

BOARD OF ETHICS
OPEN SESSION MINUTES

April 22, 2015, 3:10 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
Edward Primer, Program Director
Pauilly Casillas, Staff Assistant

I. APPROVAL OF MINUTES

The Board VOTED 6-0 to approve the Open Session Minutes of the March 18, 2015 meeting.

II. CHAIR'S REPORT

None

III. EXECUTIVE DIRECTOR'S REPORT

A. Education-Classes

Staff continues to work with the Department of Innovation & Technology to replace the system for scheduling people for in person ethics training which is required every four (4) years. In the meantime, 16 attended March 31 and April 16, and 18 are scheduled to attend April 28 and May 14.

On March 30, staff met with undergraduates and 2 instructors in business and public administration from Ohio Northern University in Ada, Ohio.

On April 13, staff met with a delegation of government corruption officials from India, at the request of the Mayor's Office.

On June 4, The Executive Director will participate in a panel discussion regarding Ethics for Government Attorneys, together with representatives from the Attorney Registration and Disciplinary Commission and the John Marshall Law School.

B. Education-Revised Brochures

We have updated and posted 5 brochures: Guides for the Public; for City Employees and Officials; for Businesses; to Post-Employment; and to Contracting with the City.

C. On-line Training

To date, 160 lobbyists have completed the 2014-2015 lobbyist program. Their deadline is June 30.

To date, 4,809 employees have completed the 2015 mandatory education program. Their deadline is December 31, 2015.

D. Ongoing Investigative Record

We continue to post on the Board's website the ongoing investigative record, showing the status of every completed investigative report brought to the Board by both inspectors general since January 1, 2012, and the status of every petition to commence an investigation brought by the Legislative Inspector General to the Board. The record is consistent with the confidentiality provisions of the Ordinance.

E. Lobbyists-Regulation and Enforcement

Currently, there are 559 lobbyists registered for 2015, and the agency has collected \$275,401 in lobbyists' registration fees. The regular quarterly reporting period ended on March 31; quarterly activity reports were due April 20th. To date, 461 lobbyists have filed their reports (5 lobbyists are new registrants and need not file activity reports this quarter). On April 1, the ELF system sent out reminder notices to all registered lobbyists of this deadline. On or around April 23, we will send notice via US mail to all lobbyists who failed to file by the deadline; they have 10 business days from that date to file without being subject to fines. We will then send all non-compliant lobbyists a "due process letter," explaining that they are in violation of the Ordinance and subject to fines of \$1,000 per day until they file.

F. 2015 Statements of Financial Interests

To date, 1,903 employees and officials have filed their Statements of Financial Interests. Updated lists of filers were sent to departmental and aldermanic ethics liaisons on April 1, and will be again on May 1 and May 15. The filing deadline is May 31.

H. Advisory Opinions

Since the March 2015 meeting, the agency issued 268 confidential informal advisory opinions (in addition to those formal opinions issued or approved by the Board).

- The leading categories in this period (in descending order) were travel, lobbying, post-employment, campaign financing, and prohibited conduct.

- 51% of these were from City employees in administrative or management positions, 15% from non-administrative or managerial employees, 20% from lobbyists, 4% from City vendors or other businesses, 5% from department heads, 4% from City elected officials (or their personal aides calling on their behalf), and the remainder from City appointed officials, members of the public, the media, and other government agencies.
- 55 % came via email; 42 % via telephone; the remainder via walk-ins.
- Employees or officials from every City department (including the City Council) are represented, with the most requested, in descending order, coming from employees or officials in: City Council, Office of the Mayor, Police, Chicago Public Library, Public Health, Fire, and Inspector General or Legislative Inspector General.

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.

I. Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received 1 new request under the Freedom of Information Act. The request was for 1 statement of financial interests to which this agency responded with the redacted record. (Item No. 5 reported upon at the last meeting was then still “open,” but, thereafter, the Board sent a response to the requestor, providing links to online lobbyist filings and an opportunity to view the one paper record, which record the requestor reviewed, making no copies of pages therein.)

IV. OLD BUSINESS

Case No. 12031.OLIG [2012OLIG0009]

The Board VOTED 6-0 to approve the form and content of the Settlement Agreement for this matter, and directed the Executive Director to sign it and send it to the alderman’s counsel for execution by the alderman and return for final execution by the Board’s Chair.

V. NEW BUSINESS

None.

The Board VOTED 6-0 to adjourn into Executive Session at 3:11 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 2-156-385 and the Board's Rules and Regulations, 4-1 and 4-5, as amended, effective October 23, 2014, presented to a quasi-adjudicative body, as defined in the Illinois Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

At 5:31 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 IN OPEN SESSION

The Board approved the Executive Session minutes of the March 18, 2015 meeting by a VOTE of 6-0.

II. CASES

A. Query and Consult Summary

1. Case No. 15020.CNS, Relatives

An employee sought advice from Board staff regarding the employee's signature on two documents pertaining to construction being performed in the City by the employee's spouse's employer. As part of a matter-of-course signing process of many documents, the employee had signed two documents, including a contract with the City regarding a parcel of City property comprising less than 1% of the area covered by the construction. The City's decisions to approve the project and enter into the relevant contracts with the spouse's employer were made before the employee began City service, and negotiations between the parties were held without any involvement by the employee. The employee also asked about and Board provided a method to ensure that the employee would be properly recused from future matters involving the spouse's employer.

The Board considered the matter under §2-156-070(b) of the Ordinance to determine whether the conduct involves a minor violation of §2-156-130(b) of the Ordinance (which prohibits City employees from exercising contract management authority with respect to City contracts with persons who employ their relatives). The Board VOTED 6-0 to determine that the employee's action constituted a minor violation and directed staff to send the employee a confidential letter of admonition.

B. Office of Legislative Inspector General

Meetings Pursuant to §2-156-385 on Probable Cause

2. Case No. 13046.OLIG [2013OLIG0026]

Pursuant to §2-156-385 of the Municipal Code, and Board Rules 4.1.B and C, the Board of Ethics met with the alderman who is the subject in this matter and his attorney on April 22, 2015, during its regularly scheduled meeting. The Board considered the entire record before it, including all materials presented to this agency by the Legislative Inspector General, as well as the alderman's written and oral responses to those materials and to questions posed to him by Board staff and members. After that consideration, and deliberation thereon, the Board VOTED 6-0, that the alderman's actions did not constitute a violation of any of the provisions of the Governmental Ethics Ordinance, and, accordingly, determined to take no action in the matter and dismissed the case.

3. Case No. 13039.OLIG [2013OLIG0027]

Pursuant to §2-156-385 of the Municipal Code, and Board Rules 4.1.B and C, the Board of Ethics met with the attorney for the alderman who is the subject in this matter on April 22, 2015, during its regularly scheduled meeting. The subject alderman did not attend. In order to enable the Board and staff to more fully consider the materials and responses provided by the alderman's attorney, the Board deferred its vote on whether to sustain its original finding of probable cause in this matter until its next regularly scheduled meeting.

4. Case No. 12052.OLIG [2012OLIG0003]

The Board VOTED 6-0 to grant the subject alderman's request for a continuance of the §2-156-385(3) meeting between it and the alderman until the next scheduled Board meeting, on May 27, 2015.

C. Office of Inspector General

Meeting Pursuant to §2-156-385 on Probable Cause

5. Case No. 141284.IG

Pursuant to §2-156-385 of the Municipal Code, and Board Rules 4.1B and C, the Board of Ethics met with the subject and his attorney. The matter involved §2-156-100(b) of the Ordinance. The Board addressed whether a former City employee's assistance to his employer after he left City service (provided in 2008 and 2010) violated that section of the Ordinance. After that consideration and deliberation on the entire factual record before it, the Board VOTED, 5-0 (one member recused), that the former employee's actions did not constitute a violation of any of the provisions of the Governmental Ethics Ordinance, and, accordingly, determined to take no action in the matter and dismissed the case.

III. OTHER BUSINESS

In Executive Session, there was an announcement that Board member Julia Nowicki was resigning her membership on the Board effective at the adjournment of the

meeting. She thanked all the Board members and staff for their service, and then all the Board members and staff thanked her for her services and wished her well.

At 5:38 p.m., the Board VOTED 6-0 to adjourn the meeting.