PROVISIONS. Section 3 of Act Sept. 14, 2004, No. 269, provides: "The officials who at the date of approval of this Act [Sept. 14, 2004] hold office as Director of the Office of Legislative Services and of Capitol Superintendent, shall submit to the Executive Director of the Office of Government Ethics of the Commonwealth of Puerto Rico the first financial statement within the thirty (30) days following the date on which the Legislature approves the Code of Ethics that shall apply to both officials. The Legislature shall have a term of sixty (60) days as of the date of effectiveness of this Act to approve the aforementioned Code of Ethics."



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3 L.P.R.A. § 1841 (2006)

§ 1841. Noncompliance or misrepresentation

Criminal action.

(1) Any person who knowingly and wilfully misrepresents or fails to file or divulge any substantial information which this subchapter requires him to file shall be guilty of a felony and, upon conviction, shall be punished for each violation with a fixed term of imprisonment of one (1) year or a fine of two thousand (2,000) dollars or both penalties at the discretion of the court.

If there are aggravating circumstances, the fixed term thus established may be increased to a maximum of two (2) years or the fine may be increased to five thousand (5,000) dollars. If there are extenuating circumstances, it may be reduced to a minimum of six (6) months and one (1) day or to one thousand (1,000) dollars.

(2) A person thus convicted shall be disqualified to hold any public office or employment, subject to the provisions of Section 3.4 of Act No. 5 of October 14, 1975, known as the "Public Service Personnel Act of Puerto Rico".

(3) The prescription term for crimes against the public functions established in this chapter shall be in accordance with the provisions of the Penal Code of Puerto Rico.

(4) The convicted person shall not have the benefit of a suspended sentence. *Civil action.*

(1) The Secretary of Justice shall have the power to request the Court of First Instance to issue an injunction to prevent any violation of this subchapter, and to file the proper action to collect civil sanction imposed in behalf of the state.

(2) Any person who receives monetary gain as a result of a violation of this subchapter shall be bound to pay the state a sum equal to three (3) times the value of the monetary gain received, as a civil sanction for his noncompliance.

(3) In addition to the above mentioned penal and civil sanctions, the violation of any of the provisions of this subchapter may be penalized, in applicable cases, with any of the following administrative sanctions imposed by the proper authority:

- (A) Written reprimand.
- (B) Suspension from employment and salary.
- (C) Dismissal or firing.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 4.11; Sept. 1, 2000, No. 291, § 2; Oct. 25, 2005, No. 133, § 2.

**NOTES:** NOTES:

TEXT REFERENCES. Section 3.4 of Act Oct. 14, 1975, No. 5, former § 1324 of this title, was repealed by Act July 17, 1979, No. 1.

CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Act Aug. 22, 2003, No. 201, known as the "Judiciary Act of 2003", §§ 24--25r of Title 4.

AMENDMENTS--2005 Subsection (a)(3): Act 2005 amended this clause generally.

--2000 Subsection (a)(3): Act 2000 raised the term from 5 to 7 years.

STATEMENT OF MOTIVES. Sept. 1, 2000, No. 291.  
Oct. 25, 2005, No. 133.

CROSS REFERENCES. Aggravating and extenuating circumstance, see Rule 171 of Criminal Procedure, App. II of Title 34.

#### ANNOTATIONS

##### 1. GENERALLY.

If a lawmaker breaches any dispositions of the statute, the Attorney General is expressly allowed by this act not only to press criminal charges against him, but to initiate any civil action. *El Vocero of Puerto Rico v. Nogueras*, 138 D.P.R. 642 (1995).

If a lawmaker failed to submit the financial report with all the information required by the act and applicable regulations, the Director of the Governmental Ethics Office could ask the legislative body to take all the measures that proceed under the law. Nevertheless, the act does not prevent a person or interested party from filing a *mandamus* asking the court to order the lawmaker to comply with his ministerial duty. *El Vocero of Puerto Rico v. Nogueras*, 138 D.P.R. 642 (1995).

Once a report is received in the Governmental Ethics Office, the Director must evaluate if the information is complete, and if it is so, must determine that the report is final in order to consider it a public document. *El Vocero of Puerto Rico v. Nogueras*, 138 D.P.R. 642 (1995).





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CHAPTER 65. ETHICS IN GOVERNMENT ACT  
SUBCHAPTER V. FINAL PART

3 L.P.R.A. § 1851 (2006)

§ 1851. Capacity to promote investigations

(a) Any private citizen, or any official or employee of the Commonwealth of Puerto Rico may request the Office to initiate an investigation, through a written and sworn complaint, under any of the provisions of this chapter. To that end, the promoter must state all the facts on which he bases his belief that the investigation is proper in his complaint.

(b) Within sixty (60) days following the date on which the complaint was filed, the Office shall perform an evaluation and shall advise the complainant of the action it intends to follow. If the Office deems it is unnecessary to carry out an investigation, it shall so notify the complainant within the term described above.

(c) If the Office deems that it is proper to conduct an investigation, it must be completed within one hundred and twenty (120) days following the date the complainant was advised of the action that was to be taken. Once the investigation is concluded, the Office shall decide if it will proceed judicially or administratively against the accused official or employee, or if it will exempt him from subsequent responsibility.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 5.1, eff. 60 days after July 24, 1985.

ANNOTATIONS

1. GENERALLY.

1989 Op. Sec. Jus. No. 6.,.



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TITLE 3. EXECUTIVE  
 CHAPTER 65. ETHICS IN GOVERNMENT ACT  
 SUBCHAPTER V. FINAL PART

3 L.P.R.A. § 1851a (2006)

§ 1851a. Access to information

The information in custody of the Office, compiled with the purpose of enforcing this chapter, may be inspected by any citizen provided that when doing it:

- (a) It does not interfere with the enforcement procedures of this chapter.
- (b) Does not [deprive] any person of the right to a fair adjudicative procedure and an impartial final determination, pursuant to the provisions of this chapter and §§ 2101 of this title, known as the "Commonwealth of Puerto Rico Uniform Administrative Procedure Act".
- (c) Does not constitute an unjustified intrusion of the intimacy of the accused or of any other person.
- (d) Does not reveal the identity of a confidential source.
- (e) Does not reveal investigative procedures and techniques.
- (f) Does not endanger the life or physical safety of the personnel that enforce this chapter, or that of the complainant or a witness.

Only the Executive Director may authorize the divulging of information related to the functioning, operation or activities of this Office. Any employee, official or person who, due to carelessness or omission, or deliberately, gives information, publicizes or publicly comments on any investigation by the Office in progress, without being authorized, shall be guilty of a felony, and upon conviction, shall be sanction[ed] with a penalty of a fixed term of imprisonment of one (1) year or a fine of two thousand (2,000) dollars, or both penalties at the discretion of the court.

If there were aggravating circumstances, the established fixed penalty may be increased to a maximum of two (2) years or to five thousand (5,000) dollars. If there were extenuating circumstances, the penalty may be reduced to a minimum of six (6) months and one (1) day or to one thousand (1,000) dollars.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 708, added as § 5.1a on Dec. 22, 1994, No. 150, § 15.



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TITLE 3. EXECUTIVE  
 CHAPTER 65. ETHICS IN GOVERNMENT ACT  
 SUBCHAPTER V. FINAL PART

3 L.P.R.A. § 1852 (2006)

§ 1852. Judicial review

Any public official that is affected by any decision, resolution, order or action by the Office shall be entitled to judicial review by filing the corresponding petition before the Court of First Instance of Puerto Rico, with a notice to the Office, within thirty (30) days after being served the decision, order or action. The findings of facts of the Office which are supported by substantial evidence based on the total record shall be binding on the court.

The following procedure shall apply when a request [is made] for a judicial revision of a decision or resolution of the Office denying the request for access to information in custody of the Office:

(a) The court, upon the petition of the requesting party, may order the Executive Director to file a statement under oath of all the documents compiled in the Office, that are pertinent to the request for revision.

(b) The Executive Director shall specify which documents, in his judgment, shall not be revealed, stating the reasons therefor. The court may order the Executive Director to produce them for inspection by the judge with the exclusion of the parties and their lawyers.

(c) After the examination is made, the court shall order the Executive Director to hand over copies of the documents or any portion of documents that are not objected to, or of those that, in spite of the objection, the court deems that they are not protected by the exclusion criteria established in § 1851a of this title.

In every case, the court shall have ample discretion to regulate and direct these procedures, in order to ensure that all persons who are alien to the judicial functions shall not have access to those documents, if any, that should not divulged.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 5.2; Dec. 22, 1994, No. 150, § 16.

**NOTES:** NOTES:

CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Act Aug. 22, 2003, No. 201, known as the "Judiciary Act of 2003", §§ 24--25r of Title 4.

AMENDMENTS--1994 Act 1994 added the second introductory paragraph, and the final paragraph of this section.

Subsections (a)--(c): Act 1994 added these subsections.

STATEMENT OF MOTIVES. Dec. 22, 1994, No. 150.



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TITLE 3. EXECUTIVE  
CHAPTER 65. ETHICS IN GOVERNMENT ACT  
SUBCHAPTER V. FINAL PART

3 L.P.R.A. § 1853 (2006)

§ 1853. Annual reports

The Office of Government Ethics shall render a detailed report to the Governor and to the Legislature, no later than June 30 of each year, that includes the following information among any other:

(a) A detailed description of the work carried out by the Office during the previous year, itemizing its budget and the use of resources.

(b) Total number of cases filed, pending, and resolved, during the period covered by the report, regarding possible violations of the rules, ethics or other standards of conduct that apply to government officials and employees.

(c) The total number of financial statements filed during the period covered by the report, indicating the cases which have been subject to an investigation, have been required to present additional information by the Office, or have been identified to be of a serious nature.

(d) Civil or criminal actions prosecuted by the Office or the Secretary of Justice for alleged violations of the provisions of this chapter during the period covered by the report.

(e) Corrective measures instituted by the Office in behalf of other government officials and agencies and the final action taken.

(f) A description of the systems established to inform the Secretary of Justice about alleged violations to the conflicts of interest laws and financial statements, and an evaluation of their efficiency.

(g) Recommendations suggested by the Office to improve the effectiveness of the legal provisions which govern conflicts of interest and the standards of conduct of public officials and the employees.

**HISTORY:** HISTORY: July 24, 1985, No. 12, p. 664, § 5.3, eff. 60 days after July 24, 1985.

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