

**BOARD OF ETHICS**  
**OPEN SESSION MINUTES**

August 20, 2014 - 3:16 p.m.  
740 North Sedgwick, Suite 500

**BOARD MEMBERS PRESENT**

Stephen W. Beard, Chair  
Russell F. Carlson  
Mary T. Carr  
Frances R. Grossman  
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  
Edward Primer, Program Director

**ADSENT**

Dr. Daisy S. Lezama

**I. APPROVAL OF MINUTES**

The Board VOTED 5-0 (Dr. Daisy S. Lezama absent) to approve the Open Session Minutes of the July 23, 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 July 24 and August 14. 24 persons attended. There are 17 scheduled for class on August 28 and 19 for September 11.

On August 8, staff held a class for 24 employees and participants in the Mayoral Fellows Program, at the request of the Mayor's Office.

On August 13, staff held a class for 84 senior employees of the City's Department of Cultural Affairs and Special Events, at the Commissioner's request.

On August 22, staff will make 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 9, 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 its Executive Director.

**B. On-line Training**

Employees and Officials. To date, 18,157 employees have completed the program, and 158 are in progress. Four (4) aldermen have completed the (separate aldermanic) program.

Staff finalized and distributed a DVD version of the training to several departments.

**C. Lobbyists-Regulation and Enforcement**

As of today, there are 612 registered lobbyists, and we have collected \$332,525.00 in 2014 registration fees.

**D. Informal Advisory Opinions**

Since the July 2014 meeting, the agency issued 344 confidential advisory opinions. The leading categories were business travel, political activity, gifts, and campaign financing.

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, and we expect that this project will be completed in 2014. This will enable Board staff to receive instantaneous reports of opinions issued by topic, department, title, date, etc.

**E. Updated Website/New Educational Brochures**

Three revised educational brochures were posted to our website: the Plain English Guide to Secondary Employment (Outside Jobs) for City Employees, the Plain English Guide to Political Activity, and the Guide for Businesses and Contractors. We are making arrangements with the Chicago Board of Election Commissioners to distribute material to candidates and their agents before nominating petitions may be circulated (which is on August 26, 2014).

**F. Rules & Regulations**

I am pleased to report that the Board's draft Rules & Regulations were formally submitted to the City Council. They will become effective after 45 days (*i.e.*, on October 23), unless the City Council votes (by majority vote) to disapprove them.

**G. Freedom of Information Act**

Since the last regularly scheduled Board meeting, the office has received two new requests under the Freedom of Information Act. The first was for one former employee's Statements of Financial Interests, as well as complaints against that former employee; the second was for Statements of Financial Interests for one alderman. For the first, no Statements of Financial Interests were located and the requestor advised that, by law, we are prohibited from turning over any complaints. For the second, the Board had 2 responsive records and turned them over to the requestor. However, for the remainder of the Statements of

Financial Interests, the Board referred (with a web site link) the requestor to the Clerk's web site, which is the repository for pre-2013 aldermanic Statements of Financial Interests.

**IV. OLD BUSINESS**

None

**V. NEW BUSINESS**

None

The Board VOTED 5-0 (Dr. Daisy S. Lezama absent) to adjourn into Executive Session at 3:18 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.

At 4:53 p.m., the Board VOTED 5-0(Dr. Daisy S. Lezama absent) 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 July 23, 2014 meeting by a 5-0 VOTE (Dr. Daisy S. Lezama absent) in executive session.

**II. CASES**

**A. Office of the Legislative Inspector General**

1. Case No. 13010.OLIG [2013OLIG0006]

The Board considered the Report of the Legislative Inspector General and VOTED 4-1 (Dr. Daisy S. Lezama absent) to close its file in this the case. The Office of the Legislative Inspector General's investigation concluded that allegations that an alderman violated various provisions of the Governmental Ethics Ordinance by allowing pigeons to be captured in his ward were "Unsubstantiated" because this conduct was not in violation of any statute, ordinance or policy.

2. Case No. 13031.OLIG [2012OLIG0029]

The Board VOTED 5-0 (Dr. Daisy S. Lezama absent) to close its file in this case. The Office of the Legislative Inspector General's concluded that an alderman did not violate any provision of the Ordinance after investigation allegations that he had

shown favoritism to a local neighborhood sports organization, and found the allegations "Unfounded."

**B. Advisory Opinion**

3. Case No. 14032.A

The Board VOTED 5-0 (Dr. Daisy S. Lezama absent) to approve the draft advisory opinion determining that a law firm and its legal staff retained pursuant to a contingency fee retainer agreement are City contractors rather than City employees or officials, as those terms are defined by the Governmental Ethics Ordinance. Accordingly, they are not subject to the prohibitions in §2-156-030(a) [Improper Influence] of the Ordinance (through they are subject to the provisions covering City contractors), and further, having determined that there is no violation of the foregoing section, the question of whether there is a violation of §2-156-510 [Invalid Actions] is moot.

**III. OTHER BUSINESS**

**C. Mandatory Board Review of Past Executive Session Minutes**

The Board VOTED 5-0 (Dr. Daisy S. Lezama absent) to find that the need for confidentiality of the Board's executive session minutes between and including August 1987 and May 14, 2014 still exists.

At 4:55 p.m., the Board VOTED 5-0 (Dr. Daisy S. Lezama absent) to adjourn the meeting.