




BOARD OF ETHICS
CITY OF CHICAGO
MEMORANDUM

To: The Honorable Members of the Chicago City Council, The Honorable City Clerk

From: 
Steven I. Berlin
Executive Director

Re: Submission of Two Amendments to the Rules & Regulations of the Board of Ethics

Date: October 27, 2016

Pursuant to §2-156-380(h) of the Municipal Code of Chicago, and at the direction of members of the Board of Ethics, I transmit herewith two (2) proposed amendments to the Rules & Regulations of the Board of Ethics (effective October 23, 2014). The revisions have been drafted to conform to the recommendation made by the Office of Inspector General after completing its audit of the Board's administration of its lobbying laws.

The amendments would modify the procedure lobbyists must use when making their filings with the Board of Ethics. The first amendment, to Rule 6-2, would mandate that all such filings be made only through the Board's already existing internet-based Electronic Lobbyist Filing (ELF) system. Currently, about 80% of the lobbyists use ELF. The second amendment would provide procedures to enable the Board to determine whether and how an exception may be made in administering and enforcing the provisions relating to filing deadlines as to lobbyists under certain circumstances.

The amendments shall, as provided in Governmental Ethics Ordinance, become effective 45 days after this submission unless, during this 45-day period, a majority of aldermen vote to disapprove them.

As always, please feel free to contact me with any questions or comments.

Attachment:
Text of Rules 6-2 and 8(4) showing proposed amendments

The Board's Rules & Regulations, effective October 23, 2014, shall be hereby amended by adding the underlined language:

Rule 6-2. Preparation of lobbyist forms

The staff will prepare, revise as necessary and timely make available to all persons required to register as lobbyists such forms, including electronic forms, and information as shall be required for the effective administration and enforcement of Article 4 of the Ordinance. All persons required to register as lobbyists shall perform all registration, activity report, and any amendments thereto, or termination filings using ELF, including lobbyist activities occurring pursuant to the procedures set forth in Rule 8.

Rule 8. Executive director's authority with respect to enforcement

8(4) The person's response to the notice in Rule 8(3) shall be the sole method of contesting the imposition of sanctions as provided for in §§2-156-465 and 2-156-505. In administering Rule 8(3)(vi) herein, the Executive Director may exercise the Executive Director's discretion to determine whether the lobbyist's response warrants reversal of the Executive Director's probable cause finding. The Executive Director shall apply an unforeseeable mitigating circumstances standard. Examples of an "unforeseeable mitigating circumstance" shall include, but not be limited to: (i) computer, server or internet malfunction; (ii) health of the lobbyist or of his or her immediate family, or a family emergency; (iii) active duty in the military service; or (iv) loss of a lobbyist's original (and only) documentation resulting from fire, flood or other act of nature.¹ The Executive Director shall require an affidavit or another such form of affirmation of such malfunction prior to reversal of a probable cause finding.

¹ See Miss. Code Ann. §5-8-17 and Illinois Administrative Code Title 2, Subtitle C, c. III, §560.390 (b).