



BOARD OF ETHICS
CITY OF CHICAGO

September 9, 2014

To the Editors:

On behalf of the Board of Ethics, I would like to correct certain inaccuracies and omissions in the ongoing coverage of the Legislative Inspector General. These misstatements – left unaddressed – do a disservice to our agency and to the taxpayer.

The numbers discussed publicly by the Office of Legislative Inspector General (the “LIG”) simply do not match ours. Since that office began operating in November 2011, it has petitioned us for authority to commence 36 investigations. We have approved every single request. To date, the LIG has completed investigations in 15 of these cases, and has submitted closing reports to us (of the remainder, 18 remain pending, one was withdrawn by the LIG itself, and two were referred to criminal authorities upon concurrence of the Board). The status of those 15 completed cases is as follows:

- In one, we determined that a City Council employee violated the Ethics Ordinance for misusing his City title and he was subsequently suspended for 15 days without pay.
- In one, the Board referred to the LIG a campaign financing investigation, which the LIG then referred back to us; we issued an advisory opinion (available on our website), correcting the LIG’s conclusions and noting that we brought the contributors into compliance with the Ordinance.
- In five, the LIG concluded in his own closing report that available facts did not demonstrate a violation of the Ordinance, and we subsequently dismissed them.
- In three others, the Board – after extensive deliberation – dismissed them upon concluding that there was insufficient evidence to support a finding that the Ordinance had been violated.
- Finally, five cases remain outstanding and will be considered at future meetings of the Board. There is a delay on three of these – that delay is the result of the LIG’s failure to provide the required notice to the subjects in advance of submitting its reports to the Board.

Hence, the assertion made by the LIG that the Board has “done nothing” with the cases the LIG has submitted to us is categorically false. This Board does not conduct, supervise or influence investigations by the inspectors general. We actively fulfill our legal mandate, which is to authorize investigations and/or examine reports of concluded investigations so as to settle them,



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or move them to merits hearings and then decide them, or dismiss them, as appropriate, and as required by law.

As to campaign financing enforcement, between October 2009 and July 2013, the Board commenced 64 investigations of apparent excess contributions to City elected officials, determined that 19 contributors violated the Ordinance, and achieved compliance (meaning that the contributor received a refund of the excessive contribution) in 71 cases (this includes some that had been commenced in prior years). Moreover, in July 2013, based on recommendations made by the Board of Ethics, the Ordinance was strengthened so that the excessive contributor *and* the elected official's or candidate's committee are *each* subject to fines of the higher of \$5,000 or three times the excess contribution. Last year, we issued an educational advisory opinion explaining this.

Hence, the suggestion made in the reporting and by the LIG that the Board "did nothing" with campaign finance matters when it had authority to investigate them is also without any basis in fact. It is also important to point out that the law granting the Board the authority to review public campaign contribution disclosures and refer potential violations does not take effect until September 10. We will make referrals of potential violations to each inspector general for investigation as soon as practical, after that date, as required of us by law.

While the Board is following the ongoing debate over where investigative authority for City Council should reside, we take no position in the matter. We are interested only in reviewing completed, thorough investigations, and in conducting a fair adjudicative process for those investigated. We take our role in the process seriously, and are dismayed by attempts to suggest otherwise.

We stress that enforcement is only one of the pillars of a vigorous municipal ethics program. While the others do not attract attention, unlike enforcement matters, which garner all the visibility, they are every bit as important. We continue to be responsible for facilitating the identification and public disclosure of potential conflicts of interests, educating City employees and officials every year about standards of conduct, and advising them on how to comply with the City's ethics laws.

Respectfully,

Stephen W. Beard, Chair