

Board of Ethics

Open Session Minutes

October 17, 2012 - 3:10 p.m.
740 North Sedgwick, Suite 500

Board Members Present

Miguel A. Ruiz, Chair
Thomas Mc Carthy
Lisa M. Taylor
John L. Wilhelm, M.D.

Tiffany Chappell Ingram (Absent)
Eileen Libby (Absent)

Staff Present

Steven I. Berlin, Executive Director
Lisa S. Eilers, Deputy Director
Richard J. Superfine, Legal Counsel
Ana Collazo, Investigator
Pauly Casillas, Staff Assistant

I. Approval of Minutes

The Board VOTED 4-0 (Eileen Libby and Tiffany Chappell Ingram, absent) to approve the Open Session Minutes of the September 19, 2012 meeting.

II. Chair's Report

None.

III. Executive Director's Report

Personal Note: It is with pride, gratitude and some obvious sadness that I report that, as is now widely known, this is the final meeting of the current Board membership. I know that I speak for the entire staff in thanking each and every one of you for your extraordinary, professional, dedicated and voluntary service to this agency and to the citizens of Chicago. The Board of Ethics, and all of you, are gems among City departments—and the good work that you all have done over the years has been appreciated by all of us in so many ways. It has been my great honor and privilege to have served with each of you. The work you have done and the example you have set will make the incoming Board's work so much easier and clearer.

A. Education–Classes

Since the last board meeting, staff has conducted 2 regularly scheduled classes: on October 3 and 17, and staff conducted another class for Special Service Area (SSA) members and service providers on October 2. A total of 49 employees and officials attended these classes. Our next SSA class is on October 29. And, we will also be conducting a class for the all-new Human Relations Commissioners at their December meeting. On November 5, we will host a delegation of journalists from various countries in Africa, at the request of the U.S. State Department and the Mayor's Office. Our next regularly scheduled classes are to be held on November 7 and 21. There are 31 employees scheduled to attend.

The Ordinance that takes effect on November 1, 2012 also requires the Board to provide training for all new employees and officials—for those who must attend face-to-face training, within 120 days of their start, and for others, within 60 days of their start. Staff is working to finalize the program for those who need to complete the training within 60 days of their start date.

B. Education—Mandatory Annual Ethics Education

As of today, approximately 25,515 City employees and 4 aldermen have completed the 2012 program. We are thus at 80% compliance.

All but 4 registered lobbyists completed the 2011-2012 program, putting us at 99.3% compliance. They were found in violation of the Ordinance at the last meeting, and fined \$750 apiece.

C. Other Training

At the request of Cindi Canary, the Chair of the Task Force, we are working with Second City Productions to produce 3 short introductory ethics training videos. We expect that the Mayor will be in them, and they will be light-hearted. Second City is donating its time and expertise to the City for this purpose. Filming is to occur on November 1.

D. Lobbyists

We currently have 674 lobbyist registrations, and have collected \$352,950 in registration fees. All lobbyists were notified of the activity report filing deadline of October 22, 2012 as required by Ordinance. There are still 3 lobbyists with filing deficiencies, and 5 lobbyists who, the Board determined, violated the Ordinance for failure to file their activity reports. One of these has requested reinstatement. They will be the subject of further discussion and action in closed session.

E. Statements of Financial Interests

To date, 14,179 employees and officials have filed their statements in compliance with the law. We have collected \$25,700 in late filing fees for 2012. There remain 234 who have yet to file.

F. Ethics Ordinance Amendments

The Mayor's Ethics Reform Task Force issued Part II of its Report on August 28. The Report contains some interesting and productive recommendations—among the most important of which are that the IG and LIG will present their Reports to us for a finding of probable cause, and then the matter will be set for a hearing on the merits for a final

adjudication as to whether the Ordinance was violated. The Board is working on its comments to the draft ordinance that the Law Department has prepared.

On October 2, the Executive Director and the Law Department appeared before the City Council's Rules and Ethics Committee regarding amendments to section 2-156-019—which takes effect on November 1, 2012—covering whistleblower protection. That amendment was enacted into law on October 3, 2012.

G. Illinois Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received 3 new requests under the Freedom of Information Act. These were: 1 request for an unknown number of records with respect to a permit, "dockets," 3 City properties and the requestor himself; 1 request for 2 statements of financial interests; and 1 request for lobbyists' records related to a specific lobbying client. This agency produced no records about permits, dockets, City properties or the requestor, advising the requestor that this agency does not create or maintain such records and does not have any such records; directed the second requestor to our web site to view the 1 statement of financial interests available; and made available 15 responsive lobbying records for the third requestor to review.

IV. Deputy Director's Report

H. Compliance Matters

Deputy Director Lisa Eilers provided an update regarding Identity Protection Act training. She indicated that City-wide training is nearly complete. Further, Deputy Director Eilers reported that she is working with the City's HIPAA Officer and Finance Department to review and revise the City's ambulance billing policy.

V. Old Business

None.

VI. New Business

I. Other

40. Case No. 12063.C

It was announced that, during the executive session, the Board would review this case for consideration of a referral.

The Board voted 4-0 (Eileen Libby and Tiffany Chappell Ingram, absent) to adjourn into Executive Session at 3:26 p.m. under 5 ILCS 120/2(c)(1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

VI. New Business (Reconvened)

J. Other

40. Case No. 12063.C

At 5:19 p.m. the Board reconvened in open session. The issue in Case No. 12063.C is Board consideration of a referral of a potential gift violation of the Governmental Ethics Ordinance to the City's Office of the Inspector General and the Department of Law for investigation. The Board voted unanimously in open session 4-0 (Eileen Libby and Tiffany Chappell Ingram, absent) to so refer the matter.

The Board VOTED 4-0 (Eileen Libby and Tiffany Chappell Ingram, absent) to adjourn, at 5:20 p.m.