

Board of Ethics Open Session Minutes

August 15, 2012 - 3:10 p.m.
740 North Sedgwick, Suite 500

Board Members Present

Miguel A. Ruiz, Chair
Eileen Libby
Lisa M. Taylor
John L. Wilhelm, M.D.

Thomas Mc Carthy (Absent)
Tiffany Chappell Ingram (Absent)

Staff Present

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

Visitors Present

Faisal Khan, Legislative Inspector General
Richard Aguilar, Fraternal Order of Police
Frank DiMaria, Fraternal Order of Police

Board Chair Miguel A. Ruiz provided the attending visitors (Mr. Aguilar and Mr. DiMaria) an opportunity to address the Board during the open session. See section VII below.

I. Approval of Minutes

The Board VOTED 4-0 (Thomas McCarthy and Tiffany Chappell Ingram, absent) to approve the Open Session Minutes of the June 27, 2012 meeting, as amended.

II. Chair's Report

None.

III. Executive Director's Report

A. Education—Classes

Since the last board meeting, staff has conducted 3 regularly scheduled classes: on July 11, 25, and August 8. A total of 40 City employees and officials attended. On July 19 and 23, staff presented two 60 minutes classes to 35 Chairs of City Special Service Areas and Executive Directors of their Service Providers—at the recommendation of the Board and the request of the Department of Housing and Economic Development. On July 19, we made a presentation to a visiting delegation from every Spanish-speaking country in Latin America, and taught a seminar for an alderman and his staff of 5 on July 31. We have another SSA class scheduled for September 10, and, on August 28, two classes: one for the members of the new Infrastructure Trust Board, at its regular meeting, and the other, the first of many for Minority-/Woman-/Disabled-Owned (MBE/WBE/DBE) vendors. These are at the request, respectively, of the Chief Financial Officer and Infrastructure Board Chair, and the Chief Procurement Officer.

B. Education–Mandatory Annual Ethics Education

As of today, approximately 16,800 City employees have completed the program. We are thus at about 55% compliance (there are currently 30,790 scheduled).

All but 9 registered lobbyists completed the 2011-2012 program, putting us at 98.3% compliance. The names of the non-complying lobbyists will be the subject of further discussion and action in closed session.

C. Lobbyists

We currently have 658 lobbyist registrations, and have collected \$335,500 in registration fees. All lobbyists were notified of the activity report filing deadline of July 20, and those who had not complied were notified via certified mail on August 9, as required by law, of their non-compliance. There are still 18 lobbyists who haven't filed.

D. Statements of Financial Interests

To date, 13,527 employees and officials have filed their statements in compliance with the law. We have collected \$21,720 in late filing fees for 2012. There remain 374 who have yet to file. Their names will be brought to the Board in closed session for a determination that they have violated the law.

E. Ethics Ordinance Amendments

We expect that the Mayor's Ethics Reform Task Force will issue Part II of its Report by the end of August. In the meantime, the Mayor's first package of amendments to the Governmental Ethics and Campaign Financing Ordinances was enacted by City Council into law on July 25. These amendments take effect on November 1. The Executive Director presented 4 briefings to nearly all the aldermen on July 11, then testified before the council's Rules and Ethics Committee on July 18, just prior to the vote in which the package was passed by the committee. Highlights of the new law include: mandated creation of departmental and aldermanic ethics officers and our annual training of them; additions of brother- and sister-in-law to the definition of "relative"; duty to report corrupt or unlawful activity; whistleblower protection; modification of the definitions of "economic" and "financial" interests into one term with an ownership threshold of \$1,000; a prohibition on negotiating future employment with a person with a matter pending before the employee or official; a 2 year reverse revolving door restriction; clarification of the prohibited political activities section; a prohibition on all gifts from any single source of \$50 or more (except gifts from relatives or personal friends); a prohibition on honoraria; required prior approval by the Board of Ethics of travel expenses relating to a public or educational purpose; codification of the restrictions on employee-to-employee gifts; annual training for all aldermen, their staffs, all officials, and employees of non-profit organizations created by the City (such as the Infrastructure Trust); training for all departing employees; changes to the criteria as to who shall file Statements

of Financial Interests, leaving it largely within the Board's discretion; disclosure therein of boards served on; relatives who are lobbyists or City contractors; aldermanic filings with the Board; semi-annual reports from the Board; electronic newsletters; and last, fines: between \$200 and \$750 for failing to complete training, \$250 for failing to file statements of financial interests (and the public disclosure by the Board of the names of those who failed to file on time) between \$1000 and the higher of \$5000 or 3 times the amount of the improper contribution for anyone who knowingly solicits or accepts an improper political contribution; and fines for other violations between \$500 and \$2000.

I have an engrossed copy for you to examine. We have not yet released this, because it would require too much explanation.

F. Letters to the Editor

On Sunday, August 12, we submitted a letter to both the Sun-Times and Tribune over the Chair's signature. The letter answers criticisms leveled at the Board by both papers. The Sun-Times published the letter in yesterday's edition (see the attachment). This morning I received an email from the editor of the letters page of the Tribune that "[she] plan[s] on using the letter soon ... I will email you when I have an exact date." Please also note that my written statement to the Task Force was posted on our website. I presented it to the Task Force on January 23, at the first of my 3 meetings with them.

G. New Publication

On July 24, we issued our Plain English Guide to Political Activity, posted it on our website, and tweeted it.

H. Budget

We submitted our budget on July 11. We asked for no significant changes from our 2012 budget, which is just over \$802,000, though we rejiggered various non-personnel accounts so that we can send more attorneys to the COGEL and Heartland Ethics Conferences.

I. Illinois Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received 4 new requests under the Freedom of Information Act: 1 request for 69 lobbyist records for 3 lobbyists covering years from 2005-12; 2 requests for information about FOIA requests; and 1 request for 3 training certificates for the agency's 3 FOIA officers. This agency had no available lobbyist records; gave no information about FOIA requests; and produced 3 training certificates for the agency's 3 FOIA officers.

IV. Deputy Director's Report

J. Compliance Matters

Deputy Lisa Eilers reported that she continues to conduct ongoing training sessions along with staff from the Department of Human Resources regarding the Illinois Identity Protection Act for purposes of training those City employees who have access to Social Security numbers [SSNs] in the course of their work. The Act requires that state and local government agencies develop and implement policies and procedures to ensure the protection of the confidentiality of SSNs. She further reported that she is working on revising the City's ambulance billing policy.

V. Old Business

None.

VI. New Business

None.

VII. Other

Richard Aguilar and Frank DiMaria, of the Fraternal Order of Police ("FOP") attended the Board's open session on behalf of their membership, which includes all officers below the rank of Sergeant. Board Chair Miguel Ruiz provided them the opportunity to speak on behalf of the FOP during the open session.

They stated that, prior to 2011, the Board issued its FIS filing notices via US mail, but that in 2011 notices were emailed to chicagopolice.org addresses. The FOP said that this was problematic because Chicago police officers are not required to read their City email, and there is no general order requiring them to have or access their email. This has resulted in causing late filings, and dozens of FOP members to incur a \$20 late filing fee.

Following questions by Chairman Ruiz, the representatives added that the email accounts are provided by the City, but that the police officers do not use them as the official way to receive news/information because they all know the department monitors emails. So, instead, they use a daily bulletin to convey information. The daily bulletin is in electronic form but they do not need email to access it. They added that there are "a lot of bugs" in the email system. They said that in 2011, the FOP filed a grievance, and it

must have worked, because their members did not have to pay the late fee. The representatives requested that the Board: 1) waive the \$20 late filing fee; and 2) request that the Police Superintendent place notice in the daily bulletin for future FIS filings.

The Board thanked Mr. Aguilar and Mr. DiMaria for attending the meeting and expressing their concerns on behalf of the FOP membership, and explained that the Board will consider and discuss their concerns during Executive Session.

The Board VOTED 4-0 (Thomas Mc Carthy and Tiffany Chappell Ingram, absent) to adjourn into Executive Session at 3:42 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.

[suntimes](#)

Support the work of Chicago's Board of Ethics

Letters to the Editor

Last Modified: Sep 15, 2012 06:09AM

For too long, the Chicago Board of Ethics has been misunderstood and repeatedly criticized by this newspaper, which has taken every opportunity to call it a “do-nothing agency” “that’s never taken action against aldermen.” The refrain is that 20 aldermen have gone to jail in 25 years while we did nothing. It’s misleading. Our authority to investigate aldermen for city ethics violations began in 1998. Since then, three have been convicted of bribery and one of mail and tax fraud — federal crimes, not city ethics violations.

Like inspectors general, we must by law refer criminal matters to federal or state prosecutors. We’ve done this in cases involving elected officials and high-ranking employees. And, by law, we cannot comment on specific cases. Of course we realize that such information is just what your paper might wish to know, but it’s confidential — by law.

Unfortunately, critics focus on federal convictions and flashy press releases rather than our distinctly un-flashy work: providing ethics advice and education and making ethics disclosures publicly available. Every year we issue 6,000 confidential ethics opinions and train 33,000 city personnel and lobbyists on ethics standards. Some opinions result in discipline of city personnel for violating ethics laws, but most, like those from your own company’s ethics advisers, put people on the right path and stop potential ethics problems before they become embarrassments, or worse, violations.

It’s unfortunate that you don’t report on that. It’s time to stop calling us a “do-nothing” agency and time to start understanding and supporting our work.

Miguel A. Ruiz, chairman,

Chicago Board of Ethics

Keep alleged dog killer away
from fourth-grade classroom

I certainly hope Derek Fierro, the fourth-grade teacher who allegedly beat his dog to