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CONFIDENTIAL

March 10, 2003

[Charles Smith]
Assistant Commissioner, Department of [U]

Chicago, IL 606XX

Re: Case No. 03020.Q

Dear Mr. [Smith]:

On February 27, 2003, you asked whether the City's Governmental Ethics Ordinance prohibits your department from accepting an offer from [T] Company to pay travel expenses for a departmental employee (as designated by your Commissioner), to attend an informational seminar [T] is conducting on March 6 and 7 at its home office in [A City], Connecticut. This letter confirms the advice that Board staff gave you and [George Doe] of your department on February 28 that it is staff's opinion, based on the facts presented and on prior cases, that the Ordinance does not prohibit acceptance of this offer.

As both you and Mr. [Doe], the department's Assistant [V], explained to Board staff, and as the materials you both provided indicate, [T] is introducing new [technology] systems across the country. To provide [inspection personnel working with the technology] in Chicago and other major cities with technical and operating information relevant to performing complete inspections, including rides on the systems, demonstrations of movement control innovations, safety features, braking systems and rescue operations and an explanation of code variations [T] was required to effect in North America, [T] has invited inspectors from around the country to this seminar, and offered to pay all expenses. [T] has no City contracts, but it is the manufacturer of approximately 35-40% of the [technology installations] located in Chicago. Your department inspects these annually. The offer letter is addressed to [John Jones], the City's [U] Commissioner, inviting him to designate two departmental employees to attend the seminar. You said that he has designated Mr. [Doe] to attend. You also said he believes that [Mr. Doe's] attendance would be advantageous to the City, as the seminar is designed to "train the trainer"—upon his return, he will be able to train the department's inspectors using the information gathered at the seminar. Mr. [Doe] no longer actually performs inspections, but supervises the inspectors who do. Mr. [Doe] was to fly from Chicago late in the evening on March 5, and return the afternoon of March 7. The offer includes transportation, two nights' lodging, breakfast and lunch on March 6 and 7 and dinner on March 6.

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Based on these facts, and on previous Board cases, Board staff concludes that nothing in the Ordinance prohibits the department or Mr. [Doe] from accepting [T's] offer, so long as the expenses are reasonable and reasonably related to the business purpose of the trip, serve to benefit the City rather than Mr. [Doe] personally, and are not offered in exchange for his willingness to influence City decisions concerning future [] inspections of [T's] products. Given your and Mr. [Doe's] statements, these conditions are satisfied. See Case Nos. 01002.Q; 98039.Q; 98040.Q; 97014.Q; 90046.Q. Staff cautions you (and Mr. [Doe]) that § 040(c) of the Ordinance prohibits any employee whose City decisions can substantially affect [T's] City business from accepting any gift or item valued at \$50 or more from it (this prohibition does not include the travel expenses listed above).

Staff's conclusion is based solely on the application of the City's Governmental Ethics Ordinance to facts presented; other laws, rules, regulations or policies may apply to this situation. If any of the facts in this letter are incomplete or inaccurate, please inform us, as any change could alter the conclusion.

We sincerely appreciate your sensitivity to the standards contained in the Governmental Ethics Ordinance, and willingness to comply with them. Please contact us if you have any further questions.

Yours very truly,

Steven I. Berlin
Deputy Director

Approved:

Dorothy J. Eng,
Executive Director

cc: [George Doe]