

# **Board of Ethics**

## **Open Session Minutes**

January 18, 2012 - 3:08 p.m.  
740 North Sedgwick, Suite 500

### **Board Members Present**

Miguel A. Ruiz, Chair  
Eileen Libby  
Thomas Mc Carthy  
John L. Wilhelm, M.D.

Tiffany Chappell Ingram (Absent)  
Lisa M. Taylor (Absent)

### **Staff Present**

Steven I. Berlin, Executive Director  
Richard J. Superfine, Legal Counsel  
Edward Primer, Program Director  
Pally Casillas, Staff Assistant

### **Attendees Present**

Faisal Khan, Legislative Inspector General  
Lisa S. Eilers, Incoming Deputy Director

## **I. Approval of Minutes**

The Board VOTED 4-0 (Tiffany Chappell Ingram and Lisa M. Taylor, absent) to approve the Open Session Minutes of the December 14, 2011 Board meeting.

## **II. Chair's Report**

The Chair reported that he has been contacted by Mayor Emanuel's Ethics Task Force (as have all the Board members). He is scheduled to meet with them and attorneys from the Jones Day law firm on January 31.

In addition, he reported that the letter that he wrote to the editor of the Tribune with respect to several unfavorable stories in the media was published in the Saturday, December 10, 2011 edition.

## **III. Executive Director's Report**

### **A. Staffing**

I am honored and pleased to introduce our new Deputy Director, Lisa S. Eilers. Lisa is a graduate of Williams College and Northwestern University Law School. I have known Lisa professionally for more than 12 years, and I am thrilled that she will be joining us on February 16.

During the week of January 9, we interviewed 6 candidates for our vacancy for Attorney/Investigator. We have 1 more candidate to interview, and plan to make a hiring decision in the middle of next week.

**B. Formal and Informal opinions for 2011**

During the calendar year, we received and issued, *confidentially*, 5,923 formal and informal advisory opinions, from and to City employees, officials, vendors, lobbyists, businesses and others subject to the Ordinances. That is an all-time record for this "do-nothing agency." I anticipate a 5% increase over this number for 2012.

**C. Education—Classes**

We have posted our schedule for classes in 2012. Since the last meeting, staff has conducted 1 class for those required to attend. On December 15, 16 attended. There are 14 persons scheduled for class on January 31. At full staff, we will be able to conduct more. On February 1, at the request of the Commissioner of Housing and Economic Development, we will conduct an ethics training session for commissioners and service providers of 3 SSA's (Special Service Areas).

**D. Education—Mandatory Annual Ethics Education**

As of this afternoon, 31,106 employees and all 50 aldermen completed the 2011 on-line program. This is 99.54% compliance, out of 31,150 employees and officials. Ed is still crunching numbers—several hundred fulfilled the requirement by viewing a DVD, with manual sign-in sheets approved by a supervisor. We must input their names manually as well. Thus I believe we have a higher compliance figure and are nearly at 100%.

I have begun work on the 2012 program and hope to have it posted by March 1.

79 registered lobbyists have completed the 2011-2012 program. All need to complete it by June 30, 2012.

**E. Lobbyist Registration**

To date, approximately 203 lobbyists have filed registrations for 2012. Lobbyists must re-register for calendar 2012 by January 20, or within 5 days of first lobbying. We have to date collected approximately \$73,750 in 2012 lobbyist registration fees. We anticipate about 725 registrants for 2012. We're reviewing filings for completeness as they come in, which is constantly. We'll make lobbyist information available publicly as soon as possible.

**F. Statements of Financial Interests**

For 2011, 15,009 employees and officials filed 2011 Statements of Financial Interests. Enhancements to the system were implemented and will be ready for the 2012 filing season.

We will prepare the list of 2012 filers the last week of January. The salary rate requiring filing is \$80,700 for 2012. We expect about the same number of filers as in 2011.

**G. E-Lobbying RFP**

3 responses were submitted to our RFP on December 15. After several meetings, the review committee awarded the contract to a consortium of developers headed by Crowe Horwath. It includes several developers who worked on the County's on-line lobbyist registration and disclosure system. Work begins tomorrow.

**H. Sister Agency Ethics Officers' Consortium**

We next meet on February 7 with Ethics Officers from the CPS, CTA, CHA and City Colleges regarding issues of common concern. We will discuss a draft set of joint guidelines for our officials and employees discussing rules and restrictions on political activity and government property. We also are working on issues relating to training, and handling complaints, which ones to consider and why, when if ever to refer matters to our respective inspectors general, and due process concerns, technology strategies, and common challenges.

**I. American Law Institute/Principles of Governmental Ethics**

The Associate Reporter on this multi-year project, Professor Kathleen Clark of Washington University Law School in St. Louis, sent me the latest working draft. I will submit my comments to her.

**J. Ethics Ordinance/EDS Amendments**

I spoke last week with the Chair of the Mayor's Ethics Task Force, Cindi Canary, and an attorney from Jones Day, which is providing legal services to the Task Force. I'm scheduled to meet with the Task Force, January 23, and Board Chair Miguel Ruiz is scheduled to meet with them on January 31. At Ms. Canary's request, I forwarded to her the names of 5 experts in municipal and governmental ethics to interview.

Meanwhile, I met with representatives from the Law and Finance Departments and Mayor's Office, and we decided that, under current law, the Board has whatever contracting authority it needs.

**K. Possible amendments to the Illinois Governmental Ethics Act**

The committee convened by Lt. Gov. Simon to propose revisions to the state ethics form, the "Statement of Economic Interests" (which 3,000 City personnel file every year), met again

January 13. The committee has completed its work, and the drafters will have the final version ready later this week.

**L. Legal Internship**

On January 12, I met the incoming Dean of Northwestern Law School, Dan Rodriguez, at an alumni function. We discussed setting up an unpaid internship for a law student at our office. He believes there is substantial interest at Northwestern (likely other law schools as well). I contacted DHR Commissioner Choi about this. We're working on establishing the criteria for such a program. Dean Rodriguez also mentioned that NULS is also exploring setting up a Dawn Clark Netsch Institute for Local Government as well. We agreed to talk further about that when those plans become more concrete.

**M. Republic of Georgia**

I'm pleased to report the acceptance of the proposal submitted to the State Dept./American Councils for International Education, with Giorgi Bolkvadze, an employee of the Tbilisi Mayor's Office. He was our legislative fellow here in October. The proposal is to pay for a Board staff member to travel and help establish ethics commissions for the cities of Tbilisi and Kutaisi. I will go. The State Department and American Councils will jointly pay for travel to Georgia for about 12 working days to help implement the proposal.

**N. Greater Transparency**

Employees and officials must disclose honoraria, gifts accepted on the City's behalf, and other matters. We receive about 200 disclosures each year, some of which are required by law and others that are filed voluntarily. We keep these in paper form (aldermanic recusal notices are posted on the web). We will now also post all of them on our website.

**O. Illinois Freedom of Information Act**

Since the last regularly scheduled Board meeting, the office has received 5 new requests under the Freedom of Information Act. These were requests for lobbying records for 5 lobbyists varying between the years 2004-2011; lobbying records regarding 14 entities since 2005 and statements of financial interests for one alderman from 2005-2009. This resulted in production of 66 records and scanning of 1,035 pages from those records.

**IV. Old Business**

None.

**V. New Business**

None.

The Board VOTED 4-0 (Tiffany Chappell Ingram and Lisa M. Taylor, absent) to adjourn into Executive Session at 3:29 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.