



DRAFT AMENDMENTS TO THE RULES AND REGULATIONS OF THE BOARD OF ETHICS

**PRESENTED TO THE COMMITTEE ON ETHICS AND
GOVERNMENT OVERSIGHT**

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Legal/statutory background

§2-156-380(h) of the Municipal Code grants the Board the power and duty to promulgate rules for the conduct of Board activities, including:

- i) hearings conducted pursuant to §2-156-392 (before the Department of Administrative Hearings (“DOAH”) following a Board vote to pursue a fine for violations found after an investigation by the Office of Inspector General (“OIG”);
- ii) administering waivers;
- iii) contesting fines for training and filing violations;
- iv) how settlements, Board opinions, determinations, and findings are made public; and
- v) the criteria for determining when violations of chapter 2-156 are minor (addressed in Rule 3-11, which is not being amended)

Once the Board formally submits its draft rules to the City Council, they become effective in 45 days unless the City Council, during that 45-day period, votes to by majority to disapprove them.

Summary of amendments

The proposals:

- remove obsolete references to the former Office of Legislative Inspector (Rules 1-5(i), 4-5);
- conform the Rules to matters where the Board finds probable cause without the need for an OIG factual investigation (Rules 1-1, 1-5(k), 2-12);
- streamline how the Board communicates with subjects of Board opinions or enforcement proceedings (Rule 2-13);
- clarify that the Board has authority to render advisory opinions to City Council contractors, and updates citations to the revised definition of City Council contractor in §2-156-010(d-2) (Rules 1-5, 3-1);
- update the use of pronouns to “they” and other terminology, such as “aldermen” to “City Council members” (throughout);
- clarify that formal opinions, not informal opinions, are made available to the public (in redacted form) (Rule 3-9);

Summary of amendments, cont.

--update Rule 3-9 to reflect actual practice, where an individual who is under investigation by the OIG can waive the confidentiality of a Board advisory opinion issued to them by filing a written notice of such waiver with the Board or the OIG;

--clarify that the Board may seek further investigation from the OIG before making a probable cause finding, per §2-156-380(h-1) (Rule 4-1.A.(3));

--clarify that meetings with a subject of a Board probable cause finding can meet with the Board as many times as the Board deems necessary before it decides to find a violation and pursue a fine, or dismiss the matter, and allow for electronic meetings with a subject (Rule 4-1.B);

--add a Rule that enables the Law Department to settle matters referred to it for hearings before the DOAH following Board findings of violations and impositions of fines (added at the Law Department's request; Rule 4-2(3));

--clarify actual practice, whereby the Board sends all City Council members, Department Heads, the Mayor's Office, and all ethics liaisons lists of those required to file annual Statements of Financial Interests by March 1, and dunning notices to all who have not yet filed on or around April 15 (amending the Rules as the filing deadline is now May 1, not May 31, as of January 1, 2020) (Rule 5-4);

Summary of amendments, cont.

- add a new Rule 5-11, providing that if a City Council contractor (as defined) is an entity, then those individuals who actually perform the services for a City Council member, ward, or committee shall file annual Statements of Financial Interests;
- bring Rule 6-4 into compliance with the revised lobbying laws, by streamlining the process by which those who lobby solely for a single non-profit can get fee waivers;
- clarify that individuals who file annual Statements of Financial Interests, including City Council contractors, are required to complete in-person ethics training once every four years (Rule 7.1);
- clarify that the Board can notify lobbyists who are late on training via certified mail, first class mail, or email (Rule 7-2).



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