

CONFIDENTIAL

Gift to City

December 20, 2005

[Ms. M]
Department of [B]

Chicago, IL 606

Re: Case No. 05073.Q

Dear Ms. [M],

In a letter dated to me December 13, 2005, you asked whether, under the City's Governmental Ethics Ordinance, your office may accept a database platform and accompanying technical expertise from the [FG] Division of [FG] Corporation, the parent company of [TY Company]. You explained that your office is working to develop a new computerized reporting system, and that you have spoken with representatives from [FG] about their system, which was developed based on one used by the [federal agency]. Representatives from [FG] have offered to allow your agency to duplicate their program and adapt it, and to provide your office with technical expertise, all free of charge. You said that neither you nor any other employee in your office have received or offered any gifts or promises in exchange for this offer. Your Deputy [FG] confirmed that, to his knowledge, neither [FG] nor [TY] has any matter or contract pending before your office.

On these facts, we conclude that the Ordinance does not prohibit your office from accepting the [FG] offer. However, consistent with previous Board opinions, we advise you that this offer should be treated as a gift accepted on the City's behalf. Under § 2-156-040(f) of the Ordinance, gifts accepted on behalf of the City must be reported to our agency and to the Comptroller's office. We therefore advise you to send our agency (and the Comptroller) written acknowledgment of receipt of the platform and services as a gift accepted by the [B] Department on behalf of the City.

Our conclusion addresses only the application of the City's Governmental Ethics Ordinance to your question. Other state, federal or City laws or policies (including but not limited to those related to copyright or software licensing) may also apply. We appreciate your inquiry and your concern to abide by the standards embodied in the City's Governmental Ethics Ordinance. If you have any further questions, please contact us.

Yours very truly,

Dorothy J. Eng,
Executive Director