

Executive Director's Report

June 16, 2025

New Board Members

We are delighted to welcome our two new Board members: Paul Berks and Cindy Medina-Cervantes. Both are practicing attorneys, Mr. Berks with the firm Massey & Gail, LLP, and Ms. Medina-Cervantes with the firm Clyde & Co., US, LLP.

Amended Rules & Regulations

On today's agenda, the Board will consider the revised draft of its amended Rules & Regulations. For the past month, the draft amendments have been posted, with a request for public comments and suggestions. On Monday, June 9, I appeared before the City Council's Committee on Ethics and Government Oversight to explain the proposed changes. The revised draft included revisions based on comments received on June 5 from the Office of Inspector General, and on questions posed at that hearing. If the Board votes to approve them, they will be submitted to the City Council. Unless the Council votes, by a majority, to disapprove of them, they become effective 45 City business days after submission, around August 20, 2025.

Statements of Financial Interests

On March 1, we notified all 2025 filers of their requirement to file 2025 Statements of Financial Interests; we sent out 3,925 notices. The filing deadline was before May 2. All but 116 individuals filed before the deadline. As required by law, we notified all of them; they have seven (7) days to present a valid reason for failing to meet the deadline. If they do not present a valid reason, they will be held to have violated the law, and fined \$250 per day until they file, beginning May 20. I want also to report, unfortunately, that seven (7) City Council members did not file by the deadline; just two (2) of them have filed since the deadline. All of them filed before the fine period began, despite our office having sent repeated notices of their filing requirement. Note that §2-156-465 provides that "any official ... who knowingly fails to file a statement within the time presanction in this chapter ... shall be subject to removal from office."

All forms filed in 2018 and after are posted and viewable here, where they stay for seven (7) years after they are filed:
<https://webapps1.chicago.gov/efis/search>

Sister Agencies

We will meet next with our ethics counterparts from the Cook County Board of Ethics, CTA, CHA, CPS, City Colleges, Park District, Metropolitan Pier & Exposition Authority, and RTA, in July.

Education

Mandatory Online Training

We released the all-new 2025 online trainings for employees and elected officials, and for appointed officials. To date, 23,200 employees, 17 elected officials, and 186 appointed officials have completed theirs. Their deadline is before January 1, 2026. For lobbyists, the deadline to complete their training is before July 2, 2025. To date 570 have completed theirs. We are sending them daily email reminders.

Mandatory In-person Classes and other presentations

In-person classes began again in May 2024 for those City officials and employees required to attend them once every four years (about 3,400). To date, approximately 2,740 City employees and employees have attended. We held classes in our office on May 14, 15, 21, 22, 28 and 29, and June 11, and will hold more on June 18, 25 and 26, and July 9.

We also conducted classes for Senior Police and Fire Department personnel on June 2, for Senior Law Department personnel on June 4, Mayor's Office of personnel on June 9, and for Streets & Sanitation personnel on June 13. We have classes scheduled for June 23 for Mayor's Office and Department of Procurement Services personnel, and on September 3 for personnel from the Civilian Office of Police Accountability (COPA). We will likely add a Saturday class for Police Department Lieutenants in September. These are all in addition to regularly scheduled classes, the schedule of which is posted here:

<https://www.chicago.gov/content/dam/city/depts/ethics/general/memos/2025%20TRAINING%20SCH.pdf>.

Advisory Opinions

Since the Board's May meeting, we have issued 213 informal advisory opinions. The leading categories for informal opinions were, in descending order: Gifts; Travel; Post-employment; City Property; Outside Employment; Financial Interest in City Business; and Conflicts of Interest.

The leading City departments from which requesters came in this period were, in descending order:; Chicago Police Department/Civilian Office of Police Accountability (COPA)/Community Commission for Public Safety and Accountability (CCPSA); City Council; Mayor's Office; Department of Family and Support Services; Department of Public Health; Chicago Fire Department; Office of Inspector General; and Department of Cultural Affairs and Special Events.

85% of all inquiries came from City employees or elected officials; the remainder came from attorneys, vendors, lobbyists or potential lobbyists.

Please note also that we continue to receive complaints from members of the public: since the last Board meeting, we have received six (6).

Informal opinions are confidential and 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. In the past five (5) years, the Board has issued 70 formal opinions.

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

The full text of every formal Board opinion issued since 1986 is posted on the Board's website (more than 925), redacted in accordance with the Ordinance's confidentiality provisions, here:

https://www.chicago.gov/city/en/depts/ethics/auto_generated/reg_archives.html.

Redacted formal opinions are posted once issued or approved by the Board. Summaries and keywords for each of these opinions—and a link to each opinion's text, which we added since the August Board meeting--are available on the Board's searchable index of opinions, here:

<https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/AOindex.docx>.

A few other ethics agencies have comparable research tools. We are unaware of jurisdictions that make their *informal* opinions public — though, like us, others issue them confidentially and enable requesters to rely on them in the event of an investigation or enforcement.

Lobbyists Filings

763 individuals are currently registered with our office to lobby City employees/officials. We have collected \$325,125 in 2025 lobbyist registration fees.

First Quarter 2025 lobbying activity reports were due before April 22. All lobbyists who failed to file by then were sent written notice via first class and certified and email. 13 were found in violation, and of these, five (5) were subject to fines of \$250 per day until they filed. Three (3) have yet to file and are accruing daily fines. As required by law, we posted their names and violations on our website on May 13.

Note that, in contrast, the Ordinance provides fines of \$1,000 per day for any individual who has reached either the quarterly hourly or compensation/expenditure threshold that triggers the requirement to register as a lobbyist but then fails to register as required within five (5) City business days of reaching that threshold. Fines begin on the sixth City business day until the person registers. These fines are not capped.

On June 12, we posted a current list of registered lobbyists and their clients here:

<https://www.chicago.gov/content/dam/city/depts/ethics/general/LobbyistStuff/LISTS/lobbyistlist.xls> .

Lobbyists' filings dating back to 2014 can be examined here: https://webapps1.chicago.gov/elf/public_search.html.

Waivers

Since July 1, 2013, the Board has had authority to grant waivers from certain provisions in the Ethics Ordinance. The Board has granted eleven (11) and denied three (3) waiver requests. In accordance with the law, all granted waivers are posted here: https://www.chicago.gov/city/en/depts/ethics/supp_info/Waivers.html.

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

We post a 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, based on probable cause findings the Board makes as a result of its review of publicly available information, where no factual investigation by the IG is necessary. *See*

<https://www.chicago.gov/content/dam/city/depts/ethics/general/EnforcementMatters/Invest-Index.pdf>

There are no such matters currently pending.

The Board makes public the names of all violators and penalties it assesses when authorized by law to do so. But only in those that occurred after July 1, 2013, can the Board release the names of those found to have violated the Ordinance. Since July 1, 2013, there have been nearly 90 such matters.

Summary Index of Ongoing/Past IG/LIG Investigations/Adjudications

There are currently 11 completed IG ethics investigations in various stages of the adjudicative process. More information on these cases is posted here:

<https://www.chicago.gov/city/en/depts/ethics/provdrs/reg/svcs/ongoing-summary-of-enforcement-matters.html>.

In the first, 23045.IG, a confidential hearing concluded earlier this year, and Administrative Law Judge (“ALJ”) Frank Lombardo issued his Confidential Final Report and Recommendations to the Board on May 15. The matter is on today’s agenda for the Board to consider and issue a Final Opinion.

In the second and third, 23054.IG and 23055.IG, the Board found probable cause at its November 2023 meeting. The Board met in February with the subject’s attorney. After that meeting, the Board requested further clarification from the IG, received that clarification, and presented it to the subject’s counsel. The Board found 12 violations in 23054.IG and voted to pursue a \$60,000 fine (at its April 2024 meeting). In 23055.IG, at its May 2024 meeting the Board found two (2) violations, and voted to pursue the maximum penalty of \$5,000 per violation. The subject made offers to settle both matters, which the Board rejected. At its June meeting, the Board voted to proceed with a confidential administrative hearing on both matters. The City is represented by Anthony Masciopinto, from the firm of Kulwin, Masciopinto and Kulwin. ALJ Lombardo is assigned to both matters.

In the fourth, 23067.IG.1, .2,.3, and .4, the IG delivered its completed investigation to the Board on December 30, 2023. The matter involves four (4) employees from the same City department (one of whom is now retired). The IG concluded that one of them had a prohibited financial interest in City contracts, and that two of the others knew of this violation but failed to report it to the IG as required by §2-156-018(a). At its January 2024 meeting, the Board voted to refer the matter back to the IG, because the evidence adduced in the IG’s investigation appears to show that the *fourth* employee from the same department also violated §2-156-018(a) by failing to report the violation to the IG. The Board requested that the IG review its investigation, and if appropriate, petition the Board for a probable cause finding with respect to that fourth employee. The IG reviewed the matter and then petitioned the Board for a probable cause finding with respect to all four (4) employees; the Board found probable cause as to each subject. One (1) met with the Board in June 2024, another in July 2024; and a third in September 2024. At the Board’s October 21, 2024 meeting, it found all four (4) individuals in violation of the Ordinance and assessed a total of \$28,500 in fines. Two (2) agreed to pay their fines (in case .01 and .03). The agreements in .01 and .03 are posted on our website. The Board referred cases .02 and .04 to the Law Department for confidential administrative hearings to collect the fines assessed. The Law Department declined to file charges in .04. As to Case No. 23067.IG.02, ALJ Lombardo is assigned to the matter.

In the fifth, 24003.IG, the IG delivered its completed investigation to the Board on February 2, 2024. The matter involves an investigation into the deletion of comments from an elected official’s official social media account. The Board requested and received clarification from the IG on certain factual issues; at its May 2024 meeting the Board voted to

seek further clarification from the IG based on the factors set out by the U.S. Supreme Court in *Lindke v. Freed*: https://www.supremecourt.gov/opinions/23pdf/22-611_ap6c.pdf . The IG responded, and the matter has been continued, pending guidance from the federal courts regarding the interpretation of *Lindke*.

In the sixth, Case No. 24020.IG, the IG delivered a completed investigation to the Board on August 27, 2024. The IG concluded that a now-former City employee failed to disclose, on Statements of Financial Interests filed for years 2019-2021, that they had a financial interest in real estate located in the City in four (4) instances. The subject never responded to the Board's repeated notices, first of its probable cause finding; then of its finding that the subject violated the Ordinance and is subject to \$12,000 in fines—the maximum fines for these years—until January 13, after the Board had voted to refer the matter to the Law Department for a confidential hearing to enforce its determination. ALJ Lombardo has been assigned to the matter. Settlement discussions continue between the subject and Law Department.

In the seventh, Case No. 24025.IG, the IG delivered a completed investigation to the Board on December 2, 2024. The IG concluded that a City official misused their City title and authority in a dispute with a private business. The Board voted to refer the matter back to the IG for further investigation. The IG responded on April 8, 2025. The Board found probable cause at its May 2025 meeting. The subject and their attorney will meet with the Board at its July meeting; the matter is on today's agenda for a status report.

In the eighth, Case No. 24027.IG, the IG delivered a completed investigation to the Board on December 23, 2024, with a request that the Board find probable cause. It involves an employee who owns a company that was a listed subcontractor on a City contract, and which received money through that subcontract, in apparent violation of the Ordinance's prohibition on having a financial interest in a City contract, work or business, and the subject's failure to disclose ownership of that company on their filed Statements of Financial Interests. The subject and their counsel met with the Board at the April meeting, and the Board determined that the subject violated the Ordinance numerous times and assessed total fines of \$69,000. The subject has offered to settle the matter for a lesser fine; the matter is on today's agenda.

In the ninth, Case No. 25006.IG, the IG delivered a completed investigation to the Board on March 11, 2025, with a request that the Board find probable cause. It involves a former employee who, the IG found, has assisted a post-City employer on the very same matters that in which the employee participated personally and substantially while a City employee. The Board voted to find probable cause at the April meeting; the subject submitted written materials to the Board to attempt to rebut the finding. The matter is on today's agenda.

In the tenth, Case No. 25007.IG, the IG delivered a completed investigation to the Board on March 11, 2025, with a request that the Board find probable cause. It involves a former employee who, the IG found, failed to disclose outside income in excess of \$1,000 on Statements of Financial Interests filed in 2023 and 2024 (covering 2022 and 2023, respectively). The Board voted to find probable cause at the April meeting. The subject is met with the Board at its May meeting, after which the Board determined that the subject violated the law twice and imposed the minimum fine of \$500 per violation. The subject has submitted a settlement offer. The matter is on today's agenda.

In the eleventh, the IG delivered a completed investigation to the Board on May 14, 2025, with a request that the Board find probable cause. It involves a business owner who, the IG found, attempted to bribe two (2) inspectors from the Department of Buildings by dropping cash onto a clipboard of one of the inspectors. The matter is on today's agenda for a finding of probable cause.

More complete summaries of these and all IG cases are available on our website, subject to the Ordinance's confidentiality requirements. We post on our website and continually update an ongoing investigative record showing the status of every completed investigation brought to the Board by both the IG 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. We update this record as appropriate, consistent with the Ordinance's confidentiality provisions. See <https://www.chicago.gov/city/en/depts/ethics/provdrs/reg/svcs/ongoing-summary-of-enforcement-matters.html> and <https://www.chicago.gov/content/dam/city/depts/ethics/general/EnforcementMatters/PulbicScorecard.pdf>

Whenever the IG presents the Board with a completed ethics investigation in which the IG believes there have been violations of the Governmental Ethics Ordinance, the procedure that follows is governed by §2-156-385 of the Ordinance: the Board reviews the IG's report, recommendations, and the entirety of the evidence submitted in its completed

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 the ethics investigation was commenced within five (5) years of the last alleged act of misconduct.

If the Board finds that the evidence presented warrants a 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 also request clarification from the IG as to any evidence found in its investigation before making a probable cause finding or refer the matter back to the IG for further investigation (and 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 does not rebut the Board’s probable cause finding, the Board may enter into a public settlement agreement – or may find there was a violation and proceed to a hearing on the merits that is not open to the public. That hearing is 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 their attorney. At the conclusion of that hearing, the ALJ submits findings of fact and law to the Board, which can accept or reject them, based solely on the written record of the hearing. The Board will then publicly issue an opinion in which it may find violations of the Ethics Ordinance and impose appropriate fines, or find no violation and dismiss the matter.

These processes are based on specific recommendations of then-Mayor Emanuel’s Ethics Reform Task Force in Part II of its 2012 Report—the primary purposes being to: (i) guarantee due process for all those investigated by the IG; (ii) ensure that only the Board of Ethics could make determinations as to whether a person investigated by the IG violated the Ordinance, given the Board’s extensive jurisprudence and unique expertise in ethics matters; and (iii) balance due process for those investigated by the IG with an accurate adjudication by the Board and the public’s right to know of ethics violations.

On our website, we have a publication describing this process in detail:

<https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/EnforceProcedures.pdf>

Note: fines range from \$500-\$2,000 per violation for non-lobbying or non-campaign financing violations that occurred before September 29, 2019, and \$1,000-\$5,000 per violation for such violations occurring between September 29, 2019, and September 30, 2022. For violations occurring on or after October 1, 2022, the fine range is between \$500 and \$20,000 per violation, and the Board may also assess a fine equal to any ill-gotten financial gains as a result of any Ordinance violation. Fines for unregistered lobbying violations remain at \$1,000 per day beginning on the fifth day after the individual first engaged in lobbying and continuing until the individual registers as a lobbyist.

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. All settlement agreements are posted here: <https://www.chicago.gov/city/en/depts/ethics/provdrs/reg/svcs/SettlementAgreements.html>

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 they committed a past violation of the Ordinance, the Board must determine whether that violation was minor or non-minor. If it is 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 they 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. In 12 matters, the Board has determined that minor violations occurred, and the Board sent confidential letters of admonition, as required by the Ordinance. These letters are posted on the Board’s website, with confidential information redacted.

Open Meetings Act/FOIA Challenges

The Board is currently involved in five (5) challenges filed with the Illinois Attorney General all filed by the same individual. These challenges request:

- (1) A review of the propriety of adjourning into executive session during the Board's September 11, 2023 meeting under the Open Meetings Act ("OMA");
- (2) A review of the propriety of adjourning into executive session during the Board's August 14 and September 11, 2023 meetings under OMA;
- (3) A review of the Board not producing certain records pursuant to FOIA;
- (4) A review of the propriety of the Board's method of taking final action at its April 15, 2024 and May 13, 2024 meetings.
- (5) A review of the Board's proceedings in both Open and Executive Session as to Case No. 24019.Q, at its September 30, 2024 meeting.

The Board has worked with the Law Department and responded to each.

Freedom of Information Act

Since the April 12 Board meeting, the Board has received two (2) FOIA requests:

The first was for a copy of the 23minute portion of the recording of the Board's July 2022 meeting, which the Board has converted to a public record based on the PAC's recommendation. The recording was produced.

The second was to provide copies of all communications or other documents between two (2) elected officials and a company the requestor named. The Board informed the requestor that the only responsive documents it has are the Statements of Financial Interests filed by the elected officials and provided the requestor with the links to those records.