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Board of Ethics

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[REDACTED]

CONFIDENTIAL

[REDACTED]

Chicago, IL [REDACTED]

Re: Case No. 90072.I

Dear [REDACTED]

This letter is to advise you that Case No. 90072.I, which involves a complaint alleging you violated the City Governmental Ethics Ordinance by representing tort clients against the City of Chicago while serving [REDACTED] on the City's Board of Ethics, has been dismissed. [REDACTED]

The Board of Ethics received the complaint in [REDACTED]. As you may recall, at its [REDACTED] meeting, after you recused yourself, the Board voted to refer the complaint for consideration and resolution to an agency independent of this Board. We chose the Inspector General's office. next

In November 1993, because the Inspector General's office had not yet resolved the legal issues of the case, the current Board asked that the complaint be referred back to this agency.

At its [REDACTED] 1994 meeting, the Board, after reviewing the relevant provisions of the Ordinance, dismissed the complaint for the reasons stated below.

First, § 2-156-090(c) states that an appointed official may not represent anyone against the City unless the matter is "wholly unrelated to the official's City duties and responsibilities." On this issue, the Board notes that the Chair of the Board of Ethics performs a quasi-judicial function, which has no relationship or connection to the activities of a private attorney representing individual tort clients against the City. Therefore, the Board concluded that the matters involved in your representing tort claimants against the City were not in violation of the Ordinance.



Case no. 90072.I

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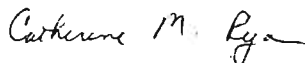
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Second, as an appointed official, you owed a fiduciary duty to the City under § 2-156-020. The facts alleged concern representation of matters wholly unrelated to your City duties, which would not impair your judgment as a City official, or affect your ability to serve. Therefore, the Board concluded that there is no basis to find a violation of the fiduciary duty provision of the Ordinance.

Third, as a member of the Board of Ethics you were prohibited by § 2-156-310(iv) from having any financial interest "in any work or business of or official action by the City or any other governmental agency" in the state. The Board concluded that your interest in a tort client's potential recovery against the City does not amount to a financial interest in City business or action within the intended meaning of the Ordinance. Therefore it does not constitute a violation of § 2-156-310(iv).

On the grounds stated, the Board dismissed the complaint. It is obvious that our cautionary measure of referring this matter to an independent agency to avoid an improper appearance resulted in a delayed resolution, for which we apologize. If you have any further questions, please call.

Sincerely,



Catherine M. Ryan
Chair

cc: Susan Sher, Corporation Counsel

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