

INCOMPATIBLE NEGOTIATION (ARTICLE 240 OF THE CRIMINAL CODE)

Art. 240

It will be sanctioned with the penalty of minor imprisonment in its medium to maximum grades, temporary absolute disqualification for positions, jobs or public offices in its medium to maximum grades and a fine of half of the value of the interest that would have been taken in the business:

1° The public employee who directly or indirectly is interested in any negotiation, action, contract, operation or management in which he would intervene due to his position.

2° The arbitrator or the commercial liquidator who directly or indirectly holds interest in any negotiation, action, contract, operation or management in which he/she would intervene for the goods, property or equity interests whose award, partition or administration he/she is in charge.

3° The supervisor or liquidator in a bid proceeding that directly or indirectly is interested in any negotiation, action, contract, operation or management in which he/she would intervene in relation to the goods or patrimonial interests whose safeguard or promotion he/she is in charge. In this case, provisions of article 465 of the Code herein shall apply.

4° The expert who directly or indirectly is interested in any negotiation, action, contract, operation or management in which he would intervene on the subject of the goods or things whose appraisal corresponds to him.

5° The guardian or executor who is directly or indirectly interested in any negotiation, action, contract, operation or management in which he/she would intervene in relation to the assets of the pupils and the testamentary proceedings he/she is in charge, in breach of the conditions established in the law.

6° Whoever is in charge of safeguarding or managing all or part of the assets of another person who is unable to manage it, who directly or indirectly takes an interest in any negotiation, action, contract, operation or management in which he or she is to intervene in relationship with that patrimony, in breach of the conditions established in the law.

7° The director or manager of a corporation that directly or indirectly is interested in any negotiation, performance, contract, operation or management that involves the company, in breach of the conditions established by law, as well as any person to whom the regulations are applicable that on the subject of duties are established for the directors or managers of these companies.