

MEH

MEMORANDUM

City of Chicago  
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To: [REDACTED]

From: *Marilyn E. Hanzal*  
Marilyn E. Hanzal  
Legal Counsel

*FILE  
out + emp*

Re: Case No. 91028.Q

Date: January 18, 1991

On January 16, 1991, as POSITION A [REDACTED] of the City of Chicago, you posed two issues to the Board of Ethics. The first was whether you could serve as a paid consultant on a project for [REDACTED] GROUP Z.

With regard to the that question, you stated that you have an independent contract with FIRM B [REDACTED] to research and develop issues that GROUP Z should be aware of with regard to handicapped persons and senior citizens. You also stated that in your capacity as an independent contractor, you will have nothing to do with any City agency nor will you be addressing ISSUES PERTAINING TO YOUR CITY JOB.

There is nothing per se in the Governmental Ethics Ordinance that prohibits you from having a non-City job. However, the Ordinance does place certain restrictions on you if the services you render in you non-City employment are provided to or for the City. The Board has previously determined that GROUP Z is not a City agency (Case No. 90013.A).

If FIRM B'S [REDACTED] contract or your contract was with a City agency, then you would be limited to earning \$2,500 per year or a lump sum of \$5,000 under the provisions of the Ordinance. Since neither GROUP Z nor FIRM B [REDACTED] is a City agency, and since no City agency is involved with this project, you are free to consult on the project and there is no limitation on the amount which you can earn.

In addition, you may not represent GROUP Z or FIRM B [REDACTED] in a proceeding or transaction before a City agency.



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With regard to the second issue, you stated that the Mayor's Office has asked [redacted] your office [redacted] to conduct a study to evaluate the feasibility of second tier franchising. There are presently [redacted] companies which have a franchise with the City, and the Mayor's Office asked if the City can accommodate more [redacted] companies. [redacted] Your office [redacted] will hire an outside firm to conduct the study. You know one of the people who will be presenting a bid for this project. You stated that you went to college with him and have kept in contact with him since then. You have no monetary or other interest in his firm. You asked if you must recuse yourself from the decision-making process in awarding this contract.

IN YOUR  
AREA OF  
JURISDICTION

The sections of the Governmental Ethics Ordinance which would affect your ability to make a decision on this project are all based on a monetary interest in the decision. Section 2-156-030, improper influence, and section 2-156-080(a), conflict of interest, prohibit one who has an economic interest (an interest of any value) in a matter from making a decision with regard to that matter. Since you have no economic or monetary interest in the bidding firm or the matter, the Ethics Ordinance does not require you to recuse yourself. However, every City employee owes their first duty to the City. Therefore, although you may take part in the decision-making process, you must exercise your decision-making power in the best interest of the City.

The evaluations above do not take into account [redacted] any other laws or ordinances. Our determination and recommendations are based upon the facts as stated in this memorandum. If these facts are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our decision. We appreciate your effort to comply with the ethical standards imposed by the Governmental Ethics Ordinance. If you have any further questions, please feel free to contact us.

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