

## **BOARD OF ETHICS**

### **OPEN SESSION MINUTES**

**APRIL 26, 2019, 12:08 P.M.**

740 North Sedgwick, Suite 500

#### **BOARD MEMBERS PRESENT**

William F. Conlon, Chair  
Zaid Abdul-Aleem  
Nancy C. Andrade  
David L. Daskal  
Hon. Barbara McDonald

#### **STAFF PRESENT**

Steven I. Berlin, Executive Director  
Lisa S. Eilers, Deputy Director  
Richard Superfine, Legal Counsel  
Ana Collazo, Attorney/Investigator  
Edward Primer, Program Director  
Pauilly Casillas, Staff Administrator

#### **BOARD MEMBERS ABSENT**

Dr. Stephanie Cox-Batson  
Dr. Daisy S. Lezama

#### **GUESTS ATTENDING**

Ben Breit, Airbnb  
Chris Norborg, Office of Inspector General  
A.D. Quig, The Daily Line  
Daniel Wolk, City Bureau

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

The Board VOTED 4-0 (Dr. Stephanie Cox-Batson, Dr. Daisy S. Lezama and Nancy C. Andrade absent) to approve the open session minutes of the Board's meeting of March 15, 2019.

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

On behalf of the Board members and staff, I welcome our guests to this meeting. The Board votes in public, and mentions names only when it is allowed to by law, but I want to assure the public that the Board actively follows news reports and acts when information available to it indicates a potential violation of the Governmental Ethics Ordinance. The Board will be taking actions at this meeting, and at meetings in the near future, in matters that are of public interests and in the news. I hope that the public will take a greater interest in our work.

#### **III. MEMBERS' REPORTS**

Board member David Daskal commented that seeking public participation in the Board's endeavor to submit to the incoming Mayor and City Council a comprehensive package of suggested amendments to the City's various ethics laws is an important undertaking.

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

##### **A. Amendments to the Ordinance**

On April 8, I met with the City Council's Committee on Committees, Rules and Ethics to discuss Mayor Emanuel's final package of ethics-related amendments. These amendments then passed City Council on April 10, and will become effective on May 22, 2019.

They do a number of things: (i) provide a rule for City Council committee chairs: if they recuse per the Ethics Ordinance from more than four (4) distinct matters in a 12-month period, they must end the business relationship that gives rise to the recusal, or step down from their Committee chairmanships—Rule 14 disclosures not required by law do not count toward this “4 recusals and you're out law; (ii) clarify long-standing Board-made law (see Case No. 00008.A, [https://www.chicago.gov/dam/city/depts/ethics/general/AO\\_ConflictOfInterest/00008-AO-redact.pdf](https://www.chicago.gov/dam/city/depts/ethics/general/AO_ConflictOfInterest/00008-AO-redact.pdf)) that a City Council member may not preside as Chair or Vice Chair over any parts of City Council committee meetings from which he or she must recuse; (iii) require more detailed disclosure about matters from which a City Council member is recusing, such as the nature of the relationship giving rise to the recusal and when it originated; (iv) require continued amendment of one's filed Statement of Financial Interests to show new reportable interests within 30 days of such occurrence; and (v) extend the definition of those “seeking to do business with the City” and thus subject to the Ordinance's \$1,500 per calendar year/per candidate political contribution limit to those who have had certain types of specified matters pending before the City Council during the period six (6) months before the contribution was made and after the contribution was made.

We will publish the changes as they become effective.

Note that, in March, other amendments became effective that (i) subject the City's appointed officials to the same standards and section of the Ordinance regarding sexual harassment as elected officials; and (ii) beginning in 2020, pushes the filing deadline for most filers of Statements of Financial Interests to May 1 every year, rather than May 31.

As we will discuss soon in open session, the Board's own proposed amendments are lengthy and substantive, and we will publish our draft and solicit comments from the public.

## **B. Transition to the Lightfoot Administration**

On April 16, I met with the Mayor-Elect's Chief of Staff. We spoke at length about continuity and the Board's mission and near-and medium-terms goals. I sent him a brief summary of potential legislative changes the Board is considering. I and three (3) staff members will meet on April 29 with members of the Mayor-Elect's transition team, who work for the Civic Consulting Alliance to discuss ongoing projects and goals. Also, on April 12, I submitted to a member of the Mayor-Elect's Governance Transition Committee a brief summary of potential legislative reforms and other initiatives we would like to see implemented.

## **C. Education**

### **Classes and Other Presentations**

Since the Board's last regularly scheduled meeting, 110 employees attended classes here March 19 and 26, and April 9, 16 and 25. There are 48 scheduled for May 9 and 21.

All Board classes cover sexual harassment.

On March 29 and April 12, staff presented 60 minute classes for 41 incoming employees of the Department of Streets & Sanitation, at their Commissioner's request and at the request of Laborers' Local #1001.

On April 10, I gave a 35 minute presentation on the Ordinance as it relates to contractors to 125 members of HACIA (the Hispanic American Construction Industry Association) at the invitation of its Executive Director.

On April 11, I gave a 60 minute presentation to a group of anti-corruption officials from Herat and Kabul, Afghanistan, at the request of the Mayor and the U.S. State Department.

On April 24, I made a 25 minute presentation to incoming aldermen and some of their staff, at the request of the Mayor.

On April 25, I made a 35 minute presentation to the members of the City Council's Latino Caucus, at the request of its Chair, Alderman Villegas.

### **On-line Training**

#### **For appointed officials**

We completed a PowerPoint for all appointed officials, including members of this Board, and will email it to all appointed officials, and have them complete it, with the Assistance of the Office of Legislative Counsel and Government Affairs (which is responsible for coordinating the appointments of all Mayoral appointees/appointed officials).

#### **For lobbyists**

To date, 265 have completed this program, which is about 35% of the total. The deadline is before July 2.

#### **For all employees and aldermen**

We have begun drafting this training, but have delayed it, due to possible Ordinance amendments.

### **D. Council on Governmental Ethics Laws ("COGEL")**

COGEL's 2019 annual conference will be here in Chicago, at the Michigan Avenue Marriott in early December of this year. We will work closely with the current and next Mayor's Office, City Council, and Budget Office to ensure a successful conference. We expect about 450 ethics, campaign financing, lobbying, freedom of information, and election administration officials from across the U.S. and Canada to attend, plus private practitioners and academics. We are serving on the conference's program committee, and will be reaching out to various elected and appointed officials, attorneys, public figures, and media personnel to serve on panel discussions or otherwise contribute to the Conference. We will co-host the Conference with our colleagues at the Chicago Board of Election Commissioners, Illinois State Board of Elections, and Illinois State Executive Ethics Commission, and possibly other local agencies involved in ethics or freedom of information administration.

As President-elect of COGEL, I also serve on the Program and Host committees, and continue to Chair the Publications committee. The 2019 Conference is an opportunity to showcase our agency, our mission, our ethics, campaign financing, lobbying, and election administration colleagues at the City, County, and State levels. And, I am hoping that our Board members will lend support to make the 41st Conference nonpareil.

On March 7 and 8, we had productive program meetings, and the program has largely been set. It will include two Chicago-centric breakout sessions. We are excited about it, and have extended invitations to several locally-based potential participants.

**E. Executive Editorship – Public Integrity/Guardian Issue**

I am a member of the Executive Editorial Board of the journal Public Integrity, which is affiliated with the American Society for Public Administration. It is published by Taylor & Francis six (6) times a year. We are in the midst of a joint project between this journal and the COGEL Guardian to bridge gaps between academics and practitioners. The first edition of the 2019 COGEL Guardian will be published around May 15, 2019.

**F. Sister Agency Ethics Officers**

We met on March 21 with our ethics counterparts at other local governmental agencies: the Cook County Board of Ethics and the Ethics Officers from the Chicago Public Schools, City Colleges of Chicago, and Chicago Housing Authority.

**G. 2019 Statements of Financial Interests**

On March 1, we sent filing notices to 3,688 City employees and officials (via email and U.S. first class mail) regarding their requirement to file their 2019 Statements of Financial Interests before June 1. This includes individuals identified by each Ward or alderman who fall into the definition in the Ordinance of “City Council employee” even though they are paid as independent contractors.

As of this writing, approximately 2,421 have filed, which is 66% compliance.

Forms are posted on our website as soon as they are processed by staff – our goal is to have all filed forms posted within 24 hours of when they are filed. Once posted, they reside on the Board’s website for seven (7) years from the date of filing, after which they are removed and destroyed, pursuant to the Board’s Document Retention Schedule kept with the Illinois Secretary of State and Local Records Commission of Cook County.

Note: part of the amendment package approved Wednesday by City Council is that, beginning in 2020, the deadline for filing Statements of Financial Interests will be pushed up to May 1, not May 31.

All recently-elected officials must file before they take their oath of office on May 20, 2019. I distributed Statements of Financial Interests to all newly-elected aldermen at the orientation a few days ago, and we will work with LCGA to ensure that all newly-elected officials file on time.

**H. Advisory Opinions**

Since the Board’s last meeting on March 15, we have issued 553 informal advisory opinions. The leading categories were, in descending order: travel; City property (including proper website

postings or blockings); campaign financing; Statements of Financial Interests; conflicts of interests; post-employment; and lobbying.

The leading City departments from which requesters came in this period were (in descending order): Chicago Police Department; City Council; Mayor's Office; Chicago Public Library; Department of Public Health; Department of Planning & Development; and Department of Law.

Informal opinions are not made public but are logged, kept, and used for training and future advisory purposes. (This same practice occurs with our colleagues at the New York City Conflicts of Interest Board, who issue roughly the same number of informal opinions.) They form the basis for much of our annual and periodic educational programs. Formal opinions are made public, in full text, with names and other identifying information redacted out.

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

Every formal Board opinion issued since 1986 is posted on the Board's website (more than 900 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. Only a handful of other ethics agencies have 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.

**J. Waivers**

Since July 1, 2013, the Board has had authority to grant waivers from certain provisions in the Ethics Ordinance. The Board has granted three (3), each involving a former City employee. By law, we make these waivers public.

**K. Summary Index of Board-Initiated Regulatory Actions/Adjudications/pre-2013 Investigations**

We post the summary index of all 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 includes an ongoing summary of all regulatory actions the Board undertook without an IG investigation.

The Board makes public the names of all violators and penalties it assesses where authorized by law to do so. There have been, to date, 116 such matters (not including 2 on today's agenda, but which may be postponed until the Board's May meeting), but only in those that occurred after July 1, 2013 can the Board release the names of those found to have violated the Governmental Ethics Ordinance.

The document makes clear that, despite comments made in the media over the last decade, the Board has been a robust enforcement agency, hardly a "do-nothing" agency. This continues through the Board's ongoing regulatory actions, described above, and with respect to lobbying and campaign financing, even though the Board no longer has investigative authority.

**L. Summary Index of Ongoing IG/LIG Investigations/Adjudications**

We post and continually update, on our website, an ongoing investigative record showing the status of every completed investigative report brought to the Board by both the IG (a total of eight (8) 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 presented to the Board by the LIG. It is updated as appropriate, consistent with the Ordinance’s confidentiality provisions.

Whenever the IG presents the Board with a completed ethics investigation in which the IG believes there have been any violations of the Governmental Ethics Ordinance, the procedure that follows is governed by §2-156-385(3) and (4) of the Ordinance: the Board reviews the IG’s report, recommendations, and the entirety of the evidence submitted in its completed ethics investigation, including a review to ensure that the IG conformed with the requirement that it complete ethics investigations within two (2) years of commencing them (unless there is evidence that the subject took affirmative action to conceal evidence or delay the investigation), and that investigations are commenced within two (2) years of the last alleged act of misconduct.

Then, if the Board finds that the evidence presented warrants a *prima facie* finding of probable cause to believe the subject violated the Ordinance, it notifies the subject of the allegations and affords the subject the opportunity to present written submissions and meet with the Board, together with an attorney or other representative present. The Ordinance provides that this meeting is *ex parte* – no one from the City’s Law Department or IG is present. Note that the Board may request clarification from the IG as to any evidence adduced in its investigation before making a probable cause finding (and indeed has done so). The Board cannot administer oaths at this meeting, but can and does assess the subject’s credibility and the validity and weight of any evidence the subject provides.

If the subject is unable to rebut the Board’s *prima facie* probable cause finding, the Board may enter into a settlement agreement – all settlement agreements are made public – or the Board or subject may decide to proceed to a merits hearing that is not open to the public. That hearing would be held before an administrative law judge (ALJ) appointed by the Department of Administrative Hearings. The City would be represented by the Law Department (or a specially hired Assistant Corporation Counsel for that purpose), and the subject by his or her attorney. At the conclusion of the hearing, the ALJ submits his or her findings of fact and law to the Board, which can accept or reject them, based solely on the record of the hearing. The Board will then issue a public opinion in which it finds one or more violations of the Governmental Ethics Ordinance (or finds none) and impose appropriate fines.

This process may seem cumbersome. However, it was added to the Ordinance and became effective on July 1, 2013, based on specific recommendations of the Mayor’s Ethics Reform Task Force in Part II of its 2012 Report – the primary purposes being (i): to guarantee due process for all those investigated by the IG or former LIG; (ii) to ensure that **only** the Board of Ethics could make legal determinations as to whether a person investigated by the IG or LIG violated the Ordinance, given the Board’s extensive jurisprudence and unique expertise in ethics matters; and (iii) to balance due process for those investigated by the IG with an accurate and precise adjudication by the Board of Ethics and the public’s right to know of ethics violations.

On our website, we have a publication that describes this process in detail: <https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/EnforceProcedures.pdf>

One (1) of these eight (8) IG matters remains pending, and in two (2) others, the Board has settled the matters as to the primary subject, and commenced follow-up enforcement actions against secondary subjects. Specifically:

In Case No. 18039.IG (corresponding to IG Case # 17-0082), the final investigative report was sent to our office on November 30, 2018. The case involves prohibited gifts offered to a current and a now-former City employee from a City subcontractor. At the Board's February 2019 meeting, it determined that the subcontractor and current City employees committed minor violations. Staff sent a detailed explanation to the IG explaining the Board's determination. The Board found probable cause to conclude that the former City employee violated the Ordinance, and a subject meeting is scheduled for May.

In Case No. 18012.IG (corresponding to IG Case #16-0240) the IG presented the Board with a fifth completed investigation and petition for probable cause in April 2018. At the Board's May 2018 meeting, it dismissed one part of the IG's petition (the part of the case dismissed by the Board pertained to the alderman's job interviews with a potential post-City employer while that potential employer had matters pending, finding that there was no evidence in the IG's investigative record to show that the alderman acted on any matters involving the potential employer and that the employer had no matters pending before the alderman), but made a *prima facie* finding of probable cause in the other. The matter involves violations of the Ordinance's post-employment provisions by a former alderman (the Ordinance's post-employment provisions prohibit former aldermen from engaging in lobbying the City for one year after leaving office). The Board settled the matter with the former alderman for a \$5,000 fine. At its January 2019 meeting, the Board also found probable cause to conclude that the former alderman's employer violated the Ordinance by employing a lobbyist who failed to register as required by the Ordinance. The employer was subject to a fine between \$500 - \$2,000, and I'm happy to announce that the Settlement Agreement in this matter will be presented to you for a vote. The employer will pay the maximum fine of \$2,000. If you approve it, it will be made public today.

In Case No. 18023.IG (corresponding to IG Case #17-0148), the IG presented its completed investigative report and corroborating evidence on June 20, 2018. The case involves a now-former employee who, the IG concluded (and identified as a former Water Management employee), violated the Ordinance by accepting admission for two (2) to a Cubs' post-season game from the president of a business over which he had official authority, in excess of the Ordinance's \$50 per source/per year limit, failed to report the gift on his annual Statement of Financial Interests, and provided advice or assistance on matters concerning City business that were not wholly unrelated to his City job. The Board made a *prima facie* probable cause finding at its July 2018 meeting, and settled the matter with the former employee for a \$500 fine. At its January 2019 meeting, the Board found that there is probable cause to conclude that the gift-giver violated the Ordinance by giving the former employee a prohibited gift. A subject meeting is scheduled for May 2019. The gift-giver is subject to a fine between \$1,001 - \$5,000.

Please note finally that, in all matters adjudicated or settled on or after July 1, 2013, the Board makes public the names of all violators and penalties assessed, or a complete copy of the settlement agreement.

#### **M. 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 IG or, if he or she fails to do so within two (2) 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 (1) 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 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 a completed investigative report from the IG on May 26, 2017, with a petition for a probable cause finding. The case was based on the Board's earlier conclusion that the subject appeared to have committed a non-minor past violation of the Ordinance, then advised the subject of the self-reporting-to-the-IG provisions in the Ordinance. After the IG investigated and confirmed the Board's earlier conclusion, the matter was settled for a \$1,500 fine. The agreement is posted on our website.

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.

## **N. Lobbyists-Regulation and Enforcement**

To date for 2019, there are 745 registered lobbyists. We have collected \$379,475 in lobbyist registration fees.

First Quarter lobbying activity reports were due on or before April 22. We sent out reminders of this deadline to all lobbyists via email on March 29. On April 24, as required by law, we notified the 28 lobbyists who had not yet filed. Those who do not file before May 8, 2019 will be determined to have violated the Ordinance, fined \$1,000 per day until they file, and their violations and fines will be made public.

## **O. Freedom of Information Act**

Since the last regularly scheduled Board meeting, the office has received four (4) new requests under the Freedom of Information Act. In the first and second requests, the requestor asked for records showing communications between the requestor and the Executive Director and the Executive Director and the Chicago Police Department about the requestor; we sent these records to the requestor. In the third, the requestor asked for City records showing a "hold" on traffic tickets, which

records this agency does not have. Thus we so advised the requestor. In the fourth, the request was for lobbyist records of an alderman from 2000-2012 (before the alderman was elected). We located all records available, and responded by sending some records to the requestor, giving a link to our website for other records, and offering to show the requestor the remaining responsive records in paper files.

**V. PUBLIC COMMENTS**

Daniel Wolk, a member of the public, said that he has suggested amendments to the Ordinance's campaign contribution limitation section that he would like to read. The Chair asked him to wait shortly until the Board moves to its discussion of its working draft of suggested amendments to the City's ethics laws.

**VI. OLD BUSINESS**

None

**VII. NEW BUSINESS**

Working draft of proposed amendments to the Municipal Code and City Council Rule 14

The Executive Director reported that Board staff and the Chair have been working for about nine (9) months on a package of suggested amendments to the City's ethics laws, and highlighted 22 of the suggestions, in order of the Ordinance section affected. Several Board members engaged in a discussion about whether the position of alderman should be full-time, and various points of view were expressed. The Executive Director explained why he believes such a proposal should be not be forwarded at this time.

The Chair then recognized Daniel Wolk, who read the proposal he submitted (attached to these minutes), dealing with increased political contribution limitations on real estate developers and their attorneys. The Chair thanked him for his submission, and the Executive Director said that Board staff will examine the laws of other jurisdictions to see whether they have a similar provision, and then draft an amendment that would cover this suggestion.

*At 12:20 p.m. Member Nancy C. Andrade joined the meeting.*

At 12:50 p.m., the Board VOTED 5-0 (Dr. Stephanie Cox-Batson and Dr. Daisy S. Lezama, 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 2:25 p.m., the Board VOTED 4-0 (Nancy C. Andrade, Dr. Stephanie Cox-Batson and Dr. Daisy S. Lezama, absent) to reconvene into open session.

## **MATTER CONSIDERED BY THE BOARD IN EXECUTIVE SESSION**

### **VIII. APPROVAL OF THE EXECUTIVE SESSION MINUTES**

The Board confirmed its discussion in executive session, VOTING 4-0 (Nancy C. Andrade, Dr. Stephanie Cox-Batson and Dr. Daisy S. Lezama, absent) in open session, to approve the executive session minutes, of the March 15, 2019 meeting.

### **IX. CASEWORK**

#### **A. Presentation to Board of Settlement Agreement after Board's Finding of Probable Cause to Conclude a Person Employed an Unregistered Lobbyist Pursuant to §2-156-305 of the Governmental Ethics Ordinance**

##### **1. Case No. 18012.IG.2, Employment of Unregistered Lobbyist**

By a 4-0 VOTE (Nancy C. Andrade, Dr. Stephanie Cox-Batson and Dr. Daisy S. Lezama, absent), the Board approved a settlement agreement in this matter involving a company that employed an unregistered lobbyist in violation of the Ethics Ordinance. The parties agreed to settle the matter for a fine of \$2,000, the maximum allowed under the Ordinance.

#### **B. Board Meeting with Respondent After Probable Cause Findings Based Upon Publicly Available Documents**

##### **2. Case No. 18044.C.1, Improper Influence**

##### **3. Case No. 18044.C.2, Improper Influence**

By a 4-0 VOTE (Nancy C. Andrade, Dr. Stephanie Cox-Batson and Dr. Daisy S. Lezama, absent), the Board determined, based on public documents and information available to the Board, and having heard from the subject's attorneys in closed session, that an alderman violated the Ordinance's Improper Influence provision, §2-156-030(b), by participating in City Council committee meetings and discussions regarding two distinct matters involving persons from whom the alderman's law firm had received compensation in the 12 months prior to the participation or from which it reasonably expected to receive compensation in the 12 months following the participation. Fines for violations of this section range between \$500-\$2,000 for each offense. Case No. 18044.C.1 involves the subject's presiding over that portion of a committee meeting at which a matter involving a law firm client was heard and voted upon. The alderman had properly disclosed to the Board of Ethics that he intended to recuse from the matter, but presided over that portion of the meeting at which the matter was discussed, introduced witnesses, and answered procedural questions from his colleagues. The Board determined by a 4-0 vote that this constituted participation in the matter, pursuant to §2-156-030(b) and Board Case No. 00008.A, [https://www.chicago.gov/dam/city/depts/ethics/general/AO\\_ConflictOfInterest/00008-AO-redact.pdf](https://www.chicago.gov/dam/city/depts/ethics/general/AO_ConflictOfInterest/00008-AO-redact.pdf) in violation of §2-156-030(b), and assessed the maximum fine of \$2,000 for the violation.

Case No. 18044.C.2 involves the same subject's report to the Mayor and City Council regarding votes taken in a City Council committee meeting on a matter from which the subject had properly disclosed that he intended to recuse because his law firm had represented some of the financial institutions named in the matter, and from which, the evidence before the Board showed, he properly recused himself. The Board concluded the subject's report on and introduction of a matter to City Council is not a violation of §2-156-030(b), as such action is not the type of "contact" of another "City official or employee" that was contemplated as being prohibited by §2-156-030(b) of the Governmental Ethics Ordinance. The Board had before it no evidence that the subject had presided over that portion of the committee meeting in which the matter was discussed. Hence, by the same 4-0 vote above, the matter was dismissed and closed by the Board.

**C. Advisory Opinion**

4. Case No. 19021.A, Fiduciary Duty, Aspirational Code of Conduct

The Board voted 5-0 (Dr. Stephanie Cox-Batson and Dr. Daisy S. Lezama, absent) to issue an advisory opinion in this case, where an alderman wrote the Board's Executive Director and Chair expressing serious concerns about statements made in a 22- minute interview given by a department head to a media reporter. In that interview, the department head discussed his personal friendship with the Mayor-Elect and the possibility of running for elected office. The alderman requested an opinion addressing issues raised by the interview, including the friendship and its effect on the department head's work, and the department head's statements about potentially running for elected office.

The Board's opinion: (i) commended the department head's sensitivity to possible conflicts of interests; (ii) determined that there were no violations of the Ordinance; (iii) advised the department head to be mindful of his department's own enabling ordinance and to refer to this law in future interviews in which the question of running for elected office arises, as that law prohibits the department head from becoming a candidate for elected office in any jurisdiction which includes the City for two (2) years after leaving his City position; and (iv) advised the department head to consult with Board staff, who are experts in conflicts of interests and can serve as neutral ethics advisers.

**D. Dismissed and Referred Complaints**

5. Case No. 19015.C, Statement of Financial Interests, City Residency

Staff reported that a private citizen emailed a complaint to the Executive Director alleging that a City employee, who serves on the Local School Council ("LSC") and whose children attend the Chicago Public Schools ("CPS"), is not a resident of the City. The complainant also provided information that the City employee failed to disclose this on his 2018 FIS form, which amounts to an ethics violation. However, the complainant also stated that CPS is already investigating whether he is a resident of the City. Staff concluded that while the record shows he did not disclose his LSC service, it would also be a violation of City law if he were not a resident of the City, which is required for all City employees. Staff reported that for that reason, we referred the matter to the City's Inspector General's office for any action it deems appropriate, including coordination with CPS's Inspector General.

6. Case No. 19016.C, City-owned Property, City Seal

Staff reported that in a tweet, a private citizen used the City's seal. Staff sent a letter to the citizen's manager advising him that he cannot use the City's seal without consent from the City and that further infractions could result in a fine between \$25 and \$200 for each offense.

7. Case No. 19017.C, City-owned Property, City Seal

Staff reported that it had reviewed an alderman's ward newsletter, which had been referred by the Office of the Inspector General ("OIG") after it declined to investigate the matter, and found it contained both city official business content and political content.

Staff recommended that the Board direct it to send the alderman a letter including a link to Case No. 18038.A.1, Use of Social Media, and an explanation as to why the newsletter violated the policy.

8. Case No. 19019.C, City-owned Property, Prohibited Political Activity

Staff reported that it had reviewed a portion of an alderman's official City twitter accounts as the OIG had referred this matter to the Board after declining to investigate a complaint that one of the tweets was political in nature.

The tweet in question was no longer posted on the alderman's official city twitter feed, but rather was posted on the alderman's *political* twitter feed. Staff recommended that no action be taken at this time and that the matter be dismissed.

9. Case No. 19020.C, City-owned Property, Prohibited Political Activity

Staff reported that it had reviewed an alderman's ward newsletter, which had been referred by the OIG after it declined to investigate the matter, and found the newsletter contained both City official business content and political content. Specifically, the newsletter contained two (2) political endorsements.

Staff recommended that the Board direct it to send the Alderman a letter including a link to Case No. 18038.A.1, Use of Social Media, and an explanation as to why the newsletter was contrary to the opinion.

**VIII. OTHER BUSINESS**

None

At 2:30 p.m., the Board voted 4-0 (Nancy C. Andrade, Dr. Stephanie Cox-Batson and Dr. Daisy S. Lezama, absent) to adjourn the meeting.