

Board of Ethics

Open Session Minutes

July 20, 2011 - 3:18 p.m.
740 North Sedgwick, Suite 500

Board Members Present

Tiffany Chappell Ingram
Eileen Libby
Lisa M. Taylor
John L. Wilhelm, M.D.

Thomas Mc Carthy (Absent)
Miguel A. Ruiz, Chair (Absent)

Staff Present

Steven I. Berlin, Executive Director
Richard J. Superfine, Legal Counsel
Courtney L.D. Kimble, Attorney/Investigator
Judith Marrs, Attorney
Edward Primer, Program Director
Pauilly Casillas, Staff Assistant

Visitors

Representatives from the Association Forum of Chicagoland

Evan R. Williams, Secretary-Treasurer
Carolyn M. Carter-Ellis, Chair, Public Policy Committee
Kimberly A. Pendo, Member, Public Policy Committee
Susan Urbanczyk, Director of Marketing and Communications

Staff introduced Ms. Judith Marrs; she has been assigned to our office due to re-assignments at the Office of Compliance.

After a quorum of Board members (Thomas Mc Carthy and Miguel A. Ruiz, absent) assembled, the members present elected John L. Wilhelm to act as Chair *Pro Tem* for the July meeting of the Board of Ethics.

I. Approval of Minutes

The Board VOTED 4-0 (Thomas Mc Carthy and Miguel A. Ruiz, absent) to approve the Open Session Minutes of the June 15, 2011 meeting, as amended.

II. Chair's Report

III. Executive Director's Report

A. Education—Classes

Since the last meeting, staff has conducted 2 classes for those required to attend. On June 23, 19 attended, and on July 14, 24 attended. There are currently 29 scheduled for class on July 28, and 20 on August 11.

At the request of the Commissioner, staff made a 30 minute presentation this morning to the entire Commission on Human Relations—12 employees and 19 appointed officials attended.

On June 24, 27, July 8, 12 and again on July 21, staff will have conducted classes for Mayoral staff. A total of 44 persons will have attended.

At the request of the Mayor's Office, staff made 60 minute presentations to delegations of a total of 41 visiting officials from Indonesia and 7 countries in Latin America, on June 24 and July 11, respectively. Staff is scheduled to make another, to a delegation of 11 visiting officials from Vietnam, on July 22

On July 22, staff will conduct a class for the 43rd Ward, and on July 27, for the 45th Ward.

B. Education—Mandatory Annual Ethics Education

To date, approximately 5,720 employees have completed the program, and another 170 are in process. The aldermanic program will be released in the next few weeks.

To date, 517 lobbyists have completed the program (a 95% completion rate). Staff continues with its blitz to reach 100% compliance.

C. Statements of Financial Interests

To date, 13,600 employees and officials have filed their 2011 Statements of Financial Interests. We have collected approximately \$9,300 in late filing fees. We are at 94% compliance. Staff is continuing its "blitz" to ensure that as many filers as possible file prior to the Board's July meeting, and will send out notices that names will be submitted to the Board for a determination of a violation at that time.

Representatives from the Association Forum of Chicagoland made a presentation (see: V. New Business)

D. Lobbyist Registration

There are currently **544** lobbyists registered with the City. To date, \$260,800 in lobbyist registration fees have been deposited with the Department of Revenue. The semi-annual lobbyist activity report filings are due today; approximately 75% of lobbyists have filed their reports. Staff is working diligently to process them so that data can be reported on the Mayoral data portal.

E. Lobbying amendments

The Mayor held a press conference here on July 5, and then introduced a package of amendments to the Governmental Ethics Ordinance, most of which pertain to lobbyist regulation. Board staff was honored, and was also very pleased that its hard work has assisted the Mayor in proposing changes that will greatly increase transparency in government.

F. Ethics Pledges

The Mayor has given the Board the responsibility to distribute and maintain Ethics Pledges required of all Shakman-exempt employees and Mayoral appointees under Executive Order 2011-1. All but 14 persons have filed their pledges—a compliance rate of 98%.

G. New Publications

The Board has prepared and distributed 3 Plain English guides: one for lobbying and interacting with lobbyists; one for gifts; and one for post-employment. A fourth, covering political activity, will be distributed in the next few weeks.

H. Illinois Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received 8 new requests under the Freedom of Information Act, 7 requests for lobbying records between the years 2000-2011 and one request for water bills. The water bill requestor was advised this agency had no responsive records. These resulted in production of 32 records and copying of 39 pages from 6 of those records and of 221 copies from 26 of those records.

IV. Old Business

None.

V. New Business

At the Board's July 20, 2011 meeting, the following four representatives from the Association Forum of Chicagoland made a presentation: Evan R. Williams, Secretary-Treasurer; Carolyn M. Carter-Ellis, Chair, Public Policy Committee; Kimberly A. Pendo, Member, Public Policy Committee; and Susan Urbanczyk, Director of Marketing and Communications. The AFC is a not-for-profit whose

members are other diverse associations, representing groups like the American Society for Corporate Treasurers. They expressed 3 concerns with the Mayor's recently proposed modifications to the Governmental Ethics Ordinance, specifically, the definition of "lobbyist" in Section 2-156-010 (p): (i) the new "for-profit" component could cause a lobbyist to spend inordinate registration fees listing for-profit members of associations as lobbying clients; (ii) it is unclear whether natural persons who are members of associations need to be listed as the lobbyist's clients; and (iii) an extra registration fee may routinely be required during the calendar year, as most directors of associations (the probable registering lobbyist) change during and not at the end of the calendar year. The Board, Board staff and the representatives exchanged several questions and answers about possible scenarios concerning AFC. AFC will provide the Board timely proposed ordinance language addressing these concerns.

After the presentation from the Association Forum of Chicagoland, the Executive Director resumed with the Executive Director's report (See: D. Lobbyist Registration).

The Board VOTED 4-0 (Thomas Mc Carthy and Miguel A. Ruiz, absent) to adjourn into Executive Session at 3:59 p.m. to review matters concerning the conduct of employees and officials of the City that could result in their discipline or dismissal, to review questions concerning matters of professional ethics and performance, to review matters in which litigation is ongoing, and/or to review matters in which the Board finds that litigation against or affecting the Board is probable or imminent.