

MEH



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June 21, 1988

[Redacted]

Case Number 88058.A

Dear [Redacted]

This letter is in response to your request for an advisory opinion concerning the post-employment provisions of the Ethics Ordinance and their potential application to your circumstances.

It is our understanding that you wish to obtain a subcontract with an architectural and engineering firm to assist in developing physical plans for *a new facility*. This job would entail making recommendations to design professionals concerning the utilization of space within a new *City facility*. You have stated that during your previous employment with the City for the *City's certain department (related to new facility)* you had no involvement, whatever, in developing physical plans for the *facility*.

Based on this information the Board has determined that the post-employment provisions of the Ethics Ordinance would not prohibit you from obtaining a subcontract to assist design professionals in developing building plans for the *new facility* provided that your responsibilities under this sub-contract do not include supervising work in *your specific City area* or any other types of activity closely related to the services you rendered as Director of *this area (dept.) of the City*. This conclusion is based on Section 26.2-10(b) of the Ethics Ordinance which states that:

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. (emphasis added)

According to this section, former City employees are prohibited, for one year, from involvement in business transactions with the City if those transactions concern subject matters in which they participated personally and substantially while employed by the City.

Accordingly, you would be prohibited for one year from subcontracting for services to the City if the services rendered concern subject matters or areas of City business in which you participated personally and substantially while employed by the City. If your previous duties as a City employee did not involve advising design professionals in the development of physical plans for the *new facility*, and for this reason you did not participate personally and substantially in these areas of City business, you would not, under the provisions cited above, be prohibited from entering into contracts to provide these services.

The Board does want to reiterate the conclusions of its opinion rendered in response to your previous inquiry concerning a separate set of facts. In its letter of June 1, 1988, the Board determined that in general, the post-employment provisions of the Ethics Ordinance would prohibit you for a period of one year subsequent to your resignation from the City, from providing services to the *Chicago facility* which are substantially similar to the services you rendered as the *employee* of the *the particular area*. Services prohibited here include 1) advice or assistance concerning any aspect of the *place of former employment* building operations and 2) *this area's* general policies and procedures.

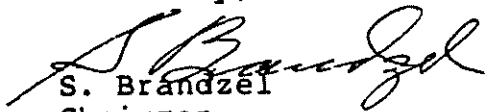
The activities you propose in the present case (advising design professionals on the physical plans of a *new facility*) unlike the activities you proposed in the previous inquiry, do not appear to constitute areas which you had authority over or participation in as a City employee and would therefore not fall subject to the prohibition set forth in section 26.2-10(b) of the

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Ordinance. If the subcontract you propose does require activities closely related to your previous responsibilities, your participation in such a contract would be prohibited.

We appreciate your inquiry and hope that this letter has sufficiently addressed your concerns. Please do not hesitate to call if you have further questions concerning the post-employment restrictions and their application.

Sincerely,


S. Brandzel
Chairman

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