

**ADVISORY OPINION  
CASE NO. 02042.A  
Post Employment**

To: [ ]  
Assistant Commissioner

Date: January 15, 2003

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You are an Assistant Commissioner in the [the Department] ( ). You are considering applying for the position of Executive Director of [Agency ], an organization that serves as a “delegate agency” to [the Department] pursuant to a contract it has with [the Department]. In a letter received by the Board of Ethics on December 11, 2002, you requested an advisory opinion addressing what restrictions the City’s Governmental Ethics Ordinance would place on your prospective post-City employment. After careful consideration of the facts presented and the relevant law, the Board has determined that:

- 1) The Ordinance’s one-year prohibition would not prohibit you from assisting [Agency ] with respect to the employment and job-training services it provides at the [Neighborhood] One-Stop, and;
- 2) The Ordinance would not permanently prohibit you from assisting or representing [Agency ] with respect to its delegate agency agreement with [the Department] for providing of employment and job-training services at the [Neighborhood] One-Stop.

However, we caution you that our analysis of your responsibilities at [the Department] indicates that you may have been personally and substantially involved in other business transactions involving the City, specifically with respect to your service on the team responsible for generating and implementing overall policies concerning facility management, coordination of government services, and general administrative issues throughout the five One-Stop facilities in Chicago. In the event that you would be asked to assist [Agency ] (or any other person) with respect to these issues, we advise you to contact the Board for specific guidance.

**FACTS**

**I. Your City Employment.**

You have been employed by [the Department] since 1992. Called the [Different Department ] until 1998, [the Department] is responsible for providing employment assistance and job training to City residents, and for providing recruiting and training assistance to Chicago businesses. Many of [the Department]’s employment services are offered

through contractors (“delegate agencies”), which receive federal and state funds administered by [the Department]. Your positions with [the Department] (and MET), and your responsibilities in them, are discussed in the next sections.

Director of Finance, [ ]: 1992-1995.

You served as [ ] Director of Finance from 1992 through 1995. The finance division of [ ] was (and is, for [the Department]) responsible for processing reimbursement vouchers from delegate agencies. During your tenure as Director of Finance, you helped develop the voucher system that [the Department] currently uses to pay contractors. You explained that the Department had previously paid contractors based solely on the number of people they brought in to take advantage of their programs. You worked with staff from the various divisions of [the Department] to design and implement a system that credited and paid contractors based on their performance, rather than simply on the raw numbers of “clients” they brought in. Although their contracts differ slightly, delegate agencies typically submit monthly requisitions (vouchers) for reimbursement from the Department. These vouchers, which identify the services provided and the costs expended, are reviewed for compliance with the grant agreement by staff of [the Department]’s finance division. If approved, the City reimburses these delegate agencies within a fixed number of days. As part of this approval process, [the Department] auditors periodically review the programs offered by the delegate agencies (“programmatic auditing”). You stated that you occasionally interacted with delegate agencies if there was a problem or concern with their reimbursement, although you do not remember if you dealt directly with [Agency ]. However, as Director of Finance, you had final approval within [the Department] over the reimbursement of delegate agencies, including [Agency ]; your signature was required for any voucher to be approved. During this time, you said, you also gave presentations to delegate agencies about the voucher system, explaining the responsibilities of the delegate agencies and the Department, although you do not believe you ever made such a presentation to [Agency ].

[The Department’s] finance division is also responsible for auditing the financial statements of delegate agencies. You described this auditing as “fiscal auditing” (as distinct from programmatic auditing)<sup>1</sup> and stated that you were not involved in auditing any particular delegate agencies financial records, although the fiscal audit staff reported to you, and kept you informed as to any problems or issues that arose during a particular audit. In the event that a fiscal discrepancy arose that could

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<sup>1</sup>Briefly, you explained that, within [the Department], the fiscal auditing function ensures that the funds administered by the City are being used by the delegate agencies in a manner consistent with the grant award. Fiscal auditors review cash flow reports, operating expenses, W2 forms, and all other relating to financial accounts of the delegate agencies. “Programmatic auditing” is undertaken by a separate group of auditors within [the Department], whose responsibility is to ensure that the program objectives of the grant award are met; i.e., that the services contracted for are being provided in a manner consistent with the grant award. For example, program auditors make site visits, monitor the number of clients the agency services, and provide “technical” assistance (advice on running the program) when necessary.

compromise the grant award (for example, expenditures inconsistent with the purpose of the award), staff from [the Department]'s finance division would meet with the delegate agency to rectify the situation. You stated that you had no occasion to be involved in any of these meetings during your tenure as Director of Finance, although, as above, staff kept you informed as to the issues and results of these meetings.

Deputy Commissioner for Operations, [ ]: 1995-1997.

In September 1995, you were promoted to Deputy Commissioner for Operations in [ ]. In this capacity, you said, you were responsible for the internal administration of the Department. Employees from [ ] finance, human resources, information technology, and administrative services divisions reported to you. You said that this position, as the title implies, was supervisory in nature. While all issues of internal administration (hiring, office management, computers and communications) came under your purview, you explained that you did not exercise "hands-on" authority over any of these. Rather, you oversaw the staff that undertook these functions, and personally focused more on integrating the various administrative and operational services within the Department. You also continued your work in developing the voucher system in this capacity, but had no direct dealings with any of the delegate agencies or other contractors that were paid through this system, and, you said, you did not sign off on vouchers from delegate agencies.

Assistant Commissioner, [the Department]: 1998-present.

1. Summer Youth Job Program.

In early 1998, following the reorganization (and renaming) of the Department, you assumed your current responsibilities as Assistant Commissioner. In an interview with Board staff on December 18, 2002, you explained that, in contrast to your previous responsibilities, your initial duties in this position were program-related, specifically with regard to [the Department]'s Summer Youth Job Program.<sup>2</sup> In that role, you helped promote the program, met with private and public sector employers to encourage them to hire program participants, oversaw the program's budget, and supervised the staff members that dealt with the day-to-day operations of the program. You said that, although [Agency] is currently involved with youth job training and assistance, [Agency] was not a part of the Summer Youth Job Program. You stated that you also represented the Department in City-wide and intergovernmental initiatives for older citizens. Again, [Agency] was not a part of any of these initiatives.

2. Policy Team.

You stated that your current duties are related primarily to departmental policy concerns, not to directing or overseeing specific programs or contracts. You report directly to [the Department]

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<sup>2</sup>This program provides Chicago youth, ages 14-21, with work experience in a number of fields during the summer. In recent years, students have been employed as clerks, tutors, artists, recreational workers and daycare helpers. Their employment is supplemented by academic classes.

Commissioner [Mary ] as part of an executive team that regularly advises her on a variety of policy issues. You said the majority of your time is spent interacting with State agencies and state-wide associations, focusing on integrating the job training services offered by [the Department] with those offered by other governmental entities. Thus, you said, your role on this team is similar to that of an intergovernmental liaison, keeping the Commissioner apprised of developments in state and federal agencies that may have an impact on [the Department]'s activities. You also serve as the Commissioner's representative at conferences, meetings, and other events involving other governmental agencies.

### 3. Intergovernmental Teams.

Among your current responsibilities is serving on intergovernmental teams that assist in the coordination of the job-training services offered by the City, state, and federal governments. Specifically, you serve on Welfare-to-Work Initiative, Workforce Solutions, and the Chicago One-Stop Career Center teams. For the purposes of this opinion, the Board focuses its attention on your service on the team dealing with the Chicago One-Stop Career Centers program.

#### *i. The Chicago One-Stop Career Centers.*

The One-Stop Career Service Centers are a component part of the federal Workforce Investment Act (WIA), a Department of Labor program that provides federal funds to units of state and local government for employment and job-training projects.<sup>3</sup> Under WIA, each State must establish both State and local workforce investment boards. The State workforce investment board helps the Governor develop a five-year strategic plan describing statewide workforce development activities. The plan delineates how the requirements of the Act will be implemented, and how special population groups will be served. The local workforce investment board, in partnership with local elected officials, plans and oversees the local system. The local board selects the operator of a "One-Stop" center through a competitive process or may designate a consortium of not less than three "partners" to operate a center.<sup>4</sup> These partners, either through their own staff or through delegate agencies, then offer employment and job-training services through the One-Stop centers. The partners are paid using WIA funds, which they in turn use to fund their programs and reimburse delegate agencies.

The Chicago Workforce Board has designated a consortium of [the Department], the Illinois Department of Employment Security (IDES), the Illinois Department of Human Services (IDHS), and the Chicago City Colleges (CCC) to operate the Chicago One-Stops. Of the five One-Stop centers, three are located in Illinois Department of Employment Security facilities ([Neighborhood]

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<sup>3</sup>In 1998, the WIA superseded the Job Training Partnership Act (JTPA), a similar federal program.

<sup>4</sup>In Chicago, the local WIA board is named, aptly, the Chicago Workforce Board. The Board is a non-profit organization with 55 board members from business, labor, education, government and community-based organizations.

One-Stop, Mid-South One-Stop, and Westside One-Stop) and two are located in City College facilities (Northwest One-Stop and Southwest One-Stop).

While the IDES, IDHS, and the City Colleges provide services through their own employees, who staff the One-Stops, [the Department] contracts with delegate agencies to deliver services on-site. Each delegate agency is in turn connected with a network of employers, government partners and community-based organizations providing employment and training services. [the Department] has agreements with four separate delegate agencies to act as One-Stop contractors: [Agency ]; Employer and Employment Services; DePaul University's Office of Applied Innovations; and Dynamic Education Systems, Inc. Each was selected through a competitive Request for Proposals (RFP) process. All RFP responses submitted were reviewed by [the Department] staff for agency capacity, previous experience in delivering services, and fiscal soundness. You said you did not participate in the drafting of the RFP, did not review responses submitted, did not participate in selection process for delegate agencies, and did not participate once grants were awarded, neither selecting organizations for participation nor monitoring their performance. The delegate agencies are reimbursed by [the Department] using WIA funds administered by the Department.

As Assistant Commissioner, you are one of the three [the Department] employees serving on a team of representatives from each of the One-Stop partners. The team is responsible for generating and implementing overall policies concerning facility management, integration of government services, and general administrative matters throughout the five One-Stop facilities in Chicago.<sup>5</sup> For example, the team sets the hours the centers are open, deals with issues of office space and organization, and establishes policies for appropriate use of One-Stop equipment and property (computers, classrooms, etc.).<sup>6</sup> The team is currently working with the Chicago Workforce Board to buy a swipe card system for all One-Stops, enabling the One-Stops to collect data about the users of their services. It is also undertaking a comprehensive review of the media resources (books, audio, video, etc.) avail[ Agency] at the different One-Stop centers in an effort to standardize these resources throughout the centers. Representatives from delegate agencies do not typically attend team meetings. Instead, you explained, representatives from delegate agencies interact with [the Department] and the other One-Stop partners through monthly "center-level" meetings, in which you are not involved. You stated that this team does not have any responsibility for the particular services that the delegate agencies and One-Stop partners provide. However, you also said that the decisions of the team could have an impact on the delivery of services by the delegate agencies and

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<sup>5</sup>Other members of the intergovernmental OSCC team include a representative from the City's Department of Aging, representatives from the IDES and IDHS, representatives from the City Colleges, and representatives from the federal Job Corps program.

<sup>6</sup>The equipment in the One-Stops is generally owned by the governmental partner in whose facility the One-Stop is located. Some equipment may be supplied by other government partners or by the delegate agencies themselves.

One-Stop partners. For example, the physical location of the delegate agencies' offices, the hours the Centers are open, and the amount of office space provided to each delegate agency will all have an impact on how the agencies provide their services, though not on the nature of the services.

## II. Your Post-City Employment

[Agency] [ ], is an employment and training agency founded in 1977. Originally, [Agency]'s focus was to provide opportunities exclusively for older workers. However, its mission statement has been revised to include people of all ages. [Agency]'s headquarters are in downtown Chicago, and it has offices in north suburban Evanston and Arlington Heights and in south suburban Chicago Heights. [Agency] also administers a corporate outplacement center and the [Agency] Pool of Temporaries, an employment agency for temporary office support staff.

You said that, in mid-September, 2002, you learned from other [the Department] staff that the current Executive Director of [Agency] was planning to retire. In November, [Agency]'s Executive Director, [Jane ], called you and asked if you knew of anyone who might be interested in applying for her position. You are contemplating applying.<sup>7</sup> As Executive Director, your duties would include establishing long-range strategies, managing staff, and overseeing the organization's budget and current grants and contracts. As [Agency] is dependent on grant money to operate its programs and pay its staff, you would also be responsible for developing and maintaining relationships with federal, state and local government agencies, foundations, private funding sources, and other organizations that might potentially fund [Agency]'s programs.

In a fiscal audit document submitted to [the Department] in connection with an application for City funds, [Agency] listed all contracts and grants that it anticipated receiving in the 2003 fiscal year. Of a total of \$3,785,100 in anticipated funds, [Agency] requested \$2,377,100 from [the Department]: \$2,027,000 of which was in WIA funds, \$35,100 in Community Development Block Grant funds, and \$335,000 in Welfare to Work funds. You explained that this document listed only the amount requested; the actual amount received differs (see footnote 9, below).

WIA Delegate Agency Agreement. [Agency] provides employment and job-training services at the [Neighborhood] One-Stop<sup>8</sup> through a delegate agency agreement with [the Department] for

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<sup>7</sup>You submitted the job description for this position in your letter to the Board requesting an opinion. The description asked that resumes be submitted by November 1, 2002. However, on 1/8/03, you told Board staff that the position is still open.

<sup>8</sup>Located on the near southwest side of Chicago, the [Neighborhood] One-Stop Career Center (according to [the Department]'s website) "...offers a diverse population of job seekers employment and training opportunities and assists employers in their search for qualified workers." It serves more than 20,000 job seekers every year and assist more than 800 people per month in the Resource Center. All services

\$1.725 million in WIA funds. \$1.525 million of these WIA funds are earmarked for adult and dislocated worker programs; the remaining \$200,000 goes to fund youth programs. This contract, which runs from July 1, 2002 through June 30, 2003, was awarded through an RFP process. The contract (and the RFP it was issued pursuant to) was prepared, evaluated and negotiated by [the Department]'s Contract Administration Unit, under the supervision of Deputy Commissioners [ ].<sup>9</sup>

[Agency]'s responsibilities under the delegate agency contract are outlined in the "MOWD Scope of Services for One-Stop Career Center Contractors," which is incorporated into the contract by reference. Under the Scope of Services document, [Agency] is obligated to provide the services listed in the agreement during normal business hours at its "service facility," which is designated as the [Neighborhood] One-Stop. [Agency] is also obligated to provide clients with core services (including orientation to the One-Stop system's services, access to Internet-based job placement programs, and general reference materials); intensive services (including job placement assistance, occupational training, alternative secondary school offerings, English as a second language classes, aptitude testing and mentoring); and follow-up services (continuing contact with those who receive intensive services). Under the Scope of Services, all core services ". . . must be avail[ Agency] in an area of the facility that is readily accessible to the general public."

Under this grant agreement, [Agency] submits monthly requisitions (vouchers) for reimbursement to [the Department]. These vouchers, which identify the services provided and the costs expended, are reviewed for compliance with the grant agreement by staff of [the Department]'s finance division. If approved by staff from the Finance Division, and signed by [the Department]'s current Director of Finance, the vouchers are forwarded to the City Comptroller's office, and reimbursement is made to [Agency] within 60 days of receipt. You said that you are not involved in any aspect of this process.

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are provided at no cost to the job seeker or employer.

<sup>9</sup> [Agency] also has a delegate agency agreement with the City for \$35,100 in Community Development Block Grant funds. Under the CDBG contract, which runs from January 1, 2003, through December 31, 2003, [ Agency] will recruit and train 18 individuals for eventual placement in the health care and health insurance fields. The majority of this recruiting will take place at the [Neighborhood] One-Stop center and through [ Agency]'s job hotline, although [ Agency] may recruit from other sources, and is not required to use the One-Stop system as the point of delivery for these services. Training of these employees will take place at [ Agency]'s downtown headquarters. [ Agency] also has a contract with [the Department] for federally administered Welfare to Work funds. Although documents submitted to the City indicate that [ Agency] will receive \$335,000 in Welfare to Work funds in 2003, you stated that this contract is soon to expire, and that the real amount they will actually receive is considerably lower. You said you were not involved, in any way, in the preparation, negotiation, or supervision of performance with regard to either of these contracts.

The [Neighborhood] site is located in a building at 1657 S. Blue Island, that is leased, you explained, to the Illinois Department of Employment Security. The City, through [the Department], in turn subleases space from IDES in this facility (and the other two IDES facilities) for \$300,000 (using corporate funds). There is no “sub-sublease” with [ Agency]; [ Agency] simply occupies the City-leased space at the [Neighborhood] One-Stop, in effect, pursuant to its contracts. There are no [the Department] representatives at the [Neighborhood] One-Stop; all the staffing of the [the Department] programs there is delegated to [Agency]. The [the Department] employee who deals with [Agency ] on a day-to-day basis is Program Manager [Susan ]. Ms.[Susan] reports to Assistant Commissioner [Ellen], who reports to Deputy Commissioner [Michael]. Any questions or concerns that [the Department] has with respect to [ Agency]’s performance go through Ms. [Susan]. Likewise, if [Agency ]’s personnel needs to discuss ongoing issues concerning its programs, they would also go through Ms. [Susan]. If [ Agency] is not satisfied with Ms. [Susan]’s response, they would next go to Ms. [Ellen], and after that, Mr. [Michael]. You stated that you are not in this “chain of command,” and that there have been no situations that have necessitated your involvement.

## LAW AND ANALYSIS

The relevant section of the Ethics Ordinance is 2-156-100(b):

**(b) No former official or employee shall, for a period of one year after the termination of the official’s or employee’s term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.**

This section of the Ordinance imposes both a one-year and a permanent prohibition on former City employees’ post-employment activities. The one-year prohibition begins on the date City employment ends, not on the date an employee stops participating in specific projects or transactions. (See Case No. 94011.A, p. 7.) We analyze each prohibition in turn as it applies to the facts you presented.

**I. One-Year Prohibition.** Under the first clause of Sec. 2-156-100 (b), you would be prohibited, for one year after you leave City employment, from assisting [Agency ], or any other person, in any business transaction involving the City if you participated personally and substantially in the subject matter of the transaction while employed by the City. In order to apply this prohibition to your case, we will ascertain first the “business transaction involving the City” in which you may potentially

assist [ Agency], then the “subject matter” of that transaction, and finally, whether you “participated personally and substantially” in that subject matter.

“Subject Matter” of the Business Transaction Involving the City. [ Agency ] has a delegate agency agreement with [the Department] for \$1.725 million in City-administered WIA funds. Clearly, this delegate agency agreement is a business transaction involving the City. As described above, the scope of services of this contract requires [ Agency ] to provide job training and employment services to clients from its service facility. Based on the facts presented, we conclude that the subject matter of this business transaction is the provision of employment and job-training services by [ Agency ] at the [Neighborhood] One-Stop.

“Personal and Substantial” Participation. During your City employment, your duties have been primarily administrative and policy related. You did not participate in the drafting of the RFP for any WIA grants, did not review proposals or participate in the selection process for delegate agencies, and did not participate in the contract process, neither conducting negotiations nor monitoring contractor performance. You have never, in any capacity in your City employment, been responsible for directing or overseeing specific programs operated or contracts performed by [ Agency ].

While you do serve as one of three [the Department] representatives on the intergovernmental team responsible for developing and implementing overall policies concerning facilities management, coordination of government services, and general administrative issues throughout the One-Stop system, this team does not have any responsibility as to the particular services that [ Agency ] (or any other delegate agency) provides. While you (as a member of this team) may help make decisions that have an impact on the delivery of services by [ Agency ] (or any other delegate agency), these decisions will not have a “programmatic impact,” i.e., an impact on the types of services provided. Regardless of what the team does, [ Agency ] will still provide employment and job-training services from the [Neighborhood] One-Stop. (See Case No. 93005.A, where the Board determined that a City employee’s involvement with issues relating to the subject matter of a business transaction did not constitute substantial involvement with the subject matter itself.)

Based on these fact, the Board concludes, therefore, that you did not, while employed by the City, participate personally and substantially in the provision of employment and job-training services by [ Agency ] at the [Neighborhood] One-Stop. Thus, the Board determines that the Ordinance’s one-year prohibition would not prohibit you from assisting [ Agency ] with respect to providing employment and job-training services at the [Neighborhood] One-Stop.

However, we caution you that our analysis of your responsibilities at [the Department] indicates that you may have been personally and substantially involved in other business transactions involving the City, specifically with respect to your service on the team responsible for generating and implementing overall policies concerning facility management, coordination of government services, and general administrative issues throughout the five One-Stop facilities in Chicago. In the event

that you would be asked to assist [Agency ] (or any other person) with respect to these issues, we advise you to contact the Board for specific guidance.

**II. Permanent Prohibition.** Under the second clause of Sec. 2-156-100 (b), you would be, as a former City employee, permanently prohibited from assisting or representing any person other than the City on a City contract, if you exercised contract management over that contract while employed by the City. Section 2-156-010(g) of the Ordinance defines the term “contract management authority” as:

**personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.**

The issue before the Board, therefore, is whether you, while a City employee, exercised “contract management authority” over [Agency ]’s WIA or CDBG contracts with [the Department]. If so, you would be permanently prohibited from assisting or representing [Agency ] with respect to those contracts.

As noted above, “contract management authority” includes the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance. The facts you presented to us indicate that you did not undertake any of these activities with respect to the contracts between [Agency ] and [the Department]. You had no role in the RFP process, and did not draft the requirements or review the responses. You did not participate in the selection of [Agency ] as a delegate agency, nor did you negotiate the contract between [ Agency] and [the Department]. You do not supervise [ Agency]’s performance under the contract, or play any role in [ Agency]’s delivery of services at the [Neighborhood] One-Stop. As Director of Finance, between 1992 and 1995, however, you did sign vouchers authorizing payment to delegate agencies with MET contracts, including [Agency ]. Although we have held that signing vouchers may constitute contract management authority (See Case No. 95059.I, where the Board determined that a City employee had, in violation of the Ethics Ordinance, exercised contract management authority over a company owned by a relative by virtue of the employee’s approval of payment vouchers), the contracts in which you signed these vouchers have long been concluded. [ Agency]’s current WIA contract (and all other contracts it has with [the Department]) were entered into long after you left the position of Director of Finance.

For these reasons, the Board concludes that you did not exercise contract management authority over the current delegate agency agreement between [the Department] and [Agency ] for the providing of employment services at the [Neighborhood] One-Stop. Therefore, this provision of the Ordinance does not permanently prohibit you from assisting or representing [Agency ] with respect to its delegate agency agreement with [the Department] for providing employment and job-training services at the [Neighborhood] One-Stop.

Confidential Information. Please be advised that, as a former City employee, you also are subject to Section 2-156-070 of the Ethics Ordinance, "Use or Disclosure of Confidential Information," which states:

**No current or former official or employee shall use or disclose other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.**

**DETERMINATIONS:** Based on the facts presented and the relevant law, the Board determines that:

- 1) The Ordinance's one-year prohibition would not prohibit you from assisting [Agency ] with respect to providing employment and job-training services at the [Neighborhood] One-Stop, and;
- 2) The Ordinance would not permanently prohibit you from assisting or representing [Agency ] with respect to its delegate agency agreement with [the Department] for providing employment and job-training services at the [Neighborhood] One-Stop.

However, we caution you that our analysis of your responsibilities at [the Department] indicates that you may have been personally and substantially involved in other business transactions involving the City, specifically with respect to your service on the team responsible for generating and implementing overall policies concerning facility management, coordination of government services, and general administrative issues throughout the five One-Stop facilities in Chicago. In the event that you would be asked to assist [Agency ] (or any other person) with respect to these issues, we advise you to contact the Board for specific guidance.

Our determinations are not necessarily dispositive of all issues relevant to this situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. Because our opinion is based solely on facts you presented to the Board, we advise you to notify us immediately if these facts stated are incorrect or incomplete, as any change may alter our determinations. Other laws or rules also may apply to this situation. Be advised that City departments have the authority to adopt and enforce rules of conduct that may be more restrictive than the limitations imposed by the Ethics Ordinance.

**RELIANCE:** This 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 indistinguish[ Agency] in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

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Darryl L. DePriest  
Chair

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