

SIB



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Board of Ethics

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[REDACTED]
C O N F I D E N T I A L

Hon. [REDACTED]
Alderman, [REDACTED] Ward

[REDACTED]
Re: Case No. 97028.Q

Dear Alderman [REDACTED]

Last week, a member of our staff spoke with your representative about your inquiry concerning an offer you received from a company. [REDACTED]

Mr. M, President of the company, offered to supply and install a product, valued at approximately \$[REDACTED]000, at your aldermanic office free of charge. You asked if the Governmental Ethics Ordinance prohibits your acceptance of this offer.

With the approval of your representative, we called Mr. M, who informed us that the company [REDACTED] is certified by the City to do work for private corporations through the [REDACTED] Program, which is sponsored by the State of Illinois. In this program, the State reimburses a private establishment for half the cost of work it needs done to its place of business, as long as the work is properly approved, and performed by certified companies. Mr. M said his company has been doing business in Chicago through the [REDACTED] Program for 17 years. The procedures governing his company's participation in this program require Mr. M to fill out a work order for any given job, and to obtain an approval of that work order from the alderman of the ward in which the work is to be performed. Mr. M said he regularly performs work under this program throughout the City, including your Ward, and that he has sought your approval on work orders under this program in the past and plans to do so again in the future.

Questions arise in these circumstances under several provisions of the Ethics Ordinance, the most relevant being the gift provisions, which prohibit any person with an economic interest in a specific City business, service, or regulatory transaction from giving (directly or indirectly)

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any item or service other than an occasional one worth less than \$50 to any City official or employee whose decision or action may substantially affect such transaction (§ 2-156-040(c)). The facts, when applied to the law, clearly show that Mr. M has a monetary or economic interest in the installation of products in your Ward. They also show that you, as Alderman, can substantially affect his interests because you must sign off on his work orders. What is not clear is whether, as Alderman, your approval or rejection of his work orders falls within the meaning of "City business, service, or regulatory transaction."

When an interpretation of the law is required, Board staff cannot unilaterally issue an opinion unless it is based on a previously-adopted, written advisory opinion rendered by the members of the Board, acting as an interpretive body. At the present time, there is no opinion on which staff can rely. Therefore, we cannot give a definitive response on whether the law would allow the acceptance of this gift. If you would like the members of the Board to render an opinion, you may submit a request. For your convenience, I have attached the Board rules that govern such requests.

Notwithstanding what the law may allow, Mr. M has said he has received your approval on work orders in the past and fully intends to seek your approval as Alderman in the future. Therefore, staff is of the opinion that your serious consideration should be given to the appearances or perceptions that would be created if you were to accept from him such an expensive gift.

If you wish further guidance on this matter, please do not hesitate to contact me. As an elected official, please be advised that State laws or other rules also may apply to this situation.

Very truly yours,



Dorothy J. Eng
Executive Director

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3-3. Form of Request for Advisory Opinions:

To receive an advisory opinion from the Board of Ethics a request must:

- (1) be from a person authorized to make such a request;
- (2) contain a clear statement of facts or hypothetical circumstances in sufficient detail to aid in the formation of an opinion;
- (3) concern the application of one of the sections of Chapter 26.2 or Chapter 26.3 of the Municipal Code of Chicago.

The initiating request for an advisory opinion may be submitted to the Board either in writing or by telephone. However, in the case of a request by telephone, no board opinion can be rendered until the request and the statement of facts or hypothetical circumstances have been confirmed in writing by the person requesting the opinion.