

Board of Ethics
Open Session Minutes
Special Meeting

February 24, 2017, 11:35 p.m.
740 North Sedgwick, Suite 500

BOARD MEMBERS PRESENT

William F. Conlon, Chair
Nancy C. Andrade
Stephen W. Beard
Mary T. Carr
Frances R. Grossman (by telephone)
Dr. Daisy S. Lezama

STAFF PRESENT

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

BOARD MEMBERS ABSENT

Zaid Abdul-Aleem

MEMBER OF THE PUBLIC PRESENT

Christopher Norborg, Office of the Inspector General

The Board's guest introduced himself.

I. APPROVAL OF MINUTES

None

II. CHAIR'S REPORT

None

III. EXECUTIVE DIRECTOR'S REPORT

None

IV. OLD BUSINESS

None

V. NEW BUSINESS

None

VI. PRIOR BOARD MEETING'S EXECUTIVE SESSION MINUTES

None

VII. CASEWORK

A. Cases

1. Case No. 17003.A, Money for Advice
2. Case No. 17005.LOB, Lobbying
3. Case Nos. 17011.01.LOB et seq., Lobbying

The Board will discuss matters presented by staff in executive session.

At 11:37 p.m., the Board VOTED 5-0 (Zaid Abdul-Aleem and Nancy C. Andrade, 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.

The Board excused its guest until the open session reconvened.

Member Nancy C. Andrade joined the meeting at approximately 11:50 p.m.

Member Stephen W. Beard left the meeting at approximately 12:33 p.m.

At 12:49 p.m., the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to reconvene into open session.

The Board invited its guest to join the open session of the meeting.

VI. MATTERS CONSIDERED BY THE BOARD IN EXECUTIVE SESSION

IV. CASEWORK

A. Cases

1. Case No. 17003.A, Money for Advice

The Board VOTED 5-0 (Stephen W. Beard and Zaid Abdul-Aleem, absent) to approve and issue an advisory opinion determining that: (i) "City Council employees," including individuals paid by independent contract by aldermen or City Council committees, are "employees" not "contractors" for purposes of the Governmental Ethics Ordinance; (ii)

the Board is unable to make a conclusion as to whether compensation received by a City council employee through a GoFundMe campaign was wholly unrelated to the services the City Council employee performed for an aldermanic office; and (iii) the Ordinance's gift restrictions apply to City employees or officials who would be beneficiaries of GoFundMe or other on-line funding campaigns, and thus such compensation or proceeds, if cash or cash equivalent, must be from personal friends or relatives, or related to the authorized outside business, employment or community activities of the City council employee.

2. Case No. 17005.LOB, Lobbying

The Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to ratify the Board's vote at its February 15, 2017 meeting on this matter.

3. Case Nos. 17011.01.LOB, Unregistered Lobbying

After Chair William F. Conlon recused and Stephen W. Beard left the meeting, the Board deferred a vote on this matter due to lack of a quorum.

4. Case Nos. 17011.02.LOB, Unregistered Lobbying

In this matter, the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to conclude that there is probable cause to determine that an individual engaged in unregistered lobbying in violation of the Governmental Ethics Ordinance, and that the individual's client hired or retained an unregistered lobbyist, in violation of the Ordinance, and to notify that individual and the apparent lobbying client of this finding and grant them until the close of business March 13, 2017 to rebut the Board's conclusion.

5. Case Nos. 17011.03.LOB, Unregistered Lobbying

In this matter, the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to conclude that there does not exist sufficient evidence from which the Board could determine that there is probable cause to conclude that an individual who appeared to be representing a non-profit organization was attempting to influence "administrative action," and dismissed the matter.

6. Case Nos. 17011.04.LOB, Unregistered Lobbying

After Chair William F. Conlon recused and Stephen W. Beard left the meeting, the Board deferred a vote on this matter due to lack of a quorum.

7. Case Nos. 17011.05.LOB, Unregistered Lobbying

In this matter, the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to conclude that there is probable cause to determine that an individual engaged in unregistered lobbying in violation of the Governmental Ethics Ordinance, and that the individual's client hired or retained an unregistered lobbyist, in violation of the Ordinance, and to notify that individual and the apparent lobbying client of this finding and grant them until the close of business March 13, 2017 to rebut the Board's conclusion.

8. Case Nos. 17011.06.LOB, Unregistered Lobbying

In this matter, the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to conclude that there is probable cause to determine that an individual engaged in unregistered lobbying in violation of the Governmental Ethics Ordinance, and that the individual's client hired or retained an unregistered lobbyist, in violation of the Ordinance, and to notify that individual and the apparent lobbying client of this finding and grant them until the close of business March 13, 2017 to rebut the Board's conclusion

9. Case Nos. 17011.07.LOB, Unregistered Lobbying

After Chair William F. Conlon recused and Stephen W. Beard left the meeting, the Board deferred a vote on this matter due to lack of a quorum.

10. Case Nos. 17011.08.LOB, Unregistered Lobbying

After Chair William F. Conlon recused and Stephen W. Beard left the meeting, the Board deferred a vote on this matter due to lack of a quorum.

11. Case Nos. 17011.09.LOB, Unregistered Lobbying

In this matter, the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to conclude that there does not exist sufficient evidence from which the Board could determine that there is probable cause to conclude that an individual who appeared to be representing a non-profit organization was attempting to influence "administrative action," and dismissed the matter.

12. Case Nos. 17011.10.LOB, Unregistered Lobbying

In this matter, the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to conclude that there is probable cause to determine that an individual engaged in unregistered lobbying in violation of the Governmental Ethics Ordinance, and that the individual's client hired or retained an unregistered lobbyist, in violation of the Ordinance, and to notify that individual and the apparent lobbying client of this finding and grant them until the close of business March 13, 2017 to rebut the Board's conclusion.

13. Case Nos. 17011.11.LOB, Unreported Lobbying

In this matter, the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to conclude that there is probable cause to determine that a registered lobbyist failed to disclose lobbying activity on a previously filed quarterly lobbyist activity report, in violation of the Ordinance, and to grant the lobbyist until the close of business March 13, 2017 to rebut the Board's conclusion.

14. Case Nos. 17011.12.LOB, Unregistered Lobbying

After Chair William F. Conlon recused and Stephen W. Beard left the meeting, the Board deferred a vote on this matter due to lack of a quorum.

15. Case Nos. 17011.13.LOB, Unregistered Lobbying

After Chair William F. Conlon recused and Stephen W. Beard left the meeting, the Board deferred a vote on this matter due to lack of a quorum.

16. Case Nos. 17011.14.LOB, Unregistered Lobbying

After Chair William F. Conlon recused and Stephen W. Beard left the meeting, the Board deferred a vote on this matter due to lack of a quorum.

At 12:52 p.m., the Board VOTED 5-0 (Zaid Abdul-Aleem and Stephen W. Beard, absent) to adjourn the meeting.