

CONFIDENTIAL

[redacted]

Re: Case No.: 16035.Q
Post-Employment

Dear Ms. [redacted]:

This will confirm the advice and guidance we discussed on [redacted] 2016, and in response to your inquiry regarding the applicability of the City's Governmental Ethics Ordinance's ("Ordinance") post-employment restrictions as to your new post-City employment. You then emailed me your notes regarding your understanding of our discussion, and included a description of your current City position, [redacted] at the [City] Department [redacted], and your intended post-City employment, as the [redacted] at the [private organization]. Since the job descriptions provide a sufficient summary of what we discussed, I will not reiterate them.

The following advice is based on the facts you provided, and the three applicable post-employment provisions, found in Ordinance §§2-156-100 and -105.

Permanent Restriction, §§2-156-100(b). This restriction applies to persons who had contract management authority regarding any City contract, and provides that, if a City employee exercised contract management authority with respect to a City contract, he or she is permanently prohibited from assisting or representing any person other than the City (such as a new employer) on that contract. You stated that you had contract management authority with respect to various City contracts.

You explained that in your City position, you signed [City] Department contracts for [redacted] projects under the various portfolios you oversaw, and that you supervised the preparation of and approved a [redacted] grant application to the [private organization] ("[redacted] grant"), which is current and active. Your involvement with the contracts and the [redacted] grant constitutes contract management authority. Although we conclude that the contracts are unrelated to the type of work you would perform at the [private organization], the [redacted] grant itself is directly related to the work you would perform at the [private organization]. We advise you that you are permanently prohibited from assisting or representing anyone, other than the City, including but not limited to the [private organization], as to those specific contracts and as to the [redacted] grant for the full term of those agreements.

We also advise that you note the contract PO numbers that you signed and maintain in your records for reference should an issue later arise.

Two Year Lobbying Restriction, §2-156-105. The Ordinance prohibits former Shakman-exempt employees from lobbying their former City department for two years after they leave City service. Since you do not believe that you would be asked to lobby before any City department in your work at the [private organization], this restriction will likely be inapplicable to your new position there. However, we do advise you that because you occupied a Shakman-exempt

position, you will be restricted for two years from lobbying [City] Department, or until [redacted], 2018 - summarized in your item 2 below.

One Year Restriction, §2-156-100(b). The Ordinance prohibits a former City employee or official for one year from assisting or representing any person, such as a new employer, in any business transaction involving the City if, during City employment or service, he or she participated personally and substantially in the subject matter of that business transaction. We analyze the application of this restriction in two steps. First, we define the subject matter of the work you believe you will be performing for the [private organization] after leaving your City employment. Second, we analyze whether you participated personally and substantially in that subject matter during your City employment. If that subject matter overlaps, then you would be prohibited for one year after leaving your City employment from performing or advising [private organization] colleagues on matters involving that subject matter, even behind the scenes.

After carefully analyzing the information and facts you provided, Board staff has concluded that the subject matter of your new position would be to determine whether the [private organization] would and should fund particular [redacted] ventures who have applied to the [private organization].

As discussed above, you said that you reviewed and approved an application made by [City] Department to the [private organization] (and Board staff has confirmed that this is the only [redacted] grant with which you were involved). Your involvement with the [redacted] grant constitutes personal and substantial involvement in the same subject matter of the work you expect to perform at the [private organization]. Therefore, we advise you that, for one-year, or until [redacted] 2017, you are prohibited from assisting or representing the [private organization] (or any other person) with respect not only to that grant, but as to any other funding request that would be sent to or through [City] Department's [redacted], the specific division you [worked].

Additionally, as you summarized in item 3 below, you would also be restricted until [redacted] 2017 from assisting or representing any person or institution on any business transition that involved [City] Department if you were personally or substantially involved in that same subject matter, even though it is not directly addressed here. Should an issue as this arise during your restriction period, we advise you to contact the Board again for further guidance.

Finally, please be advised that pursuant to §2-156-070, you are prohibited from using or revealing confidential information that you acquired through your City employment. For purposes of this section, confidential information means any information that is not public and may not be obtained pursuant to the Illinois Freedom of Information Act. We also advise you that a violation of any of the post-employment restrictions could subject you to substantial monetary penalties, pursuant to §§2-156-485 and -510.

Staff's advice and conclusions are based on the facts you provided and address only the restrictions in the City's Governmental Ethics Ordinance. If the information is incorrect or incomplete, please notify the Board immediately as any change may alter our conclusions. We further advise you to contact us again if your employment plans change.