January 19, 1990

City of Chicago
Richard M. Daley, Mayor

Board of Ethics

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Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9600

Re: Case Number 89154.Q

With regard to the attached Case Number 89154.Q, you have asked whether, if the nominee for the position of Chairman of the City agencies did not accept compensation from the agency, he could serve as the Chairman of the agency and continue his private law practice as described in the query letter without violating Section 26.2-9 of the Governmental Ethics Ordinance.

If he did not receive compensation from the agency, he would not be an "employee" under the Governmental Ethics Ordinance. Thus, Section 26.2-9(c) of the Governmental Ethics Ordinance, rather than 26.2-9(b) would apply to his representation of plaintiffs against the City. His representation of persons with interests adverse to those of the City would not be prohibited so long as that representation was wholly unrelated to his duties as Chairman of the City agency.

If you have any further questions, please call me.

Sincerely,

Johnnie DeWilde
Acting Executive Director

JDW/tl