



June 6, 1989

[Redacted]

City of Chicago
Richard M. Daley, Mayor

Re: [Redacted]
Case No. 89106.A

Board of Ethics
Harriet McCullough
Executive Director

Dear [Redacted]

Sol Brandzel
Chair
Mary Milano
Vice Chair
Margaret Carter
Angeles Eames
Russell Hardin
Rev. A. Patterson Jackson
Marlene O. Rankin

The Board of Ethics has received your request for an advisory opinion concerning an *educational foundation's* offer to (1) pay you to conduct a workshop on the *foundation's* curriculum, and (2) cover your travel expenses in connection with the workshop.

Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

This ed. foundation has contracted with the [Redacted] Division in the past, and as an *employee* of the Division, you were involved in the planning and evaluation of those contracts. Currently, *this foundation* has no contracts with the Dept. or Division, but could bid on a City contract in the future.

The workshop which you plan to conduct will take place in *another state* ^{over 2 days}, at a Day School (which is co-hosting the event). *This educational funds* proposes to pay you \$125 a day for your services and reimburse your travel expenses, including airfare, hotel, and car rental.

ANALYSIS: Section 26.2-4 of the Ethics Ordinance (Chapter 26.2 of the Municipal Code of Chicago) allows City employees to accept reasonable hosting, including travel and expenses, such as you have described. Therefore, you are not prohibited by the Ordinance from accepting reimbursement for your travel expenses from *this educational foundation*.

As for the question of payment for conducting the workshop, so long as you do not give any advice or assistance concerning the business of the City of Chicago in the course of the instruction, you will not violate the Ethics Ordinance.

However, once you have accepted payment from *this foundation*, you will be subject to significant restrictions in your dealings with that organization in your official capacity. Section 26.2-8(a) of the Ethics Ordinance states:



No official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any economic interest distinguishable from that of the general public.

Under this provision, after having been employed by *this foundation*, you will have to recuse yourself from participation in any governmental decision which touches upon *the foundation*. For this reason, and because of the potential appearance of impropriety when a City employee with contract management authority accepts compensation from a possible City contractor, we urge you not to accept any payment from *this foundation*.

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.

If you have any further questions, please do not hesitate to contact the Board of Ethics at 744-9660.

Sincerely,


S. Brandzel
Chairman

4/10/89

SUMMARY OF ETHICS ORDINANCE
PROVISIONS WITH RESPECT TO TRAVEL

The Chicago Ethics Ordinance contains three main restrictions with respect to the acceptance of gifts by City employees and officials. These may be summarized in the following way:

- 1) No City employee or official may accept any anonymous gift (Section 26.2-4 (a));
- 2) No City employee or official may accept any gift or benefit on the basis of an understanding that such gift or benefit will influence his or her governmental decisions (Section 26.2-4(b)). [Although this restriction applies to any gift or benefit regardless of value, it is presumed that a non-monetary gift worth less than \$50 does not involve any improper attempt to influence governmental decisions].
- 3) No City employee or official may accept any cash gift, or any item or service worth \$50 or more from any person who has an economic interest in a transaction with the City if the employee or official may substantially affect this transaction (26.2-4(c)). [This restriction does not apply to gifts from relatives].

Since the Ethics Ordinance defines a gift as "anything of value", these three restrictions on the acceptance of gifts would apply to the acceptance of travel and hosting as well.

However, the Ordinance also states that these restrictions should not be interpreted to prohibit the acceptance of certain types of travel. Section 26.2-4(d) (iv) states that:

Except as prohibited in subsections (a) and (b), nothing in this Section 26.2-4 shall prohibit any person from giving or receiving; ...reasonable hosting, including travel expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public events.

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Under this Section, City employees and officials are explicitly allowed to accept travel and hosting expenses in circumstances where all of the following conditions are met:

- 1) The expenses are not given anonymously;
- 2) There is no understanding either explicit or implicit that the benefits being furnished will influence the recipient's governmental decisions;
- 3) The expenses are furnished in connection with a public event or ceremony;
- 4) This public event is related to official City business;
- 5) The expenses furnished do not exceed what is reasonably necessary to enable the recipient to carry out his official obligations with respect to such events; and
- 6) The person furnishing the expenses is the sponsor of the event.

JH:tl/1-0011