



BOARD OF ETHICS
CITY OF CHICAGO

April 30, 2018

Confidential

[redacted]

Re: 18013.Q, Conflicts of Interest; Prohibited Conduct

Dear [redacted]:

You contacted this office on April 9, 2018, seeking an opinion as to whether there was a conflict of interest or other issue under the City's Governmental Ethics Ordinance (the "Ordinance") with respect to your former, immediate pre-City service, as the Executive Director [of your previous employer], and your City current position, as a [City] Manager [redacted].

You explained to Board staff that, "someone filed a complaint" against you and alleged that you had a conflict of interest between your City position and your former work [redacted], because you still worked [with your pre-City employer]. You said that [your] Deputy Commissioner met with you regarding the complaint and concluded that you should not be involved in your work for [the City] with [your pre-City employer] any further. Then on April 12, 2018, you emailed a letter, "written with the express intent of absolving [you] from any form of conflict of interest..." to Board staff [and your Department's management].

In gathering information to help determine whether there is a conflict of interest or other issue under the Ordinance, we discussed your duties in both positions. In your City job, you stated that you began working at [the City Department] on [date], as a [City] Manager. In [your] position, you said you supervise [departmental] employees and manage the day-to-day operations, which provides [City] services. You said that you do not do any grant writing, because that is handled by another division [within your City department]. You also said that you were organizing [an event] in the community and that [your former employer] has been working directly with you to help organize that event.

Prior to joining the City, you were the Executive Director of [your pre-City employer]. You said that you wrote grant applications for [your former employer], and nothing else. You explained that it was a "100% volunteer position," and that you were not paid by nor did you receive any employment benefits from [your pre-City employer]. You said that your last day at [your pre-City employer] was [date], when you resigned as its volunteer Executive Director. However, during our April 9th phone conversation, I confirmed through [your pre-City employer's] website that it still listed you as its Executive Director. You explained that the person who handles the

website simply had not had the time to update it, because he is also a volunteer. I checked the site again on April 25th and confirmed that your name has been removed.

Law and Analysis

Based on the information you provided, the following is an application of the relevant Ordinance provisions.

1. Conflicts of Interest; Appearance of Impropriety, §2-156-080, states in part,

“No ... employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any financial interest distinguishable from that of the general public, or from which he has derived any income or compensation during the preceding twelve months or from which he reasonably expects to derive any income or compensation in the following twelve months.”

The Ordinance defines “financial interest” in §2-156-010(l), and it “means an interest held by an employee that is valued or capable of valuation in monetary terms ..., provided that such interest shall not include: (1) the authorized compensation paid to an employee for any employment;”

This provision prohibits you, as a City employee, from being involved in any matters in which you have a financial interest [or from which you have derived ore reasonably expert derive income or compensation in the previous or next twelve months]. Since, you said, your role at [your pre-City employer] was a volunteer position, you did not receive any income or compensation from it, and you have no ownership interest in [your pre-City employer], you did not, nor do you now have, a financial interest in [your former employer]. Therefore, we conclude that your work for [the City] does not violate the Conflicts of Interest; Appearance of Impropriety section of the Ordinance.

2. Prohibited Conduct, §2-156-111(d)(1), states in part

“No city employee ... shall make or participate in the making of any governmental decision for a period of two years from the date of employment ... in a matter that benefits his or her immediate former employer or immediate former client who the employee ..., unless such employee ... has completely severed any ties with that former employer or client that would confer, or have the potential to confer, a monetary benefit on the employee.”

This section prohibits you from handling any matters regarding your pre-City employer if you still have a monetary tie to your former employer. Again, because your position at [your pre-City employer] was [unpaid], it appears that there is nothing that would, or have the potential to, confer a monetary benefit to you, and your work for [the City] does not violate this section either.

Conclusion

Based on our conversation and the letter you wrote in support of your position, Board staff concludes that although the specific conduct [in] question does not violate the Ordinance's Conflict of Interests (§2-156-080), or Prohibited Conduct (§2-156-111) provisions, it could give rise to a claim of an appearance of impropriety issue or a claim of favoritism. Therefore, we agree with Deputy Commissioner [redacted] conclusion and also recommend that you refrain from working with [your former employer] for two-years, or until [your former employer].

Board staff's advice and conclusions are based on the facts you provided and address only the restrictions in the City's Governmental Ethics Ordinance. Other laws or regulations may apply. If the information you provided is incorrect or incomplete, please notify our office immediately, as any change may alter our conclusions and advice.