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Conflicts of Interest in Senior Public Administration TB

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Introduction

The Inter-American Convention against Corruption, Decree No. 4,410, of October 7, 2002, initiated a systematic discipline on conflicts of interest in the field of preventive and repressive actions against corruption, establishing in Article III the obligation to create, maintain and strengthen "norms of conduct for the correct, honest and adequate performance of public functions" with the aim of "preventing conflicts of interest" and, as a result, "preserving confidence in the integrity of public servants and public administration".

In turn, the International Convention against Corruption, Decree No. 5687, of January 31, 2006, also emphasized legal discipline regarding conflicts of interest, determining in its Article 7 that each participating State, in accordance with the principles of its internal legislation, will seek to implement systems that will facilitate transparency and avoid conflicts of interest, and will support and strengthen these systems.

Thus, in accordance with the international commitments signed by Brazil in the fight against corruption, Law No. 12,813, of May 16, 2013, called the Conflict of Interests Law (LCI), was approved, which specifically provides for conflict of interests in the performance of position or work of a federal agency of the executive branch, as well as obstacles arising after exercising the position or work.

The aforementioned normative diploma expanded the list of actions typified as administrative impropriety and provides that the public servant who performs acts provided for in articles 5 and 6 of the Conflict of Interests Law (LCI) incurs administrative improbity and is subject to the sanctions provided for in Law No. 8,429, of June 2, 1992, known as the Law of Administrative Improbity (LIA).

The introduction of special legislation on conflict of interests within the framework of the punitive regime for administrative impropriety has become a factor for improving the protection of administrative morality, enhancing the full effectiveness of the constitutional principles that should guide the actions of public servants.

The prevention and suppression of conflicts of interest are the forms of the right to objectify the moral requirements modeled in the Federal Constitution of Brazil of 1988, in the fundamental aspect of the imposition of loyalty in the exercise of public functions, a value that is only possible when this function is fulfilled. intended exclusively for the exercise of the activities of public officials who are guided and dedicated to the exclusive realization of the public interest, whose guardianship and protection is entrusted to them by law.

The impersonality required of the public administrator – also enshrined as a constitutional principle of public administration – presupposes the precept of impartiality, which, in turn, is revealed in the imposition of exclusivity. Indeed, exclusivity is considered under the first prism as a prohibition of satisfying other interests (public or private), which are not crystallized in the rule of competence; From the second point of view, exclusivity emerges as an essential element in the performance of a public function, imposing restrictions on the accumulation of this type of function and the exercise of private activities simultaneously with the performance of public functions, legitimizing incompatibilities and prohibitions.

Thus, this study proposes to analyze Law 12.813/2013 (Conflict of Interests Law - LCI) under the auspices of the constitutional system, in order to facilitate the interpretation and application of important legal provisions.

Theoretical Reference

It is known that the concept of public interest is also subject to constitutionalizing, starting to be guided by fundamental rights. Thus, the public interest is no longer reduced to the concept of the administration's interest - as it was previously in the absolutist State - or even to the management's interest, for which reason it can no longer be invoked, in general, to justify the arbitrariness of those who hold positions of power in the state.

It is in the constitutional perspective that Marçal Justen Filho proposes the concept of "personalized public interest" which opposes the idea of broad and unlimited administrative discretion. By the word "personalized", the administrative means that the question of the dignity of the human person must be guided by the public interest in specific cases, so that such interest deals with "... the realization of fundamental legal values... " and if carried out "... with pleasure the needs of the population, at a specific time, to implement core values". In this context, says Marçal Justino Filho:

No ruler can legitimize his decisions by pure and simple reference to the public interest. It will always be necessary to demonstrate how the specific consequences of the decision will lead to the realization of the principle of human dignity in accordance with the spirit of the legal system [1].

In such a case, the notion of discretion as carte blanche for the administrator is lost. In fact, it is no longer necessary to speak of a binary system of mandatory/discretionary acts, but of "degrees of legal binding". The administrator is left with a certain freedom, but it will be conditioned by the constitutional axiological horizon and will serve this same horizon. Undoubtedly, the evaluation of opportunities and conveniences will always be focused on the realization of basic rights and the promotion of human dignity. In fact, Binenbojm deals with the public interest under the constitutional paradigm: the definition of what is the public interest and its declared supremacy over the interests of the special, is no longer entirely up to the discretion of the administrator, starting to depend on judgments about the proportional weight between fundamental rights and other values and meta-individual interests enshrined in the constitution [2].

On discretion, he says: discretion ceases to be an area of free choice for the administrator to become a residue of legitimacy 46 that must be filled with the technical and legal procedures provided for in the Constitution and in the law in order to optimize the degree of legitimacy of the administrative decision. With the increase in the direct influence of constitutional principles on administrative activity and the emergence of the theory of uncertain legal concepts in Brazil, the traditional dichotomy between mandatory and discretionary acts is abandoned, moving to a system of degrees of legality. In a similar conclusion, Maria Sylvia Zanella di Pietro argues that the principles and values set forth in the constitution limit administrative discretion. According to di Pietro, discretion is conceptualized as the capacity that allows the administration to evaluate and choose, in a concrete case, according to criteria of possibility and convenience, a decision over another, equally valid legally. What happens with constitutionalization is that opportunity and convenience must be aligned with the public interest, which is based on fundamental rights. About the force with which the constitutional values – contained in the principles – radiate until reaching the administrative act, Agustin Gordillo argues that: The principle establishes the direction of the evaluation, in the axiological sense, of the evaluation, spirit (...). The principle requires that both the law and the administrative act respect their limits and that, moreover, they have the same content and follow the same direction, fulfilling the same spirit [2-4].

It should be noted that the administrative act had as classic elements the subject, the object and the form. However, it is in the search for substantively suitable solutions to the constitutional order, and not just formally legal ones, that the theories of abuse of power and determining motives evolved to include reason and purpose as two other elements of administrative action. As can be seen, the possibility of supervising the effectiveness of the administrative act is precisely one of the new paradigms that have emerged as a result of constitutionalizing. Such control will operate precisely for purpose and reason, subordinating discretion to the public interest based on fundamental rights, since every administrative act must, to a greater or lesser extent, aim to protect and/or promote such rights [3].

In other words, public administration can no longer refer to the abstract concept of public interest - which is facilitated by the historical crystallization of the idea that the administrator has the authority to act at his discretion, and his decisions do not depend on the control of merit, as a rhetorical key to convey claims exclusively to the Public Power or even interests alien to the common good. The public interest will emerge from this order of values, shaped by fundamental rights, so that it cannot be used as a mere formal justification to the detriment of those governed.

There is not always an identity between the public interest and the interest of the administrator - and/or management - of course, the first refers to the beneficiaries of administrative activities, while the second concerns the claims of those who carry out administrative activities. State administration "...is not the owner of public interests, but only their guardian; she has to take care of her protection. Hence the principle of the inaccessibility of the public interest". Moreover, as will be seen below, the Administration is not even the only guardian of public interests. The public interest implies the recognition of the instrumental nature of State powers and State agents. Indeed, such powers serve the whole of society, without touching the specific interests of anyone, or part of society, or even the current government. In Brazil, thanks to its historical roots, the State was equipped, which remained protected precisely by accepting the general concept of collective interest, heir to those authoritarian origins of administrative law. In this context, Sergio Buarque de Holanda clarifies that in Brazil for a long time – more strongly in the 19th century – the State was theorized as a kind of extension of the family circle, obeying the same private logic of homes. This way of thinking about administration, which generates clientelism and paternalism through the exchange of services, has profoundly marked the history of the Brazilian State [1,3,5].

The aforementioned anthropologist, using the method of complex sociology, outlines an ideal type, an archetype called "domestic servant", to deal with the abuse of public office, which encompasses a career in the state, see: For the "patrimonial official" the official political administration itself is the object of his special interest; the functions, positions and benefits received from them relate to the employee's personal rights, and not to objective interests, as occurs in a true bureaucratic state, where the specialization of functions and the desire to give legal guarantees to citizens prevail. Indeed, the personalization that Justen Filho spoke about has nothing to do with this capture of the administrative apparatus in favor of exclusively private interests, but rather with respect for the values that make it possible to become a person, as a subject. of law, that is, the dignity of the human personality, a condition for the exercise of human rights [1,5].

In another respect, however, Holanda is wrong – not least because his work Raízes do Brasil predates the notion of constitutional politics – when he claims that the State implies the triumph of the common over the particular. Public interests do not justify the "suppression" of the individual in the name of the community. The relativization of rights in the name of the collective good would mean a philosophical-utilitarian position - of the type defended by Jeremy Bentham - far from the idea of being guided by respect for rights, as proclaimed since the times of Enlightenment political liberalism. Constitutionalization, contrary to utilitarianism, is precisely the recognition of fundamental rights enshrined in the constitutional text and respect for them as pillars of a democratic society [5].

The Conflict of Interests

Article 37, § 4 of CF/1988 establishes that acts of administrative impropriety will entail sanctions such as suspension of political rights, loss of public office, loss of assets and restitution to the treasury, in the form and gradation provided for by law, without

prejudice to the process's applicable penalties. It was also emphasized that, in turn, the said device is governed by Law 8.429/1992 (Administrative Improbity Law - LIA), which describes and establishes sanctions for the practice of administrative acts.

It should also be noted that the Inter-American Convention against Corruption, Decree No. 4,410/2002, initiated systematic discipline regarding the conflict of interests in the field of preventive and repressive actions against corruption, establishing in its Article III the obligation to create, maintain and strengthen "norms of conduct for the correct, honest and adequate performance of public functions" with the aim of "preventing conflicts of interest" as a way of "maintaining confidence in the integrity of public servants and public administration". It should also be noted that the International Convention against Corruption, Decree No. 5687/2006, also highlights legal discipline regarding conflicts of interest, establishing in its Article 7 that "each State Party, in accordance with the principles of its legislation internal, will seek to adopt systems aimed at promoting transparency and preventing the conflict of interests, or to maintain and strengthen such systems." In addition, it was established that in accordance with the international commitments signed by Brazil to combat corruption, Law No. 12,813, on May 16, 2013, called the Conflict of Interests Law (LCI), which specifically provides "on the conflict of interests in the exercise of the position or employment of the federal Executive Branch and subsequent impediments to the exercise of the position or employment" [6].

In addition, article 12 of the Civil Code provides that "a public agent who performs the acts provided for in articles 5 and 6 of this Law incurs administrative impropriety, pursuant to article 11 of Law No. 8,429, of June 2, 1992, when none of the conducts described in articles 9 and 10 of that Law are characterized". Thus, it appears that the Conflict of Interests Act (LCI) is a new legal norm that introduces new types of dishonest acts.

At the same time, it is clear that the more consistent and perfect the control technique, the greater the degree of protection of the values covered by the Federal Constitution, since the legal system consists of a normative complex composed of several systems of sanctions.

Incidentally, José Roberto Pimenta Oliveira states that "the law builds accountability systems when it establishes sets of sanctioning norms, in a unitary and coherent way, based on the elements that define them (legal good, illicit, sanction and process).

LCI introduces a new list of administrative offenses that merit systematic interpretation. In Brazilian corporate law, the conflict of interests is contrary to professional ethics, as it is prohibited by Law 6,404, of December 15, 1976 (Law of Corporations), in Articles 115 and 156, which regulate the voting rights of shareholders, opportunity in which he establishes the obligation to use such right in accordance with the interests of the company, being forbidden to vote in any general meeting that may bring some benefit to him or to any person whose interests are in conflict with the interests of the company.

The Brazilian Civil Code (Law No. 10,406 of January 10, 2002) also provides a clear provision in Article 1,010, § 3; 1017, sole paragraph; and 1,053, on the regime of corporations and limited liability companies.

In the public sphere, administrative legislation has contemplated the consideration of conflicts of interest, which directly depends on Brazil's duty to prevent these conflicts from the point of view of public administration, as a State party to the International Conventions to Combat Corruption.

Article 3, item I, of the LIC defines a conflict of interests as "a situation resulting from a conflict between public and private interests that may jeopardize the collective interest or unduly harm the performance of public functions".

Conflict of interests, therefore, is an antagonism of interests that exists between the private sphere, in the case of a public agent or third party, and the public sphere to which the agent is linked by virtue of his function, which may jeopardize the collective interests and compromising loyalty, impersonality and impartiality in the exercise of public function, with the need to illicitly enrich oneself or others or, subsequently, damage public property, as explained by José Roberto Pimento conflict of interests is a legal and functional situation in which a State agent places himself in a certain position that may cause damage to the loyal, impersonal and impartial performance of public functions due to the emergence or presence of a private interest (own or a third party), which may distort the administrative action, in accordance with the principles and rules of the Brazilian legal-administrative regime. It is not necessary that the situation created leads to a certain form of illicit enrichment of oneself or of other persons or activities that cause damage to public property [7].

Law 12.813/2013 (Conflict of Interests Law - LCI) must obey and be interpreted in accordance with the constitutional matrix and, observing the hypotheses of conflict of interests listed in articles 5 and 6, it is stated that the LCI can be applied to all servers belonging to the three spheres of power, and to all subjects of the federation, provided that there are conditions for the legal qualification of the facts and the existence of a legislative device in this regard. The concept of State agent subject to the legal regime of responsibility is defined by Article 2 of the General Law of Administrative Improbity, that is, Law No. 12,813/2013 (Law on Conflicts of Interests – LCI).

José Roberto Pimenta addresses this issue as follows: It is not possible to exclude the typification provided for in Law nº 12.813, the illicit conduct detailed therein, arguing that it is not a public act of an agent of the "federal executive power" because it is not expressly provided for in the law, since this particular law does not it had power, in that regard, to alter the common law definition of a state agent. The factual basis of the special law must be used with the subjective conceptual definition of the general law [7].

Therefore, it is concluded that the LCI legal regime applies not only to the persons listed in art. makes of indirect public administration, provided for in art. 6, § 1, which is why public agents who are part of consortia with private law personality will be covered by the conflict-of-interest regime. In short, when public and private interests are in conflict and the situation may lead to the depreciation, disregard or decrease of the collective interest, in whole or in part, thus losing its high value, the conflict of interests will remain configured the conflict of interests in the performance of the public function.

Thus, article 3, item I, of the LCI contains a broad and general concept of what constitutes a conflict of interests, while articles 5 and 6 of the said diploma present a list of situations that in themselves already define this conflict of interests in the exercise of public office or employment or after the end of the functional relationship with the Administration.

The basis of the conflict of interests is the confidential information received in the exercise of public functions, defined in article 3, item II, as "that which concerns a confidential matter or is relevant to the decision-making process at the federal level of the Executive Branch, which has economic or financial consequences and is not known to the general public". In this regard, LCI protected the public disclosure of information relating to confidential matters, as well as information necessary for public policy decisions, in a mature stage, as well as information that may have economic or financial consequences and that is not yet public knowledge. Thus, every person who holds a public office or office and who, in the exercise of his functions or powers, becomes aware of confidential information, as conceptually defined above, which may bring economic or financial benefit to a public agent or third parties, will be subject to the Law 12.813/2013 (Conflict of Interests Law – LCI) [8].

It is concluded that the express objective of the Law in question is to try to avoid a clash between public and private interests that could jeopardize collective interests, namely with regard to matters of a confidential or relevant nature in the context of discussions between the public administration and economic entities or economic consequences, financial information that is not generally known. The list of people who hold public office or who are obliged to comply with the LCI includes not only the direct holders of command and management functions, but also all those who, through the exercise of their functions, have access to confidential matters or privileged information [8].

From the reading of art. 2 of the LCI, it is concluded that, listing the holders of positions or jobs subject to this law, this device falls within the list of items II, III and IV, which are "equivalent". This, by the way, shows that this Law has a national scope and does not limit its application only to the federal sphere of public agents.

Thus, for the purposes of the LCI, subjection to the Law must be interpreted according to the nature of the functions performed, since, in addition to the bodies that naturally have access to this information by virtue of the type of authority, there are others that acquire this knowledge precisely for the public work they carry out without being exclusive to the federal executive power, and must, therefore, also be subject to the provisions of the relevant law, as will be duly demonstrated. As already mentioned, the main purpose of the LCI is to curb the practice of acts by management agents that, due to their functional performance, are contrary to the public interest, and therefore, a conflict of interest may arise even in the event of temporary removal. of public office or employment, or after the end of the agent's bond with the public administration, the use or disclosure of confidential information is forever prohibited, that is, the restriction is not limited to a period of time, but rather, it is a continuous imperative. However, there are temporary restrictions that are lifted after the end of the quarantine. Law 12,813/2013 (Conflicts of Interests Law - LCI) defines this period at six months, counted from the moment of termination of the relationship with the public administration. On the other hand, the former agent is entitled to compensatory remuneration for the same period under the terms of Decree No. 4187, of April 8, 2002, as long as it does not conflict with the LCI [8].

Thus, when the conflict between public and private interests is confirmed, under the conditions listed in Law 12.813/2013, people who held public offices or positions listed in art. 2 of the LCI or "equivalents", or holders of privileged information able to bring economic benefit to themselves or to third parties, impeded by the termination of the link with the state administration, are entitled to compensation. It turns out that each situation must be analyzed as such so that the obstacle can be inferred in the specific case and adjusted so that the right to compensatory damages is recognized, since this protection is not granted automatically, considering that in some situations, after all , the former agent does not fall into a situation of conflict of interest [9].

Therefore, the initiative of those who have left a public office or job is important to point out a possible obstacle, since this task is the responsibility of the state councilor even after his removal from the Board of Directors.

Having made the previous considerations, we proceed to the analysis of the conflict of interests as an act of administrative impropriety, scope of application of Law nº 12.813/2013, the hypothesis of occurrence, the moment of its configuration, the respective sanctions, the preventive procedures to be adopted other points necessary for the deepening of the subject.

Conflict Situations and Sanctions

The second and third chapters of Law 12,813/2013 regulate situations that constitute a conflict of interest during and after management or employment. There are seven situations that can be called conflict of interest in the exercise of official functions, which can be summarized as follows: i) disclosure or use of confidential information (art. 5, I); ii) maintain commercial relations, onerous or gratuitous, with any person interested in its solution (article 5, II); iii) exercise of activities incompatible with the position (article 5, III); iv) act in the form of so-called administrative advocacy (article 5, IV); v) perform acts for the benefit of the legal entity in which the representative or his relative up to the third degree participates (art. 5, V); vi) receive gifts from anyone who has an interest in their decisions outside the scope of the regulation (article 5, VI); vii) Provide services to companies whose activities are controlled, inspected or regulated by an entity to which the public agent is linked (article 5, VII). After taking office, the Legislature established that the agent: i) may not, at any time, disclose or use confidential information obtained as a result of the activity carried out; and ii) must comply with the six-month quarantine period for the situations described in art. 6th, II [9].

It is opportune to briefly describe the results of the work of the CGU in relation to these two sections, since the study of the nature of different situations of potential conflict of interests is not part of the object of this study. Based on the above, there is a need for a summary report on the results of the CGU's activities. Based on multiple and different requirements, two regulatory guidelines were issued jointly with the CEP, and two regulatory guidelines were issued by the CGU alone on conflicts of interest. Both CEP-CGU Joint Normative Guidance No. 01/2016 and CGU Normative Guidance No. 01/2014 seem to have lost their purpose because they are transitional situations that have already been exhausted. (CGU, online) The powers of the competent authorities, their scope and subordinate agents are clearly defined in art. 2, sole paragraph, 8, its items, sole paragraph and 10 of Law 12,813/2013 and provide the legal basis for determining the nature and scope of CGU deliberations, as well as its attributions and powers. Sanctions are provided for in Chapter V; Article 12 establishes that all agents who, in addition to the definition of a conflict of interest, are responsible for civil offenses, will be subject to the penalties of Law 8.429/92 (Improbity Law) if they do not comply with the provisions of Articles 9 and 10 (obligations of provide information and consultations in circumstances that may create a

conflict of interest). In turn, the sole paragraph of art. 12 clearly indicates that the sanction applicable to the agent who is in conflict of interest is the punishment in the form of dismissal from the public service provided for in art. 127, III, 132 of Law 8.112/91 or equivalent measure [6,8,9].

It is also worth mentioning that the device is expressed and complemented by art. 13, without excluding other sanctions provided for in various laws, such as, for example, adequate restitution in case of damage to the treasury.

Art. 12. The public agent who performs the acts provided for in arts. 5th and 6th of this Law incurs in administrative impropriety, in the form of art. 11 of Law No. 8,429, of June 2, 1992, when none of the conducts described in arts. 9 and 10 of that Law.

Single paragraph. Without prejudice to the provisions of the caput and the application of other applicable sanctions, the public agent who finds himself in a situation of conflict of interests is subject to the application of the disciplinary penalty of dismissal, provided for in item III of art. 127 and in art. 132 of Law No. 8.112, of December 11, 1990, or equivalent measure.

Art. 13. The provisions of this Law do not exclude the applicability of Law No. 8.112, of December 11, 1990, especially with regard to the determination of responsibilities and possible application of sanctions due to the practice of an act that configures a conflict of interests or an act of misconduct contained therein.The ordinary legislator attributed to the CGU, art. 4, §1, with art. 8, caput and sole paragraph, of Law 12.813/2013, the competence to decide on conflicts of interest. It is important to emphasize that we are not discussing the convenience and possibility of determining the competence defined in Law 12.813/2013, this discussion has already been considered by Parliament, where the ordinary legislator, after the ordinary legislative process and due discussion with society, made a choice and determined the body responsible for determining the conflict of interest.It should be noted that, for the purposes of this study, chapter IV of Law 12,813/2013 is the most relevant, as it innovated the legal system and clearly conferred to the CGU the institutional powers provided for in art. 8th. Initially, in a superficial analysis of the law, it can be interpreted that the relevant role in considering the conflict of interests would fall to the CEP, with the CGU having additional functions, simply bureaucratic and (or) advisory, managerial or even just promotion, since that a potential conflict of interest would only arise at the top, and when it does arise at the bottom, the public body or company to which the public servant belongs will decide the matter, but a careful examination of the course of law, in contrast to the introduction of this paragraph, leads to the conclusion that the competence of the CGU resembles the competence of the CEP in all aspects, differing only in the hierarchical position occupied by its jurisdictions.By way of illustration of the statement in the previous number, just by way of example, a possible conflict of interests that may arise between the activities carried out by a work inspector specifically hired to supervise a certain contract, but who, at the same time, works for the counterparty bank. Will there be a conflict of interest? By way of example, we just want to mention that real situations can be very diverse and cover the entire hierarchy, hence the importance that the law attaches to the CGU. What was said in the previous paragraphs finds support in the systematic study of law, especially in arts. 8th, sole paragraph, 9th and 10th. Article 10 extends the legal norms to all occupants of public offices and positions, obliging them to also behave in a way to protect confidential information, avoid conflicts of interest and provide all information to the supervisory authorities. Now, if it applied to all public servants, there would be a law that would determine to whom those representatives not listed in art. 2nd The answer to the question is expressed in art. 8. It is noted that the sole paragraph of art. 8 leaves the CEP to supervise the top, and at the same time, the CGU, in the form of a regulation, obliges it to act in cases involving other agents [6,10-13].

Conclusion

Law No. 12,813 defines a conflict of interest as "a situation resulting from a conflict between public and private interests that may jeopardize collective interests or unduly affect the performance of public functions". This opposition between public and private interests arises only when there is damage to collective interests or public functions, emphasizing that there is no need to regularize the damage to public property or to a public agent who has financially gained from the conflict. Thus, Law No. 12,813 establishes disciplinary norms related to the performance of federal executive servants in situations of conflict of interest. In addition, art. 2 covers occupants of a position or job who, for just cause, have access to confidential information, understood as relating to a confidential matter or relevant to the decision-making process within the competence of the federal executive branch, which has economic interest or financial consequences, and not is common knowledge.

The said Law applies to them in accordance with its article. 2nd: a) Minister of State; b) Of a special or equivalent nature; c) the president, vice-president, director or equivalent of an autarchy, public foundation, public companies or government-controlled company; d) higher management and advisory groups, DAS, levels 5 and 6 - and other civil servants or employees of the federal executive branch. Thus, article 5 of the law provides: "Conflict of interests in the exercise of a position or employment within the scope of the federal Executive Power: I - disclose or make use of privileged information, for one's own benefit or that of third parties, obtained due to the activities carried out".

It is the duty of the government agent to prevent and prevent possible conflicts of interest and to preserve the secrecy of information. In case of doubt, according to Article 4, the query must be forwarded to the Ethics Committee or to the CGU. However, situations that constitute a conflict of interest in the exercise of official functions, such as the exercise of activities that imply the provision of services or the maintenance of commercial relations with a natural or legal person who has an interest in decision-making, State agent or a panel in which it takes participation; carry out, directly or indirectly, activities that by their nature are incompatible with the characteristics of the position or work, including activities that develop in related areas or topics; act, even if unofficially, as a lawyer, consultant, advisor or mediator of private interests in bodies or organizations of the direct or indirect public administration of any of the powers of the Union, states, federal district and municipalities; the practice of acting in favor of the interests of a legal entity in which you are a public agent, your spouse, partner or relative, in a blood or related line, direct line or collateral, up to the third degree, and who can benefit from or influence you in its management actions; receive donations from those who have an interest in the decision of an agent or collegiate of the State in which they participate, outside the limits and conditions established by regulation; and provide services, even occasionally, to companies whose activities are controlled, audited or regulated by an entity to which the public agent is linked.

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