

BOARD OF ETHICS
OPEN SESSION MINUTES

September 8, 2014 - 3:06 p.m.
740 North Sedgwick, Suite 500

BOARD MEMBERS PRESENT

Stephen W. Beard, Chair
Russell F. Carlson
Mary T. Carr
Frances R. Grossman
Dr. Daisy S. Lezama
Hon. Julia M. Nowicki

STAFF PRESENT

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

I. APPROVAL OF MINUTES

The Board VOTED 6-0 to approve the Open Session Minutes of the August 20, 2014 meeting.

II. CHAIR'S REPORT

Deferred.

III. EXECUTIVE DIRECTOR'S REPORT

A. Education-Classes

Since the last Board meeting, we have held 2 classes in our offices, on August 14 and 28. 17 persons attended. There are 19 participants scheduled for September 11 and 22 for September 25.

On August 22, staff made a 60 minute presentation to a visiting delegation of 4 public officials from the municipal government of the city of Johannesburg, South Africa, at the request of the Mayor's Office.

On September 23, staff will conduct a class for 24 members and directors of HACIA (the Hispanic American Construction Industry Association), focusing on campaign contributions, at the request of HACIA's Executive Director.

On September 23, the Executive Director will give a guest lecture for a class on local government at Loyola University.

On September 25, at the request of the Mayor's Office, staff will make a 60 minute presentation to 17 visiting government and NGO officials (all women) from Mauritania, Libya, Morocco, Algeria, Tunisia, Egypt, Jordan, Syria and Yemen.

B. On-line Training

To date, 19,920 employees have completed the program, and 192 are in progress. Four (4) aldermen have completed the (separate aldermanic) program. The 2014-2015 lobbyist program is currently being written.

C. Lobbyists-Regulation and Enforcement

As of today, there are 615 registered lobbyists, and we have collected \$335,635.00 in 2014 registration fees. Reminders of the October 20 filing deadline for third quarter activity reports will be sent to all lobbyists on September 30.

D. Informal Advisory Opinions

Since the August 2014 meeting, the agency issued 417 confidential advisory opinions. The leading categories were business travel, political activity, gifts, and campaign financing, and post-employment.

Staff continues to work with the Department of Innovation & Technology on a "beta" version of a secure, searchable database for all such informal advisory opinions. This will enable Board staff to receive instantaneous reports of opinions issued by topic, department, title, date, etc.

E. Mainframe Application

The City has been phasing out all mainframe applications for years. We still have one program that resides on the mainframe, for mandatory quadrennial face-to-face ethics education. We are meeting later this week with the senior programmers in the Department of Innovation and Technology to discuss migrating that program to a more contemporary format with contemporary web architecture.

F. Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received one new request under the Freedom of Information Act. It was for one alderman's statements of financial interests, other disclosures, and any complaints filed against the alderman. For the first part, we sent those statements of financial interests we had and provided the link to the City Clerk's website, where the other requested statements are posted. For the second part, we asked the requestor to clarify and narrow the request so we could respond accurately. For the third part we advised that the law prohibits us from turning over complaints.

IV. OLD BUSINESS

None

V. NEW BUSINESS

None

The Board VOTED 6-0 to adjourn into Executive Session at 3:09 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.

In addition, The Board voted to adjourn into Executive Session under 5 ILCS 120/2(c)(4) to hear and discuss evidence or testimony in closed hearing as specifically authorized pursuant to Governmental Ethics Ordinance Section 2-156-395 (the Ordinance applicable to this matter) and the Board's Rules and Regulations, 4A-2, "Hearings on Complaints Against Aldermen" as amended, effective February 26, 2010, presented to a quasi-adjudicative body, as defined in the Illinois Open Meetings, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

At 4:45 p.m., the Board VOTED 6-0 to reconvene into open session.

VI. MATTERS CONSIDERED AND ACTED UPON BY THE BOARD IN EXECUTIVE SESSION

I. APPROVAL OF EXECUTIVE SESSION MINUTES

The Board confirmed it had approved the Executive Session minutes of the August 20, 2014 meeting by a 6-0 VOTE in executive session.

II. CASES

A. Office of the Legislative Inspector General

1. Case No. 12035.OLIG, Consideration of Probable Cause [2012OLIG0007]

The Board VOTED 4-2 to make a finding of "no probable cause," dismiss and close the matter. The Board voted after it considered the Office of Legislative Inspector General's request, pursuant to its Confidential Closing Report, for a finding of probable cause under §§2-156-385(1) and (3) of the Governmental Ethics Ordinance. The Board found that the evidence in the Report did not show that there was probable cause to believe that an alderman and/or two staff members had violated any provision of the Ordinance. The complaint alleged improper termination of an aldermanic employee, use of City property for political purposes, violation of fiduciary duty for failure to obtain proper permits to renovate an aldermanic office, and improper hiring of the alderman's relative.

2. Case No. 12052.OLIG, Confidential Closing Report [2012OLIG0003]
3. Case No. 13039.OLIG, Confidential Closing Report [2013OLIG0027]
4. Case No. 13046.OLIG, Confidential Closing Report [2013OLIG0026]

The Board deferred its consideration of these cases because the Office of Legislative Inspector General failed to provide required notice to subjects, and the subjects did not waive that failure.

B. Advisory Opinion

5. Case No. 14034.A, Reverse Revolving Door

The Board VOTED 6-0 to approve the draft advisory opinion determining that an incoming City employee is subject to the Ordinance's two year "reverse revolving door" prohibition from acting in a decision-making capacity with respect to the City employee's immediate prior employer. Also, effective after the date of the City employee's hire, the prior employer will merge with another corporation. As a result, the prior employer will become a wholly-owned subsidiary of the other corporation. The Board also determined that, if the merger occurs, then the newly-hired City employee will not be prohibited from acting in a decision-making capacity as to the parent corporation; provided, however, that the City employee may not work on or make decisions with respect to the parent's existing or new City contracts or projects if the subsidiary (the City employee's prior employer) has had or will have any participation or involvement in those contracts or projects.

C. Dismissed and Referred Complaint Report

6. Case No. 14033.C, No Jurisdiction

The Board heard status report on this case.

III. Other Business

D. Pending Case List

The Board reviewed the pending case list.

At 4:50 p.m., the Board VOTED 6-0 to adjourn the meeting.