

# Board of Ethics

## Open Session Minutes

July 19, 2017, 2:37 p.m.  
740 North Sedgwick, Suite 500

### **BOARD MEMBERS PRESENT**

William F. Conlon, Chair  
Zaid Abdul-Aleem  
Stephen W. Beard  
Mary T. Carr  
Frances R. Grossman  
Dr. Daisy S. Lezama

### **STAFF PRESENT**

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

### **BOARD MEMBERS ABSENT**

Nancy C. Andrade

### **MEMBERS OF THE PUBLIC PRESENT**

Jared Rutecki, BGA  
Chris Norborg, Office of Inspector General  
Thomas McDonell, Quarles & Brady  
Meredith Monroe, Latham & Watkins  
Michael Graham, Project Six

Mike Fourcher, The Daily Line  
Bill Ruthhart, Chicago Tribune  
Eric Ortiz, Board Intern  
Nicholas R. Vallorano, Mayer Brown

The Board's guests introduced themselves.

#### **I. APPROVAL OF MINUTES**

The Board VOTED 4-0 (Nancy C. Andrade, Stephen W. Beard and Frances R. Grossman, absent) to approve the open session minutes of the Board's meeting of June 13, 2017.

#### **II. CHAIR'S REPORT**

The Chair addressed the guests and described the meeting's process.

#### **III. EXECUTIVE DIRECTOR'S REPORT**

##### **A. Education**

##### **Classes and other presentations**

Since the Board's last regularly scheduled meeting on June 13, 65 employees and officials attended regularly scheduled classes on June 22 and July 6 and July 18. There are 41 scheduled for classes on July 27 and August 8.

On June 16, at the request of the Mayor's Office and U.S. State Department, staff made a presentation to a visiting delegation of 6 anti-corruption officials, prosecutors and representatives from NGOs and journalists from the Republic of Kosovo.

On July 7, staff made another presentation to a group of incoming laborers in the Department of Streets & Sanitation, at the request of the Commissioner and the Laborers' Local Union #1001; this session will occur on July 31.

As was reported in the media, as a result of the Inspector General investigation, staff will conduct a series of training classes for all supervisors in the Office of Emergency Management and Communications (OEMC), at the request of the department's Director. The Executive Director has already assisted in drafting a department-wide letter that spells out basic ethical obligations OEMC personnel have

On July 14, staff made a 60-minute presentation to 50 building inspectors, at the request of the Building Commissioner.

On July 24, staff will present the third pre-scheduled seminar for managers in the newly-formed Civilian Office of Police Accountability.

#### **Mandatory Annual on-line Training**

The annual, all-new mandatory on-line training was posted. To date, 11,296 employees and elected officials have completed it, and 193 are in progress. This represents about 35% of the expected total by year's end. Departments and aldermanic offices have sent in their training plans. All employees and officials have until the end of the calendar year to complete the training. Violators have their names made public, and are subject to a \$250 per day fine after the grace period provided by law. Approximately 90% of the City's workforce completes the training via a secure internet site; the remaining personnel complete it by viewing a DVD (they do not have regular computer access). Staff has begun production of the DVD version, and we anticipate that it will be ready by the end of this month.

#### **Lobbyist Training**

All registered lobbyists were required to complete their annual training before July 1, 2017. As of July 3, there were 24 who had not completed training, and each was sent a notice of probable cause via certified and first class mail. The fine period begins today, July 19, for those 9 lobbyists who did not complete it by July 18 at 11:59:59 p.m.

Fines, per the Ordinance, range from \$200 - \$750 per day. Violators' names will be made public later today or tomorrow.

#### **B. Advisory Opinions**

Since the last regularly scheduled Board meeting on June 13, 2017, staff has issued 411 informal opinions but no formal opinions.

During this time, the leading categories were, in descending order: gifts; travel; lobbying; Statements of Financial Interests; campaign financing; prohibited conduct. The leading City departments from which requesters came in this period were (in descending order): City Council; Chicago Police Department; Mayor's Office; Department of Aviation; Department of Public Health; Chicago Public Library; Department of Procurement Services; and Department of Law.

274 of these were from City employees in administrative or management positions; 37 from non-administrative/managerial employees; 18 from 8 individual department heads; 29 from 15 different City elected officials; 8 from aldermanic Chiefs of Staff; 3 from ethics officials in other government agencies; the remaining were from: 39 lobbyists or persons calling to inquire whether they need to register as lobbyists; 1 City appointed official, and 2 from contractors or vendors.

50% came via email; 49% via telephone; the remainder via walk-ins.

Time permitting, several informal opinions of note will be discussed in closed session.

**C. Proposed Amendments to the Ethics Ordinance**

Aldermen Cardenas and Munoz have each proposed amendments to the Governmental Ethics Ordinance. Alderman Cardenas's would require all City contractors to complete annual ethics education. Alderman Munoz's would effectively define "City Council employees" who are "independent contractors" as those who are compensated \$50,000 or more per year from the City for City-related work. The Board was asked to comment on these proposals by the Office of Legislative Counsel and Government Affairs, and turned in its comments on June 5.

At a July 12 meeting convened by the Inspector General, the Board's Executive and Deputy Director met with representatives from the City's Law and Human Resources Departments, City Council, and Inspector General to fashion revisions to the Ordinance's definition of "City Council employee" that preserves the common law distinction between employees and independent contractors, and still fosters maximum transparency from persons paid by City Council to do certain types of work by requiring them to file annual Statements of Financial Interests, and adhering to conflicts of interests and gift restrictions. We anticipate that draft legislation will emerge from this working group.

**D. Website Modifications**

**Summary Index of Formal Advisory Opinions/Text of all Formal Advisory Opinions**

All formal Board opinions issued since 1986 are now posted on the Board's website (more than 880 of them), redacted in accordance with the Ordinance's confidentiality provisions. Redacted opinions are posted once issued by or reported to the Board. Further, summaries and keywords for each of these opinions are available on the Board's searchable index of opinions. There are only a handful of other ethics agencies with comparable research tools.

We are unaware of jurisdictions that make their *informal* opinions public—though others issue them confidentially and enable requesters to rely on them in the event of an investigation or enforcement procedure.

**Summary Index of Board Investigations and Regulatory Actions**

We will post the summary index of all Board investigations, enforcement and regulatory actions undertaken by the Board since its inception in 1986 (other than those for violations of filing or training requirements or campaign financing matters). It will include an ongoing summary of all regulatory actions the Board is currently pursuing. It will name names and penalties assessed where authorized by law. There are, to date, 106 such matters. The document makes clear that, despite comments made in the media over the last decade, the Board has been a robust enforcement agency, not a “do-nothing” agency. This continues through the Board’s ongoing regulatory actions with respect to lobbying and campaign financing, even though the Board no longer has investigative authority.

**Summary Index of Ongoing Investigations/Adjudications**

We continue to post on the Board’s website an ongoing investigative record showing the status of every completed investigative report brought to the Board by both the Inspector General (“IG”) (a total of 4 since July 1, 2013) and the former Office of the Legislative Inspector General (“LIG”), since January 1, 2012, and the status of all 50 petitions to commence investigations that were presented to the Board by the former Office of the Legislative Inspector General. It is updated as appropriate, consistent with the Ordinance’s confidentiality provisions.

On Friday, May 26, the IG submitted two (2) completed investigative reports and petitions for the Board to find probable cause. In the first of these, the Board found probable cause, notified the subject, and is in discussions for a settlement of the matter for a fine (as the subject is not a City employee). The second of these is on the agenda for today’s meeting and will be discussed in Executive Session. I note that the first of these – on today’s closed agenda – is a matter that the Board referred to the IG, per §2-156-070(b) of the Ordinance, after advising the subject, who had requested an advisory opinion from the Board, that there was a past violation of the Ordinance.

Note: all matters adjudicated or settled on or after July 1, 2013 include the names of violators and penalties assessed.

**E. Disclosures of Past Violations**

July 2013 amendments to the Ordinance provide that, when a person seeks advice from the Board about past conduct, and discloses to the Board facts leading it to conclude that he or she committed a past violation of the Ordinance, the Board must determine whether that violation was minor or non-minor. If it was minor, the Board, by law, sends the person a confidential letter of admonition. If it was non-minor, then, under current law, the person is advised that he or she may self-report to the inspector general or, if he or she fails to do so within two weeks, the Board must make that report.

Since the time this provision (§2-156-070(b)) became effective on July 1, 2013, the Board has advised three (3) aldermen, two (2) aldermanic staffers, one mid-level City employee in an operating department, one (1) department head and one (1) former department head that their past conduct violated the Ordinance. In three (3) of these six (6) cases, one (1) involving an alderman, the second an aldermanic staffer, and the third a former department head, the

Board concluded that the apparent violations were *not* minor or technical, and the aldermen and aldermanic staff self-reported to the former LIG, and the former department head self-reported to the IG. Since the time that all matters involving the former LIG were consolidated with the IG, the IG has informed us that it has no record that the LIG ever commenced an investigation in the matter involving the alderman, and that the matter involving the aldermanic staff was closed, apparently without further investigation by the LIG.

As noted above, the Board received two (2) completed investigative reports from the IG on May 26, 2017, with petitions for probable cause findings. One (1) of these matters is one in which the Board concluded that there was a past violation of the Ordinance that was not minor, then advised the subject of the self-reporting-to-the-IG provisions in the Ordinance. The other is on the agenda for today's meeting.

In the three (3) cases in which the Board determined that minor violations had occurred, the Board sent confidential letters of admonition, as required by Ordinance.

There is no legal requirement imposed on the IG to report back to the Board on any actions it takes on matters or persons referred to it by the Board, unless the IG completes an investigation and submits a petition for a finding of probable cause to the Board based on that investigation. This is unlike the arrangement in New York City between its Conflicts of Interests Board and Department of Investigation.

There is one (1) other matter on today's closed agenda in which the staff believes there was a past violation, but that violation is minor, and recommends that the subject be sent a confidential letter of admonition.

**F. Lobbyists-Regulation and Enforcement**

As of today, there is an all-time record of 730 lobbyists registered. This represents a 6% increase in the number of registered lobbyists since the June 13 meeting, and is also the largest number of lobbyists registered with the Board since early 2000, before the Ordinance was amended to remove the \$1,000 annual compensation/expenditure threshold. The Board has collected \$389,025 in registration fees for the 2017 calendar year.

Lobbyists' quarterly activity reports for the second quarter are due by 11:59:59 p.m. on July 20. As of this writing, 430 have filed them.

Just yesterday, July 18, staff picked up apparent violations of the City's campaign contribution limitation provisions on several of these reports. That provision limits registered lobbyists to \$1,500 in contribution to any single elected City official in a calendar year. There will be more discussion in Executive Session on this matter.

**G. 2017 Statements of Financial Interests**

The deadline for filing Statement of Financial Interests for those given notice to file them was 11:59:59 pm on May 31. Individuals who filed after that time were afforded an opportunity to present valid reasons for their lateness, and to file prior to June 14, before the Board would impose a \$250 per day fine until they file. To date, all but four (4) have filed. The Board assessed fines against nine (9), and collected \$400. Fines continue to accrue for those have not filed.

As required by §2-156-465(b)(2) of the Ordinance, the Board posted the names of all employees and officials who were found in violation for failure to timely file.

Filed forms are posted on the Board's website as soon as they are processed by staff. Typical processing time is 24 hours. Staff is still working on posting forms filed by "City council employees" who are independent contractors. These forms are not linked to the City's CHIPPS/HR database, and thus staff must build a new link for the public to search them.

Newly hired, appointed, or promoted employees or officials are flagged by ethics liaisons or the Mayor's Office as filers, and are then sent notices to file (with password information) by the Board's "EFIS" system.

#### **H. 2018 Budget Submission**

We submitted our budget request for 2018 on July 7. We were able to reduce our non-personnel items by jettisoning our Pitney-Bowes postage meter, so that our overall request shows a decrease from \$834,928 to \$833,803. For 2017, we will have paid for 50% of our operating budget through lobbyists' registration fees and penalties.

#### **I. Freedom of Information Act**

Since the last regularly scheduled Board meeting, the office has received one (1) request under the Freedom of Information Act, for lobbyists who "work for" a City Council committee, for all lobbyists registered for a particular company, and for all lobbyists who perform a particular type of service for the City. Staff worked with the requestor to clarify what was meant in the request, and produced or guided the requestor to all responsive documents in the agency's possession.

#### **IV. OLD BUSINESS**

None

#### **V. NEW BUSINESS**

None

The Board then excused its guests until the open session reconvened.

At 2:42 p.m., the Board VOTED 4-0 (Nancy C. Andrade, Stephen W. Beard and Frances R. Grossman, absent) to adjourn into Executive Session under: (i) 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. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act; (ii) 5 ILCS 120/2(c)(4) to hear and discuss evidence or testimony in closed hearing as specifically authorized pursuant to Governmental Ethics Ordinance Sections 2-156-385

and -392, and the Board's Rules and Regulations, 4., as amended, effective January 5, 2017, 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; and (iii) 5 ILCS 120/2(c)(21) to discuss minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

At 4:00 p.m., Zaid Abdul-Aleem left the meeting.

At 4:00 p.m., the Board VOTED 5-0 (Zaid Abdul-Aleem and Nancy C. Andrade, absent) to reconvene into open session, and invited its guests to re-join the open session of the meeting.

The Chair than stated that the Board had carefully considered the lobbyists' cases, but would not make any names public until it has notified the attorneys for the lobbyists or clients in these cases, in order to respect their right to find out from Board directly, not by reading it in the paper. He also stated that, in some cases, he and Zaid Abdul-Aleem had recused.

## VI. MATTERS CONSIDERED BY THE BOARD IN EXECUTIVE SESSION

### VII. CASEWORK

#### A. Lobbying

##### Unregistered/Unreported Lobbying Cases

##### 1. Case No. 17011.01.LOB, Unregistered Lobbying

In this case, the Board VOTED 4-0 (Chair William F. Conlon, and Zaid Abdul-Aleem recusing, and Nancy C. Andrade, absent) to: (i) determine that an individual engaged in lobbying prior to November 1, 2012, by emailing the Mayor regarding assistance with respect to a matter then pending before a non-City government agency, but failed to register as required; (ii) impose a \$1,000 fine on the individual, which was the only fine provided in the version of the Ordinance in effect at the time of the lobbying; and (iii) dismiss the matter against the individual's employer for retaining or employing an unregistered lobbyist. Under the Ordinance in effect at the time, all Board recommendations and findings must remain confidential.

##### 2. Case No. 17011.02.LOB, Unregistered Lobbying

In this case, the Board VOTED 6-0 (Nancy C. Andrade, absent) that the individual had not engaged in lobbying, as the individual's efforts to set up a meeting were merely preliminary sales calls.

##### 3. Case No. 17011.06.LOB, Unregistered Lobbying

In this case, the Board VOTED 5-0 (Zaid Abdul-Aleem and Nancy C. Andrade, absent) to: (i) determine that Anthony Davis lobbied the Mayor by sending an email on behalf of a business of which he was a patron, requesting a meeting and assistance regarding a zoning change, but then failed to register as required; (ii) impose a \$2,500 fine, which the Board believes is a minimal fine; and (iii) dismiss the matter against the individual's employer for retaining or employing an unregistered lobbyist.

4. Case No. 17011.08.LOB, Unregistered Lobbying

In this case, the Board, having previously found the subject in violation of the Ordinance for engaging in lobbying without registering as required, VOTED 4-0 (Chair William F. Conlon, and Zaid Abdul-Aleem recusing, and Nancy C. Andrade, absent) to: (i) impose a \$2,500 fine (which the Board believes is a minimal fine) on James Abrams for having emailed the Mayor requesting a meeting on behalf of a friend, and by also specifying what the meeting would be about and what action the friend was seeking an exemption from a City ordinance, albeit that the email stated that he was taking no position on the friend's request for the exemption; and (ii) dismiss the matter against the person on whose behalf the email was sent for retaining or employing an unregistered lobbyist.

5. Case No. 17011.10.LOB, Unregistered Lobbying

In this case, the Board, having previously found the subject in violation of the Ordinance for engaging in lobbying without registering as required, VOTED 5-0 (Zaid Abdul-Aleem and Nancy C. Andrade, absent) to: (i) impose a \$2,500 fine (which the Board believes is a minimal fine) on Alan King for having emailed the Mayor requesting that the Mayor broker a solution in his official capacity with the U.S. Army Corps of Engineers regarding moving a fence, on behalf of himself and his business partners; and (ii) dismiss the matter against the person on whose behalf the email was sent for retaining or employing an unregistered lobbyist.

6. Case No. 17011.11.LOB, Unreported Lobbying

In this case, the Board VOTED 5-0 (Zaid Abdul-Aleem and Nancy C. Andrade, absent) to determine that an individual who was a registered lobbyist had not engaged in lobbying, and thereby had not violated the Ordinance by failing to report the activity on a quarterly activity report.

7. Case No. 17011.12.LOB, Unregistered Lobbying

In this case, the Board VOTED 5-0 (Chair William F. Conlon, recusing, and Nancy C. Andrade, absent) to: (i) determine that Marc Andreessen lobbied the Mayor by sending several emails arguing in favor of a position in support of a company with respect to legislation then pending, but failed to register as required; (ii) impose a \$2,500 fine, which the Board believes is a minimal fine; and (iii) dismiss the matter against the company for retaining or employing an unregistered lobbyist.

8. Case No. 17011.14.LOB, Unregistered Lobbying

In this case, the Board VOTED 3-1 (Chair William F. Conlon and Zaid Abdul-Aleem, recusing, Nancy C. Andrade, absent, and Frances R. Grossman, dissenting) to: (i) approve the proposed settlement agreement submitted by the Honorable William Singer to settle the matter for a \$25,000 fine; and (ii) impose a \$2,000 fine against the person on whose behalf the subject lobbied for retaining or employing an unregistered lobbyist.

9. Case No. 17011.15.LOB, Unregistered Lobbying

In this case, the Board VOTED 4-0 (Chair William F. Conlon, recusing, and Zaid Abdul-Aleem Nancy C. Andrade, absent) to: (i) determine that Greg Prather lobbied by emailing an alderman with a number of specific “asks” and conditions that he was requesting the alderman make of a neighboring property owner, on behalf of a client; (ii) impose a \$2,500 fine, which the Board believes is a minimal fine; and (iii) dismiss the matter against the client for retaining or employing an unregistered lobbyist.

10. Case No. 17011.18.LOB, Unregistered Lobbying

In this case, the Board VOTED 4-0 (Chair William F. Conlon, recusing, and Zaid Abdul-Aleem and Nancy C. Andrade, absent) to determine that a business owner had not engaged in lobbying by emailing the Mayor with respect to complaints the owner had on behalf of his own business and other businesses and to dismiss the matter.

11. Case No. 17011.27.LOB, Unregistered Lobbying

In this case, the Board VOTED 5-0 (Zaid Abdul-Aleem and Nancy C. Andrade, absent) not to make a finding of probable cause to conclude that an individual had engaged in unregistered lobbying by emailing the Mayor on behalf of another, as the Board was not able to see or evaluate the original email.

*The Chair then took questions from the guests.*

Mr. Ruthhart of the Tribune asked how fines were determined. The Chair explained that each case was different, and was evaluated on the specific facts of the case, including any materials and arguments presented by the subjects or their attorneys. The Executive Director explained that the language regarding fines in the Ordinance is meant to allow the fining authority, here the Board, to use the fines as a tool to come to a reasonable fine appropriate for the specific facts and specific violation, and accommodates both deterrence and appropriate punishment for that case.

Mr. Ruthhart then asked what would happen to the dismissed cases and the Chair explained that they were dismissed, and that none of them warranted a referral to the Office of Inspector General for further factual investigation.

Mr. Fourcher of the dailyline.com then inquired when probable cause notices would be available. The Executive Director explained that the probable cause notices themselves will not be made available, but that all final Board determinations of a violation will be posted on the Board’s website.

Mr. Ruthhart asked whether that would be tomorrow and the Executive Director answered that it would be by the end of the week.

Mr. Fourcher then asked whether the Board thinks that the Ordinance is too vague as to ascertaining appropriate fines. Member Stephen W. Beard responded that, like anything, it can be improved, and that the Executive Director and the Board’s legal staff are researching laws of other jurisdictions to learn how they assess fines for similar violations.

Member Frances R. Grossman stated that the law is from the City Council.

Mr. Fourcher asked whether the Ordinance is difficult to administer and Member Beard responded that it, too, can be improved, though the agency makes a great effort to educate people as to what is required. The Chair also commented that while the Ordinance is clear enough on its face, education is critical, and of course there is room for improvement.

Member Grossman thanked the media guests, watchdog groups and other citizens for their work in bringing information to the Board, because the Board has no investigative authority, and relies on the media and watchdog groups to bring ethics violations to its attention.

The Chair then stated that the Board had received submissions on these cases from persons who were arguing in support of various subjects, and that the Board had considered each and every one of them.

Michael Graham of Project Six then asked about the rationale behind the dismissed cases. The Chair responded by stating that the Board carefully looked at all of the facts before it, and where the evidence showed that the "employer" or person who "retained" the "lobbyist" had not requested the lobbying, the employer was dismissed.

The Chair then asked the Executive Director to report briefly on the status of employees and officials required to file Statements of Financial Interests before June 1, 2017. The Executive Director reported that individuals who filed after that time were afforded an opportunity to present valid reasons for their lateness, and to file prior to June 14 before the Board would impose a \$250 per day fine until they file. To date, all but four (4) have filed. The Board assessed fines against nine (9), and collected \$400. Fines continue to accrue for those who have not filed. As required by §2-156-465(b)(2) of the Ordinance, the Board posted the names of all employees and officials who were found in violation for failure to timely file.

At 4:23 p.m. the Board VOTED 5-0 (Zaid Abdul-Aleem and Nancy C. Andrade, absent) to reconvene into executive session and excused the Board's guests.

At 5:14 p.m. the Board VOTED 5-0 (Nancy C. Andrade and Stephen W. Beard, absent) to reconvene into open session and invited its guests to return.

## **VII. APPROVAL OF EXECUTIVE SESSION MINUTES**

The Board VOTED 5-0 (Zaid Abdul-Aleem and Nancy C. Andrade, absent) to approve the executive session minutes of the June 13, 2017 meeting.

## **VIII. OTHER CASEWORK (Cont.)**

### **B. Other Cases to be Considered for Probable Cause Findings**

#### **12. Case No. 17029.C, Fiduciary Duty**

The Board VOTED 5-0 (Nancy C. Andrade and Stephen W. Beard, absent) to defer consideration of this matter.

13. Case No. 17024.IG, Financial Interest in City Business, Statements of Financial Interests

In this case, the Board VOTED 5-0 (Nancy C. Andrade and Stephen W. Beard, absent) to direct the staff, pursuant to §2-156-380(h-1) of the Governmental Ethics Ordinance, to draft a letter to the Office of Inspector General (“IG”), requesting clarification, specifically having the IG explain how its investigation comported with its own enabling ordinance’s requirement that the investigations be completed within two (2) years. The record presented to the Board shows that the IG received a complaint in this matter on May 10, 2014, commenced an investigation on July 24, and concluded its investigation on or about April 19, 2017, approximately nine (9) months after the prima facie expiration of the two-year period, and submitted its petition for the Board to find probable cause on May 26, 2017. Under §2-56-050 of the Municipal Code, “any time period during which the person under investigation has taken affirmative action to conceal evidence or delay the investigation shall not count toward the two-year period.” However, the IG’s Summary Report of Investigation did not explain or justify why the two-year period should be extended or “tolled.” The Board must address this jurisdictional issue before addressing the merits of the case.

**C. Campaign Financing – Requests for Reconsideration**

- 14. Case No. 17017.CF, Campaign Financing
- 15. Case No. 17026.CF, Campaign Financing
- 16. Case No. 17027.CF, Campaign Financing

In these cases, the Board VOTED 6-0 (Nancy C. Andrade, absent) to: (i) deny the request for reconsideration submitted by an entity that had made political contributions in excess of \$1,500 in a single calendar year to the authorized political committees of three (3) City elected officials; (ii) issue an additional formal advisory opinion explaining its determination; and (iii) advise the contributor and the political committees that any violations could be erased by operation of law if the amount of the excessive contributions was refunded to the contributor by each committee within 10 days, that is, before August 1, 2017, pursuant to §2-156-445(d) of the Ordinance.

The contributor and one (1) of the political committees that received contributions exceeding \$1,500 in a calendar year requested that the Board reconsider its opinion and probable cause finding that the entity and its affiliates were “seeking to do business” by having had matters involving concession agreements before City Council in the six months prior to the contributions, and thereby subject to the Ordinance’s contribution limitations. The requestors argued that, even though affiliates of the contributor were named in documents transmitted to City Council as intended or possible concessionaires at a Chicago airport, in fact, the contributor actually intended to license or franchise these as business concepts to one or more independent third parties, which would then own and operate the businesses at the airport, thus neither the contributor nor its affiliates were actually seeking to do business with the City because none of them had a matter pending before City Council involving concession agreements.

The Board adopted staff’s analysis of the matter, and denied the request for reconsideration, because the contributor is still the true party in interest, and it and its business concepts were explicitly named in documents transmitted to City Council as part of the City’s concession plan, and neither the Department of Aviation, City Council,

nor the traveling public care or make a distinction between a licensor and licensee, and any good or bad will would redound to contributor, not to the unknown licensee(s) who would own and operate the businesses at the airport.

At 5:15 p.m., the Board VOTED 5-0 (Nancy C. Andrade and Stephen W. Beard, absent) to adjourn the meeting.