



BOARD OF ETHICS  
CITY OF CHICAGO

**CONFIDENTIAL**

To<sup>1</sup>:

Elected Official [A]  
Joseph M. Ferguson, Inspector General

Date: May 23, 2018

Re: Jurisdictional Opinion, Case No. 18010.A

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On [date] 2018 a private citizen emailed the Inspector General (“IG”) and the Executive Director of the Board of Ethics to request “an inquiry into [Elected Official A] for failure to comply with the Governmental Ethics Ordinance ...”

[The citizen] writes that, over a period of months, A “both engaged in and failed to report corrupt and illegal activity in his office,” specifically “sustained and aggressive sexual harassment” of [the citizen] by [a relative of A], while they all served in the office of A’s political organization. [The citizen] also writes that [they] reported this sexual harassment allegation to A on [date] 2017, but A did not react appropriately to address the matter, and “used his power and relationships derived in large part from his position as an elected official to protect the perpetrator.” As a result, [the citizen] writes, [the citizen] was forced to leave [this] job and was retaliated against and prevented from being hired [while pursuing] pursued future employment.

The Board has determined that it lacks jurisdiction to address these matters at this time under the City’s Governmental Ethics Ordinance (the “Ordinance”).

More specifically, the incident described occurred before the Ordinance’s sexual harassment provisions became effective.<sup>2</sup> Hence, the Board has no jurisdiction over this matter under these

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1. Pursuant to Board Rule 3-7, we are sending this opinion to the requestor, the subject, and the IG (so it can consider or act upon the Board’s determinations). *See* <https://www.cityofchicago.org/content/dam/city/depts/dol/rulesandregs/RulesoftheChicagoBoardofEthics.pdf>

2. Ordinance §2-156-010(z) (which defines “sexual harassment”) and §2-156-149 (entitled “Sexual harassment by officials”) first became effective on February 19, 2018, and then were amended, effective March 28, 2018.

sexual harassment provisions, or, therefore, under the provision requiring City officials to report unlawful or corrupt activity.<sup>3</sup>

Moreover, the Board is unable to issue an advisory opinion under any other provision of the Ordinance at this time. To the extent that other Ordinance provisions may apply to the situation presented, the Board declines to exercise its jurisdiction to consider them unless and until the IG completes a full factual investigation of the matter, should it so decide.

The Board stresses that this opinion is not intended to lessen nor should it be interpreted as lessening the seriousness of the allegations or condoning the conduct alleged. The Board's sole function in this matter has been to determine whether the City's Governmental Ethics Ordinance might apply to the facts presented, and our opinion is based on those facts. The Board encourages those who, like [the citizen], believe they have been aggrieved by or witness sexual harassment, to report it to the City's Department of Human Resources and/or the IG or Board so that their allegations can be investigated and perpetrators held accountable under relevant City or other laws or policies.

The Board also refers readers to our companion opinion in Case No. 18011.A, which presents the Board's general interpretation of the purview of the Ordinance's newly-enacted sexual harassment provisions.



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William F. Conlon  
Chair, Board of Ethics

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3. That is, §2-156-018(a), entitled "Duty to report corrupt or unlawful activity."