



City of Chicago  
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Board of Ethics

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<http://www.cityofchicago.org>

Note: This case is superseded by 2011 Amendments to the Ordinance

MRS

lobbying

August 6, 2002

**CONFIDENTIAL**

[John ]  
[Association XY ]  
[Address 1 ]  
[Address 2 ]

**Re: Case No. 02025.Q**

Dear [John ],

On the recommendation of [Mary ], [Assistant ], and at the request of [Alderman Bill ] you recently spoke with the Executive Director of the Board of Ethics concerning the [Association XY's

] interest in selling the City specialized emergency services equipment. On August 2, 2002, you asked Board staff for a written opinion on whether the City's Governmental Ethics Ordinance requires you to register as a lobbyist. Following a review of the relevant law, staff concludes that, based on the facts you have presented, you are not a lobbyist within the meaning of the Ordinance, and therefore are not required to register with the Board.

You stated that you are an employee of [XY.] [XY] you said, is registered as a 501(c)(3) not-for-profit organization. It is an affiliate of the [University ] and operates 18 research laboratories around the U.S. [XY] does research for business and government and develops products for the commercial market. [XY] is known for its expertise in wireless telecommunications design, Web-based IT solutions, toxicology and microbiology, industrial product optimization, chemical and biological defense, materials testing, unexploded ordnance remediation and full-scope simulator development. Recently, you have been in discussions with representatives of the City with regard to the City's potential purchase of [XY]-manufactured 3D imaging and laser scanning equipment for use by the police and fire departments. It was these discussions that prompted the inquiry of whether such conduct requires you to register with the City as a lobbyist.

The relevant section of the law is Sec. 2-156-210 of the Ordinance (Persons Required to Register). It states that each lobbyist shall register and file reports with the Board of Ethics, regardless of whether the "lobbyist" is formally designated as such by his employer. "Lobbyist" is defined in the Ordinance as any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action. The definition, however, goes on to state that an "employee, officer or director of a non-for-profit entity who seeks to influence



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legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter." As [XY ] is a not-for-profit organization of which you are an employee, you are not a lobbyist under the Ordinance, and are not required to register as a lobbyist with the Board.

Staff's opinion is not necessarily dispositive of all issues relevant to this situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts stated are incorrect or incomplete, please notify us immediately, as any change may alter staff's opinion. Other laws or rules also may apply to this situation.

We appreciate the concern of all involved and their desire to abide by the standards embodied in the Ethics Ordinance. In the event you wish to view the Ethics Ordinance in its entirety, please go to our web site at <http://www.ci.chi.il.us/Ethics/> . If you have any further questions, please do not hesitate to contact us.

Very truly yours,

[Signature ]

John H. Mathews  
Legal Counsel

Approved by

[Signature ]

Dorothy J. Eng  
Executive Director

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cc: [ ]  
[ ]