

7/24

September 20, 1989

[REDACTED]

City of Chicago
Richard M. Daley, Mayor

Board of Ethics

Re: Financial Interest Statements and Committee
on Standards and Testing; [REDACTED]

Case No. 89129.A

Dear [REDACTED]

Mary Milano
Vice Chair
Margaret Carter
Angeles Eames
Russell Hardin
Rev. A. Patterson Jackson
Marlene O. Rankin
Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

The Board of Ethics is in receipt of your letter of August 25, 1989. In this letter, you stated your belief that you did not have to file a Statement of Financial Interests with the Board because the City agency upon which you served, the Committee on Standards and Testing, was "solely advisory."

Section 26.2-15(b) of the Ethics Ordinance exempts appointed officials from the Financial Interests Statement filing requirement if the agency upon which they serve is "solely advisory" in nature. This section uses three criteria in defining "solely advisory": First, the agency upon which the appointed official serves must have no authority to make binding decisions. Secondly, it can have no authority to enter into contracts. Thirdly, the agency can make no expenditures other than those incurred for research purposes.

After reviewing the Municipal Code chapter which establishes the Committee on Standards and Testing and enumerates its powers (Chapter 41.1), and after discussions with personnel at the Department of Inspectional Services, the Board of Ethics concludes that the Committee on Standards and Tests is not "solely advisory" in nature. The Board reaches this conclusion due to the decision-making authority vested in the Committee. Section 4 of Chapter 41.1 authorizes the Committee to certify new building materials, methods, etc. as satisfactory. Upon this certification, such new materials and methods can be employed in Chicago. Discussions with Building Department personnel indicate that, subsequent to the Committee's certification, there is no action taken by the Commissioner of Inspectional Services, the City Council, etc. In effect, the Committee has the last word on the use of the new building materials



and methods. In the opinion of the Board, this

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constitutes binding decision-making authority, and thus denies the Committee the status of a "solely advisory" agency.

Therefore, the Board finds that appointed officials serving on the Committee on Standards and Tests do not qualify for the exemption from filing provided by Ethics Ordinance Section 26.2-15(b). Accordingly, you and other members of the Committee must file Statements of Financial Interests pursuant to Article 2 of the Ordinance.

RECONSIDERATION: This advisory opinion is based upon the facts which are outlined in this letter. If there are additional material facts or circumstances that were not available to the Board when it considered your case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances which are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this letter.

RELIANCE: This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

Should you have any questions, please contact the Board of Ethics at 744-9660.

Sincerely,



Mary Milano
Vice-Chairman

cc: 