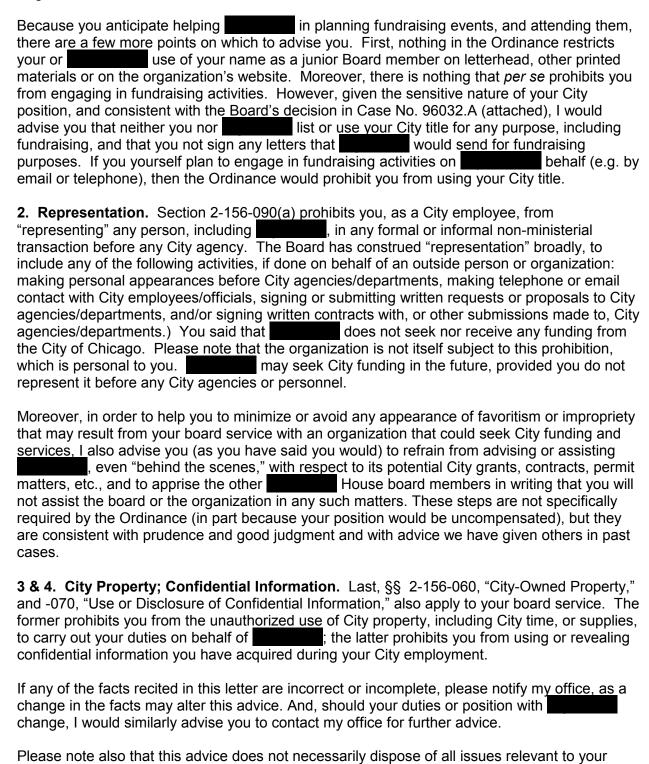
## CONFIDENTIAL

April 20, 2009

RE: Case No. 09015.Q
RE: Case No. 09015.Q  Dear
On April 20, 2009, you sent me a letter, disclosing your future involvement as an unpaid junior board member of an unpaid junior as to restrictions imposed on your service by the City's Governmental Ethics Ordinance. You said that your duties will consist primarily of attending regularly scheduled Board meetings, helping to plan fundraising events, attending those events, and mentoring and that as of the date of your letter, and does not seek nor receive any funding from the City of Chicago. You said you do not anticipate and will seek City funding in the future, but in the case that it does, you wold have no director indirect role in funding or other City matters, and you have no future plans to have any role that would involve you in such matters.
Based on these facts, I advise you that the City's Governmental Ethics Ordinance does not <i>per se</i> prohibit you from serving as an unpaid junior board member of . However, it does impose the following restrictions on your conduct, both in your City employment and in your service as a Board member:
1. Fiduciary Duty. As a junior board member, you owe a fiduciary duty to the organization. And, as a City employee, you owe a fiduciary duty to the City, under § 2-156-020. This duty obligates you to use your City position and authority in the best interests of the public, and give your undivided loyalty to the City in the discharge of your official duties. See Case Nos. 09007.Q, 07002.Q, 06021.Q, and 96032.A. If, in your judgment, the City's interests were to conflict with those of in any particular matter, you would be required to resolve that conflict in the City's favor—if the matter is scheduled for a vote of the board, this would mean stating your concerns on the record and voting against the proposal. Also, the Board of Ethics has interpreted the fiduciary duty provision to prohibit City employees from using City time and City resources, including their City title, to obtain a personal benefit or promote a purely private interest (such as subject to that restriction as well.

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situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts recited. Other laws or rules may also apply to your situation. We note, for example,

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that any City department may adopt rules that are more restrictive than those imposed by the Ordinance. Therefore, we advise you to review your planned board service with your department head, the department policy.

I very much appreciate your inquiry and your concern to abide by the standards embodied in the City's Governmental Ethics Ordinance. Should you have any further questions about this matter, please contact me.

Yours very truly,

Steven I. Berlin Executive Director