

*Gigs  
rattle*

December 19, 2001

**CONFIDENTIAL**

[John ], [Manager ]  
[Department 1 ]  
[ ]  
[ ]  
Chicago, IL [ ]

**Re: Case No. 01050.Q  
Travel**

Dear Mr. [John],

In a letter dated November 13, 2001, you asked the Board of Ethics how the Governmental Ethics Ordinance applies to your acceptance of two round-trip tickets to [Country A] you won in a recent drawing at the inaugural party for [the company ]. On November 8, 2001, Board staff advised you by telephone that the Ordinance does not prohibit you from accepting the tickets; this letter is provided pursuant to your request on November 13, 2001 for a written statement in that regard.

You stated that in your capacity as Assistant Commissioner for the [Department 1 ], you supervise the performance of [the Collective ], a private company that is responsible for maintenance of public facilities (restrooms, concourse, walkways, etc.) at the [site ]. The [companies ] that use this [site ] lease space from the City, but maintenance for their facilities is the responsibility of the [companies] themselves, which hire their own cleaning companies. You are not involved in the negotiation of the leases (this is handled by the real estate division of the [Department 1 ]) or for the supervision or oversight of the leased facilities. You stated that you also represent the [Department 1 ] in meetings with Federal agencies at the [site ], and oversee the City's security arrangements at the [site].

You and several other [Department 1 ] employees were invited to attend an inaugural party for [the company ] held on August 1, 2001 at Navy Pier. Other attendees included [

]. You estimate that there were approximately 200 people at the party. Upon your arrival at the function you signed a card, which was then placed in a box. At the end of the evening, an announcement was made that seven prizes of round trips for two to

[A ] would be awarded. The tickets were awarded by a random drawing of the cards that guests had filled out upon arrival. Winners had to be present to win the tickets. You stated that you won the seventh and last set of tickets of the evening (yours was the fourteenth name called in the last drawing). All tickets were donated by the [Hotel R, the Hotel S, the Hotel T, and Companies U and V]. To your knowledge, the only company that has any relationship with the City is [Company A ], which leases space at [the site ]. You stated that you had no role in leasing this space to the company and make no decisions concerning [the company ] in your City employment.

The Ordinance provision most relevant to your question is Sec. 2-156-040, which states, in relevant part:

(b) No person shall give or offer to give to any official, employee or City contractor, or to the spouse or minor child of either of them, and none of them shall accept, anything of value, including, but not limited to, a gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any official, employee or City contractor, concerning the business of the City would be influenced thereby. It shall be presumed that a nonmonetary gift having a value of less than \$50.00 does not involve such an understanding.

(c) No person who has an economic interest in a specific City business, service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, or to the spouse or minor child of such official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than an occasional one of nominal value (less than \$50.00) provided, however, nothing herein shall be construed to prohibit such person from accepting gifts from relatives.

While Sec. 2-156-040(b) prohibits a City employee from accepting anything of value (which would include airline tickets) based upon any mutual understanding that his official actions, decisions or judgments concerning the business of the City would be influenced by such acceptance, the random nature of your selection as a winner from among the 200 (by your count) persons in attendance at the party tends to rule out any intent to specifically influence your actions as a City employee. (*See* Case No. 00022.Q, where the Board addressed the issue of a City employee whose name was chosen in a random drawing for free registration to an annual

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conference of a professional organization, valued at \$800.00. The Board determined that the Ordinance did not prohibit the employee from accepting the free registration, as the random nature of the drawing ruled out any intent to influence any of the employee's governmental actions in violation of Sec. 2-156-040. *See also* Case No. 90022.A, where staff advised an employee who had won an \$800.00 gift certificate in a drawing that the random nature of the drawing tended to rule out intent to specifically influence her actions as a City employee.)

Sec. 2-156-040(c) prohibits an employee from accepting any "gift" from any person who has an economic interest in a specific City business, service or regulatory transaction, when the employee's decision or action may substantially affect such a transaction. You have said that you make no decisions and take no actions in your City position that would affect any economic interest that any of the prize donors have in any City business, service or regulatory transaction. Therefore, under this section the acceptance of the tickets is not prohibited.

Therefore, based on previous Board opinions and the facts you have presented, it is Board staff's opinion that the Ordinance does not prohibit you from accepting the tickets you won in the drawing.

Staff's opinion is not necessarily dispositive of all issues relevant to this situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts stated are incorrect or incomplete, please notify us immediately, as any change may alter our opinion. Other laws or rules also may apply to this situation. Be advised that City departments have the authority to adopt and enforce rules of conduct that may be more restrictive than the limitations imposed by the Ethics Ordinance.

We appreciate your inquiry and your concern to abide by the standards embodied in the Ethics Ordinance. We enclose a copy of the Ordinance for your convenience. If you have any further questions, please do not hesitate to contact us.

Very truly yours,

[signature     ]  
John H. Mathews  
Legal Counsel

Approved by:

[signature     ]  
Dorothy J. Eng  
Executive Director