

**CITY OF CHICAGO
BOARD OF ETHICS**

**AMENDED
RULES AND REGULATIONS
(effective February 26, 2010)**

**(As required by Chapters 2-156 and 2-164
of the Municipal Code of Chicago.)**

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Section 1. Jurisdiction of the Board of Ethics

- 1-1. Introduction
- 1-2. Rulemaking Authority
- 1-3. Scope of Rules
- 1-4. Amendment of Rules
- 1-5. Definitions

1-1. Introduction:

The Chicago Board of Ethics is established by Chapter 2-156 of the Municipal Code of the City of Chicago. The Board of Ethics was created to administer the provisions of the City's Governmental Ethics and Campaign Financing Ordinances. The Board is charged with the duty to maintain records, and to respond to questions, offer confidential guidance and advice, and investigate charges regarding: conflicts of interest, lobbying activities, financial disclosure statements, campaign financing and other matters related to Chapters 2-156 and 2-164 of the Municipal Code of Chicago, as amended.

1-2. Rulemaking Authority:

Pursuant to Section 2-156-380(h) and Section 2-164-070(g) of the Municipal Code, the Chicago Board of Ethics is empowered to promulgate rules for the conduct of Board activities, including procedural rules consistent with the requirements of due process of law; provided, however: i) that no such rules and regulations shall become effective until 45 days after their submission to the City Council; and ii) no such rules and regulations shall become effective if, during said 45-day period, the City Council, by majority vote of the Aldermen, acts to disapprove said rules and regulations.

1-3. Scope of Rules:

The rules and regulations set forth herein shall constitute the policy and practice of the Board and shall govern, with the force of law, the activities of the Board, provided such rules and procedures are consistent with Chapters 2-156 and 2-164 of the Municipal Code of the City of Chicago, as amended.

1-4. Amendments of Rules:

The Rules and Regulations of the Board may be amended upon the approval of a majority of the Board at a meeting. Provided, however, no such amendment shall become effective until 45 days after its submission to the City Council. And, provided further, no amendment to the rules and regulations shall become effective if, during that 45-day period, the City Council, by majority vote of aldermen, acts to disapprove the amendment.

1-5. Definitions:

The following terms shall have the following meanings:

- (a) "Advisory opinion" means: i) a formal written opinion issued by the Board pursuant to Section 2-156-380(l), Article 4, or Section 2-164-070(k) of the Municipal Code of the City of Chicago; or ii) written or oral guidance rendered by Board staff referred to in Rule 3.2 in response to a question concerning ethics, conflict of interest, financial disclosure, lobbying, campaign financing or any other activity or subject under Chapters 2-156 or 2-164 of the Municipal Code of Chicago.
- (b) "Board" means the Chicago Board of Ethics.
- (c) "Chair" means the Chair of the Board of Ethics.
- (d) "City Agency" means the City Council, any committee or subdivision thereof, any City department or other administrative unit, commission, board or other division of the government of the City.
- (e) "Days" means City business days.
- (f) "Executive Director" means that person who is appointed by the Mayor subject to approval of City Council pursuant to Section 2-156-310 of the Municipal Code of Chicago to supervise the staff of the Board and to coordinate all administrative functions of the Board.
- (g) "Investigation" means an inquiry into an allegation or a complaint of violation of Chapter 2-156 or 2-164 of the Municipal Code.
- (h) "Request for an Investigation" means a request for an investigation based on alleged violations of Chapter 2-156 or 2-164 of the Municipal Code.
- (i) "Staff" means those persons employed by the City of Chicago Board of Ethics. These persons shall perform investigative, clerical, administrative or other duties as described and required by the Board through the Executive Director.
- (j) "Writing" means a hand-written, typed, scanned, word-processed, or emailed document, regardless of the manner in which the Board receives or sends it.

Any further definitions for the terms used in these rules and procedures may be found in Sections 2-156-010 and 2-164-010 of the Municipal Code of Chicago.

Section 2. Board Meetings

- 2-1. Governing Procedures
- 2-2. Quorum
- 2-3. Telephonic Conferences
- 2-4. Majority Vote
- 2-5. Conflict of Interest
- 2-6. Notice of Meetings
- 2-7. Board Sessions
- 2-8. Minutes
- 2-9. Responsibilities of Staff
- 2-10. Compensation

2-1. Governing Procedures:

Wherever these rules are silent, the Board shall conduct its meetings in accordance with the current edition of "Robert's Rules of Order."

2-2. Quorum:

Four members of the Board present at a meeting shall constitute a quorum. No meeting shall commence or continue in the absence of a quorum. Members may be present either in person or via an open telephone broadcast over a speaker phone or similar device, so long as a quorum is present in person.

2-3. Telephonic Conferences Permitted:

The Board may consider, discuss and make determinations on any matter through a conference telephone call in lieu of an in-person meeting, so long as a quorum is present in person. The call shall be broadcast over a speaker phone or other similar device. The entire conference shall also be recorded by an assigned staff person.

2-4. Majority Vote:

No determination of the Board shall be rendered on any matter without the approval of a majority of the total sitting membership of the Board.

2-5. Conflict of Interest:

It shall be the policy of the Board of Ethics that no member shall participate in the consideration of or vote on any matter if that matter:

- (1) concerns a business or legal relationship of that member; or
- (2) involves an individual with whom the member has or expects to have significant dealings in a public or private capacity;

Nor shall any member of the Board participate in the consideration of or vote on any matter if for any reason such participation or vote would cause the appearance of impropriety on the part of that member or of the Board in general.

2-6. Notice of Meetings:

Meetings of the Board of Ethics shall be held monthly at a regularly scheduled day and time to be determined by the Board. Further meetings may be scheduled, provided that the scheduling complies with the relevant provisions of the Open Meetings Act, 5 ILCS 120/1 et seq. (1996), as amended (the “Open Meetings Act”), and:

- (1) They are announced at a previous meeting of the Board; or
- (2) They are called by the Chair or a majority of the Board and notice is given to each member and the public at least 48 hours in advance designating the time and place of the meeting.
- (3) In the event of an emergency, the Board may meet provided that notice is given to each member in advance of the meeting, and in accordance with the Open Meetings Act.

2-7. Board Sessions:

The business of the Board of Ethics shall be conducted in two separate sessions:

- (1) Open Session:

To provide an open meeting in which non-confidential matters are presented to the Board, staff and public.
- (2) Executive Session:

To ensure the confidentiality of the proceedings, the Board upon majority vote, shall meet in executive session; provided, however, that any such session shall comply with the Open Meetings Act.

2-8. Minutes:

(1) Minutes of both the open and executive sessions shall be kept by the staff and each vote of the members of the Board shall be recorded.

(2) The minutes of all open Board meetings shall be available to the public for inspection at the offices of the Board during regular office hours, or as otherwise required by the law.

Upon request, a copy of the minutes of any open session meeting of the Board shall be provided to the public at no more than cost.

(3) The minutes of all Board meetings conducted in executive session shall be available only to members of the Board and authorized personnel; provided, however, that this procedure is conducted consistent with the Illinois Freedom of Information Act, 5 ILCS 140/7 (1996), as amended (the "FOIA Act"), and the Open Meetings Act.

2-9. Responsibilities of the Staff:

Pursuant to the instructions of the Chair, the Executive Director and the staff shall make all necessary preparations for any meeting of the Board. This shall include, but is not limited to:

- (1) Arranging for and providing proper facilities and equipment for each meeting;
- (2) Notifying members of the media of the time and place of the meeting;
- (3) Providing all necessary materials and information to each Board member regarding the matters to be discussed at the meeting;
- (4) Providing a person to record the minutes and votes of the meeting.

Pursuant to the directions of the Board and under the supervision of the Executive Director, staff shall also carry out the investigative, clerical, administrative or other duties and tasks necessary to the functioning of the Board.

2-10. Compensation:

Members of the Board shall receive no compensation for their service, but each member may be reimbursed for expenses reasonably incurred in the performance of Board duties.

Section 3. Advisory Opinions

- 3-1. Authority to Render Advisory Opinions
- 3-2. Informal Advisory Opinions
- 3-3. Withdrawal of Requests for Advisory Opinions
- 3-4. Form of requests for all advisory opinions
- 3-5. Reliance on Formal Advisory Opinions
- 3-6. Examination and Rejection of Requests for Advisory Opinions
- 3-7. Draft Formal Opinions
- 3-8. Adoption of Formal Advisory Opinions
- 3-9. Reconsideration of Adopted Formal Opinions
- 3-10. Confidentiality of Formal and Informal Advisory Opinions
- 3-11. Access to Advisory Opinions

3-1. Authority to Render Advisory Opinions:

The Board shall render advisory opinions with respect to the provisions of Chapter 2-156 or Chapter 2-164 based upon a real or hypothetical set of circumstances, when requested by an official or employee, or by a person who is personally and directly involved. Such opinions rendered by the Board, pursuant to Rules 3-1, 3-3, 3-4 et seq. shall be collectively known as “formal advisory opinions.”

The Board's authority to render such advisory opinions is limited to requests from:

- (1) officials, employees, or candidates for elected City office;
- (2) former officials or employees;
- (3) attorneys making requests on behalf of their clients;
- (4) city contractors;
- (5) any other person who falls under the jurisdiction of the Board.

3-2. Informal Advisory Opinions:

Questions, consultations and inquiries about the Governmental Ethics Ordinance and/or Campaign Financing Ordinances, from persons identified in Rule 3-1, other than requests for formal advisory opinions, may be answered, and guidance rendered thereon, either oral or written, by the staff of the Board. Such questions, consultations and inquiries and all guidance rendered thereon, whether oral or written, shall collectively be known as “informal advisory opinions.” Staff shall keep records of its handling of such informal advisory opinions. Summaries shall be submitted to the Board at regular intervals. Each informal advisory opinion record shall contain, when possible, the date, the name of the person requesting the informal

advisory opinion, his or her address and telephone number and/or email address, the facts or hypothetical circumstances giving rise to the request, the question itself, staff's answer, informal advisory opinion or recommendation, or action on the question, and the name of the staff contact.

3.3 Withdrawal of Requests for Advisory Opinions:

A person requesting any formal or informal advisory opinion under this Section 3 may withdraw such a request at any time. Such a withdrawal, however, in no way affects the Board's power to initiate its own investigation into the activities in question.

3-4. Form of Request for Advisory Opinions:

To receive a formal advisory opinion from the Board of Ethics a request must:

- (1) be from a person authorized to make such a request;
- (2) contain a clear statement of facts or hypothetical circumstances in sufficient detail to aid in the formation of an opinion;
- (3) concern the application of one of the sections of Chapter 2-156 or Chapter 2-164 of the Municipal Code of Chicago.

The initiating request for any advisory opinion may be submitted to the Board either in writing or by telephone. However, in the case of a request by telephone, no formal board opinion can be rendered until the request and the statement of facts or hypothetical circumstances have been confirmed in writing by the person requesting the opinion.

3-5. Reliance on Formal Advisory Opinions:

A formal advisory opinion rendered by the Board may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered.

3-6. Examination and Rejection of Requests for Formal Advisory Opinions:

(1) The Executive Director and the Staff of the Board will review each request for a formal advisory opinion, to determine whether it satisfies all requirements of Section 3-4 of these Rules.

(2) If the Executive Director, in consultation with the staff, determines that a request has not satisfied the rules governing requests, the requesting party shall be notified by a letter explaining why the request was unacceptable. The Board of Ethics shall be notified of all such rejections of requests.

3-7. Draft Formal Opinions:

- (1) Working drafts of formal advisory opinions shall be prepared by the staff of the Board.
- (2) When a working draft of the formal advisory opinion is completed, copies will be delivered to each Board member within a reasonable time prior to the next regularly scheduled meeting of the Board.
- (3) If, after discussion of the draft opinion with the Board, the staff requests that further information be obtained, their request may be adopted by a majority of the Board. In addition, the Board, on its own initiative, may decide to request further information if no fewer than 3 members of the Board believe that additional information is needed.

3-8. Adoption of Formal Advisory Opinions:

A quorum of the Board will consider a draft formal opinion and the facts upon which it is based. The draft opinion will be adopted if approved by a majority of the lesser of the quorum or total sitting Board membership. Upon such adoption the formal advisory opinion shall be issued bearing the date and case number and signature of the Chair of the Board. If the Chair is unavailable or unable to sign the opinion, the Vice-Chair or Chair *pro tem* shall do so. A copy of the formal advisory opinion shall be sent to the person who requested the opinion and the subject of the opinion, if different. A copy may be sent to others if a majority of the lesser of the quorum or total sitting Board membership determines that it is necessary in order for others to consider or act upon the Board's determinations or recommendations.

3-9. Reconsideration of Adopted Formal Opinions:

- (1) The person requesting a formal advisory opinion or the subject of a formal advisory opinion, if different, may request a reconsideration of the advisory opinion by sending written notice to the Board within 15 days of that decision. Such notice must contain an explanation of material facts or circumstances which were not before the Board in its deliberations on the opinion.
- (2) Unless otherwise determined the Executive Director, no requests for reconsideration shall be entertained by the Board if received more than 15 days after the date of the signing of the Board decision.
- (3) A timely request for reconsideration will be presented at the next Board meeting after receipt of the written notice of the request. If the Board determines that these additional facts may alter its opinion, it may instruct the staff to redraft the opinion for later consideration.
- (4) If the Board finds that these material facts or circumstances do not alter its decision, it shall deny the request and so notify the person requesting such reconsideration.

3-10. Confidentiality of Formal and Informal Advisory Opinions:

(1) The identity of a person requesting any formal or informal advisory opinion, the substance of the request, and the identity of any person(s) whose conduct is involved in the set of circumstances described in the request, or whose identity appears in or as part of any formal or informal advisory opinion, and the written or oral response or opinion of the Board or Board staff thereto, shall remain confidential in accordance with Sections 2-156-380(l) or 2-164-070(k) of the Municipal Code. All Board and staff writings, materials, files, papers, notes, drafts, minutes, memoranda or similar items with respect to formal or informal advisory opinions shall also be confidential, and no Board member or Board staff member shall disclose any of them to any person or agency outside of the Board and its staff, unless required or provided by chapters 2-156 or 2-164 of the Municipal Code, or by these Rules and Regulations. Any of the parties requesting or named in an advisory opinion or informal advisory opinion may, however, waive his or her confidentiality by filing written notice with the Board of Ethics.

(2) A person who requested or whose conduct is the subject of any formal or informal advisory opinion may disseminate that opinion, provided that the person does not reveal the identity of any other person whose conduct is involved in the set of circumstances described in, or whose identity appears in the advisory opinion, unless such other person also waives the confidentiality of his or her identity by filing written notice with the Board.

(3) The Board may disseminate any advisory opinion provided that the confidentiality requirements of Sections 2-156-380(l) and 2-164-070(k) of the Municipal Code are observed.

3-11. Access to Advisory Opinions:

(1) Formal and informal advisory opinions shall be made available to the public, in a manner directed by the Board, provided that the confidentiality requirements of Sections 2-156-380(l) and 2-164-070(k) of the Municipal Code of Chicago, and of Section 3-10 of these rules are observed.

(2) Any person may obtain copies of advisory opinions from the Board upon request at no more than cost.

Section 4. Investigations

- 4-1. General Rules for Initiating an Investigation
- 4-2. Filing a Request for an Investigation
- 4-3. Staff Review of Requests for Investigation
- 4-4. Scope of a Board of Ethics Investigation
- 4-5. Referral of Complaints
- 4-6. Investigations and the Policy of Confidentiality
- 4-7. Subpoenas
- 4-8. Notice of Investigation and Opportunity to Present Information
- 4-9. Hearing
- 4-10. Conclusion of an Investigation

4-1. General Rules for Initiating An Investigation:

The Board shall receive, or may, except in the case of aldermen, itself initiate, requests for investigations concerning conduct that may violate the Governmental Ethics Ordinance or the Campaign Financing Ordinance. In the case of aldermen, the Board has the authority to investigate only signed and sworn complaints that the Executive Director, in consultation with legal staff, determines allege a violation of the Governmental Ethics Ordinance which occurred not more than 2 years prior to the date of the complaint. All other complaints in writing received by the Board concerning aldermen shall be referred to the City Council Committee on Committees, Rules and Ethics within two days of the Board's receipt of the complaint.

4-2. Filing a Request for An Investigation:

All requests for investigations, including requests initiated by the Board, shall be in writing and include:

- (1) The identity of the person against whom the complaint is filed;
- (2) A clear description of the essential facts and circumstances constituting the alleged violation;
- (3) The identity of the person entering the complaint. Complaints against aldermen must be signed and sworn to.

4-3. Staff Review of Requests for Investigations:

A request for an investigation shall be considered filed when it is received in writing by the Board of Ethics. Except as provided in Section 2-156-395 of the Municipal Code of Chicago, Complaints Against Aldermen, which requires Board staff to conduct an initial factfinding investigation unless the Executive Director withdraws the complaint after determining that it does not involve an allegation concerning a violation of the Governmental Ethics Ordinance, the Executive Director and the staff of the Board shall consider the request to determine if there is reasonable cause for investigation. If the request is incomplete or frivolous, the Executive Director shall reject the request and promptly notify the complainant of the reason for such rejection. Notice of all such rejections shall be given to the Board. Should the Board receive any complaint in writing alleging violations of the Ethics Ordinance by an alderman that is not signed and sworn to, the Executive Director shall within two days forward this complaint to the appropriate committee of the City Council.

4-4. Scope of a Board of Ethics Investigation:

A Board of Ethics investigation may include, but is not limited to:

- (1) Requests for additional information from the complainant;
- (2) Requests for cooperation from City agencies, officials or employees reasonably related to the subject of the investigation;

- (3) Interviews with or requests for information from the complainant, respondent or any other person reasonably related to the investigation;
- (4) Requests for or issuance of subpoenas, as set forth in Rule 4-7.

An investigation of an alleged violation of the Governmental Ethics Ordinance initiated after October 11, 1997, shall be completed no later than 1 year from the date the investigation was initiated; provided that any time period during which the Board has suspended its investigation in accordance with Section 2-156-405 of the Municipal Code of Chicago shall not be counted towards the 1 year period.

4-5. Referral of Complaints:

(1) Except for signed and sworn complaints against an alderman, at its discretion, the Board may refer any complaint to the appropriate City agency for an investigation.

(2) Agencies which may receive referrals include but are not limited to:

- (a) Chicago Fire Department;
- (b) Chicago Police Department;
- (c) Inspector General's Office; or
- (d) Any other City agency or department head.

(3) The referral of a complaint in no way affects the Board's power to initiate or continue its own investigation into the subject matter of that complaint.

(4) Any conflict which may arise between the procedures of the Board and the procedures of an investigating unit of another City agency shall be resolved in favor of the Board.

4-6. Investigations and the Policy of Confidentiality:

In the case of an alderman, Board investigations of alleged violations of the Governmental Ethics Ordinance and actions thereon shall be confidential, except that (1) if the factfinding investigation results in a finding that no violation occurred, the finding shall be released to the public at the request of the alderman under investigation; (2) if the Board finds that no violation was committed, the Board's determination may be released to the public at the request of the alderman under investigation; and (3) in the case of a finding of liability, the Board's determination, which shall include the name of the alderman, the offense, and the fine imposed, shall be publicly available when the Board's decision is final in accordance with Section 2-156-395 of the Municipal Code of Chicago.

As provided by the Governmental Ethics Ordinance and the Campaign Financing Ordinance, all other investigations and recommendations thereon shall be confidential, except as necessary to carry out the powers and duties of the Board; provided, that without identifying the

person complained against or the specific transaction, the Board may (1) comment publicly on the disposition of its requests and recommendations and (2) publish summary opinions to inform City personnel and the public about interpretations of the Governmental Ethics Ordinance and the Campaign Financing Ordinance.

4-7. Subpoenas:

When conducting an investigation authorized under the Governmental Ethics Ordinance, the Board has authority to issue subpoenas. The issuance of such subpoenas shall be governed by Section 2-156-380 of the Municipal Code of Chicago. When conducting an investigation authorized by the Campaign Financing Ordinance, the Board may request subpoenas from the City Council for witnesses or information, in conformance with the requirements of Section 2-164-070 of the Municipal Code of Chicago, provided that discretion for issuing such subpoenas remains with the City Council.

4-8. Notice of Investigation and Opportunity to Present Information:

Except in the case of aldermen, prior to the conclusion of an investigation, the Board shall give the person under investigation notice of the substance of the complaint or investigation and an opportunity to present such written information as the person may desire, including the names of any witnesses the person wishes to have interviewed.

The Board shall give an alderman under investigation notice of the substance of the complaint and an opportunity to present such written information as the alderman may desire, including the names of any witnesses the alderman wishes to have interviewed, within 7 days of the initiation of an investigation, in accordance with Section 2-156-395 of the Municipal Code of Chicago.

4-9. Hearing:

At its discretion, except in the case of aldermen, the Board may determine in the course of an investigation that a hearing is necessary to aid it in its fact finding function. Such hearings shall be conducted by the Board, or by a committee of Board members designated for this purpose.

Hearings on complaints against aldermen shall be governed by Rule 4A of these rules and regulations.

All hearings shall be conducted in such a manner so as to insure a fair hearing, to avoid delay, to maintain order, and to ensure development of a clear and complete record. The hearing may provide for:

- (1) the prior submission of testimony and exhibits in writing;
- (2) the examination of witnesses under oath;
- (3) a limitation on the amount of time each witness may testify; and

- (4) limitation on testimony which is merely cumulative.

All hearings shall be recorded stenographically. The transcript, all written testimony, all exhibits offered in connection with the hearing, all written submissions, the notice of hearing, any prehearing orders, and any findings and determinations of the Board shall constitute the record of the hearing.

4-10. Conclusion of an Investigation:

- (1) Investigations of Aldermen:

Investigations of aldermen shall be governed by Section 2-156-395 of the Municipal Code of Chicago, which provides that if any complaint alleging a violation of the Ethics Ordinance is signed and sworn, an initial factfinding investigation shall be conducted by staff. At the conclusion of staff's investigation, a report shall be provided to the Executive Director.

The staff report to the Executive Director shall include a summary of the facts and evidence, conclusions of the investigation, discussion of the application of Chapter 2-156 to the facts, and a recommendation. If the factfinding investigation results in a determination that a violation may have occurred, the matter shall be referred to the full Board for a hearing.

If the factfinding investigation results in a determination that no violation occurred, the staff investigation shall be terminated. The Board and the alderman who is the subject of the investigation shall be notified of the finding, and the finding shall be released to the public at the request of the alderman under investigation.

- (2) All Other Investigations:

At the conclusion of an investigation, the Executive Director shall, except in the case of aldermen, provide a report of the investigation to each Board member. The report shall include a summary of the facts and evidence, conclusions of the investigation, discussion of the application of Chapters 2-156 and 2-164 to the facts and recommendations for further Board action.

If, upon reviewing the preliminary report of the investigation and the evidence underlying it and following due deliberation, a majority of the Board concludes that no further action is required, the investigation shall be terminated. The respondent shall be promptly notified of this dismissal and the complaint shall be marked accordingly and filed with such notation.

If, upon reviewing the preliminary report of the investigation and the evidence underlying it and following due deliberation, a majority of the Board determines that a violation of the Ethics Ordinance or the Campaign Financing Ordinance has occurred, the Board shall report its findings to the appropriate persons and/or agencies. This report shall contain all findings and recommendations of the Board, and a complete transcript of any hearings held as part of the investigation. The Board shall also provide a copy of this report to the Corporation Counsel.

In addition, the Board may forward copies of its findings, recommendations and final report to the Office of the U.S. Attorney, the Office of the Cook County State's Attorney or any other appropriate authority for further investigation.

Section 4A. Hearings on Complaints Against Alderman

4A-1. Scope of Section

4A-2. Hearings on Complaints Against Aldermen

4A-1. Scope of Section.

This section 4A shall apply to hearings on complaints made against aldermen in accordance with Section 2-156-395 of the Municipal Code of Chicago.

4A-2. Hearings on Complaints Against Aldermen:

Hearings held in accordance with Section 2-156-395(b) of the Municipal Code of Chicago shall be conducted by the Board in such a manner so as to insure a fair hearing, avoid delay, maintain order, and ensure development of a clear and complete record. A hearing may provide for those matters set forth in Rule 4-9, and in addition, all hearings shall comply with the following procedures:

(1) Notice Requirements. The party under investigation shall be served notice of the hearing no less than 21 days prior to the hearing. Notice shall include the date, time and place of the hearing, the provisions of this chapter alleged to have been violated, and a clear statement of the facts upon which those allegations are based. Service shall be made by: (i) personal delivery; or (ii) by both certified mail, return receipt requested, and first class mail. The date of service shall be the date notice is delivered, if served by personal delivery, or the date the notice is deposited in first class or certified mail, whichever is later, if served by mail;

(2) Powers of the Presiding Officer. The Chair of the Board or a member of the Board designated by the Chair shall serve as a presiding officer, shall preside over all procedural matters, including considering and ruling on all motions, both prehearing motions and motions at the hearing, and shall regulate the course of the hearing. In the event that the Chair is unable to serve or designate another Board member to serve as presiding officer, a Board member shall be selected by the Board to serve as the presiding officer;

(3) Order of Proceedings. Subject to modification at the discretion of the presiding officer, the order of proceedings shall be as follows: (i) the presiding officer shall determine whether the party under investigation has been afforded proper notice; (ii) opening statements; (iii) presentation of the case; (iv) presentation of the defense by the party under investigation; (v) presentation of rebuttal evidence; (vi) closing arguments, with the party under investigation going first;

(4) Rights of Parties. Each party shall have the right to be present at the hearing, to testify on his or her own behalf, to present witnesses and documents supporting his or her own position and to conduct such cross-examination as is required for full and fair disclosure of the facts;

(5) Oaths and Affirmations. All testimony shall be given under oath or affirmation administered by a member of the Board;

(6) Method of Recording Hearing. All hearings shall be recorded stenographically and transcribed for the record; provided, however, that prehearing decisions need not be recorded stenographically and transcribed for the record but shall be recorded by a written order;

(7) Content of the Record. A record of the proceedings shall be made which includes: (i) a copy of notice of the hearing; (ii) all prehearing orders; (iii) all written submissions to the Board; (iv) a transcript of the testimony at the hearing; (v) all documents and exhibits presented at the hearing; and (vii) the findings and determination of the Board;

(8) Continuances. The presiding officer may grant timely requests for a continuance upon a showing of good cause. Requests for a continuance shall be made as soon as practical;

(9) Representation of the Parties. The party under investigation may represent him or herself or may be represented by a private attorney. The case against the party under investigation may be presented by an employee of the Board or by an attorney designated by the Board;

(10) Rules of Evidence. Objections to the taking or receiving of evidence shall be noted in the record of the hearing. Disputed evidence shall be taken or received, the objections notwithstanding, and may be relied upon if it is relevant and of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Documentary evidence may be received in the form of a copy or excerpt. Upon request, parties must be given an opportunity to compare the original with a copy, if available;

(11) Subpoenas. The issuance of subpoenas shall be governed by Section 2-156-380(c) of the Municipal Code of Chicago;

(12) Standard of Proof. No violation may be established except upon proof by a preponderance of the evidence;

(13) Defaults. If the party under investigation or his or her representative fails to appear for a properly noticed hearing, the Board may find the party in default and proceed with the hearing, accept evidence relevant to the existence of a violation of Chapter 2-156 of the Municipal Code of Chicago and issue a final determination. The party under investigation shall be served with notice of default by: (i) personal delivery; or (ii) by both certified mail, return receipt requested, and first class mail. The date of service shall be the date notice is delivered, if served by personal delivery, or the date the notice is deposited in first class or certified mail, whichever is later, if served by mail. Within 21 days from the notice of default, the party under investigation may petition the Board to set aside the determination and set a new hearing date on

the basis that the failure to appear at the hearing was for good cause. If the petition is granted, the Board shall serve notice of the new hearing date upon the party under investigation in the manner required in subsection (1) of this section of the rules;

(14) Findings and Final Determination. At the conclusion of the hearing, after having had a reasonable time and opportunity to consider the evidence presented, the Board shall issue written findings and a final determination, which shall be provided to the parties;

(15) Notification of Appeal Rights. In the case of a determination of liability, the Board shall inform the party under investigation of his or her right to appeal the determination to the City Council Committee on Committees, Rules and Ethics within 90 days of the Board's determination. The Board shall also inform the party under investigation that if no appeal is filed within 90 days, the Board's determination shall be final and may be made available to public.

Section 5. Financial Interest Statements

- 5-1. Financial Disclosure Requirements
- 5-2. Forms for Statements of Financial Interests
- 5-3. Place of Filing
- 5-4. Board Administration of Filing Requirements of the Governmental Ethics Ordinance
- 5-5. Requests for Exemptions under the Governmental Ethics Ordinance
- 5-6. Administration of Filing Requirements of the Campaign Financing Ordinance
- 5-7. Failure to File Statements of Financial Interests
- 5-8. Issuance of Receipts
- 5-9. Maintenance of Filed Statements
- 5-10. Requests for Copies of Statements

5-1. Financial Disclosure Requirements:

The Board is responsible for administering the financial disclosure requirements of Chapters 2-156, Article 2, of the Municipal Code of Chicago for all reporting individuals designated in Section 2-156-150(a) except aldermen. The City Clerk is responsible for administering the financial disclosure requirements of Chapter 2-156, Article 2, for aldermen. The Board is responsible for administering the financial disclosure requirements of Chapter 2-164 of the Municipal Code of Chicago.

5-2. Forms For Statements of Financial Interests:

The Board shall prescribe such forms, including any electronic forms provided by the Board, as are required by Chapter 2-156, Article 2, and Chapter 2-164 of the Municipal Code. The Board shall prepare and have such forms available for all persons who file their Statements with the Board.

5-3. Place of Filing:

All reporting individuals designated in Section 2-156-150(a), except aldermen, file their Statements of Financial Interests with the Board of Ethics.

5-4. Board Administration of the Filing Requirements of the Governmental Ethics Ordinance:

As provided in the Governmental Ethics Ordinance, the filing requirements of Article 2 of the Governmental Ethics Ordinance shall be administered according to the following schedules:

(1) Statements of reporting individuals other than aldermen who become subject to the requirement by March 1

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| February 15 | Receipt by Board from the Department of Personnel and Comptroller of certified list of all officials and employees other than aldermen who, as of January 1, are required to file the Statement of Financial Interests ("reporting individuals"). |
| March 1 | Notice in writing of filing requirement from Board to all reporting individuals other than aldermen. |
| April 1 | A) Notice to Board from department heads or other authorized City personnel of names of reporting individuals who have not received notice of filing requirement from Board. Upon receipt of lists from department heads, prompt written notice of requirement from Board to persons who are on list.

B) Receipt from Comptroller or Department of Human Resources of supplemental list of persons other than aldermen who have become reporting individuals since January 1. Upon receipt of such list, prompt, written notice of requirement from Board to persons on list. |
| April 15 | First written notice from Board to reporting individuals other than aldermen who failed to file that they must file by May 1 without a late filing fee, and finally by May 31. |
| May 1 | Deadline for filing Statement with Board without late filing fee. |
| May 15 | Second written notice from Board to reporting individuals other than aldermen who failed to file and that they must file by May 31 together with the late filing fee. |
| May 31 | Final deadline for filing Statement with Board. |

(2) Statements of reporting individuals other than aldermen who become subject to the filing requirement after March 1:

If an employee or official other than an alderman becomes subject to the filing requirement after March 1, the authority that appoints or hires that person shall, with the assistance of the Board, promptly give notice to that person that he or she must file a Statement of Financial Interests with the Board. If practicable for Board staff, by November 1, the Board will: i) request from the Department of Human Resources an updated list of persons who have become subject to the filing requirement; and ii) give written notice of the requirement to those persons on the list who have not yet filed a Statement of Financial Interests. If such reporting individual fails to file within thirty calendar days of the notice, the Board shall send a second written notice that the reporting individual must file the Statement of Financial Interests within fifteen calendar days of the second notice or be in violation of the Ordinance.

5-5. Requests for Exemptions under the Governmental Ethics Ordinance:

(1) Those appointed officials who serve in an agency that is (a) solely advisory in nature; and (b) has no authority to (i) make binding decisions, or (ii) enter into contracts or (iii) make any expenditures other than those incurred for research purposes are exempt from filing annual Statements of Financial Interests.

(2) For appointed officials to receive this exemption, the Executive Director or Chair of the agency, or the liaison from the Office of Intergovernmental Affairs must submit a written request to the Board which explains how the agency meets the criteria for exemption, as well as supporting documentation, such as bylaws, ordinances or executive orders which govern the conduct of the agency.

(3) After reviewing the information provided by the agency, the Board shall determine whether the agency's request for an exemption will be granted or denied and notify the agency of the decision.

5-6. Administration of the Filing Requirements of the Campaign Financing Ordinance:

Section 2-164-050 of the Municipal Code of Chicago provides that every person who qualifies as a candidate under Chapter 2-164 thereby becomes a "reporting individual" and must file a Statement of Financial Interests with the Board within five calendar days of becoming a reporting individual. As provided in the Campaign Financing Ordinance, the Board shall administer the filing requirement in the following way:

(1) The date of qualification as a "candidate" is determined in accordance with the definition of "candidate" in Article 9 of the Illinois Election Code, as amended.

(2) Five calendar days after qualifying as a candidate, the candidate must file a Statement of Financial Interests with the Board.

(3) Within seven calendar days of learning that a candidate has not met the filing requirement of Section 2-164-050, the Board shall send written notice that the candidate is required to file a Statement within 15 calendar days of the date of the Board's letter.

5-7. Failure to File the Statement of Financial Interests:

Cases of reporting individuals other than aldermen who fail to file the Statement of Financial Interests shall be brought before a quorum of the Board to determine what action should be taken.

5-8. Issuance of Receipts:

After receiving a Statement of Financial Interests, the Board shall issue a receipt to the person filing the Statement. The receipt shall state the date of the filing and acknowledge the filing.

5-9. Maintenance of Filed Statements:

Statements of Financial Interest for all reporting individuals except aldermen, and copies of Statements of Financial Interests of aldermen forwarded by the City Clerk pursuant to Section 2-156-170 of the Municipal Code of Chicago, shall be maintained by or in the office of the Board, and pursuant to any document retention schedule duly issued from the Local Records Commission of Cook County.

5-10. Requests for Copies of Statements:

(1) Any person wishing to examine or duplicate any Statement of Financial Interests filed with the Board must complete a written or electronic request form prepared by the Board. Such person must indicate: i) the date of the request; ii) the name of the person whose Statement is requested; iii) the year of that Statement; and iv) whether the request is for commercial purposes. The Board may also ask for additional information about the person requesting such Statement, provided that such information shall be optional only and shall in no way affect the availability for examination or duplication of the requested Statement. A separate request must be completed for each Statement to be examined or duplicated.

(2) The Board of Ethics shall provide printed or electronic forms for such requests. The staff of the Board shall comply with each request for examination or duplication of Statements as soon as is practicable. Subject to the FOIA Act, as amended, the cost of duplicating such Statements shall be paid by the person requesting such duplication.

Section 6. Lobbyist Registration

- 6-1. Registration of Lobbyists
- 6-2. Preparation of Lobbyist Forms
- 6-3. Access to Lobbyist Information

6-4. Opinions, Complaints and Investigations Regarding Lobbyist Registration and Disclosure

6-1. Registration of Lobbyists:

The Board has the responsibility for administering the registration of lobbyists as provided by Chapter 2-156, Article 3 of the Municipal Code of Chicago.

6-2. Preparation of Lobbyist Forms:

The Executive Director of the Board will prepare and have 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 3 of the Ethics Ordinance.

6-3. Access to Lobbyist Information:

(1) Registration Statements, amendments to Statements, reports of compensation and expenditures, and notices of termination shall be filed and maintained in or by the office of the Board in such formats as the Board may determine from time to time.

(2) A list of registered lobbyists shall be available to the public.

6-4. Opinions, Complaints and Investigations regarding Lobbyist Registration and Disclosure:

Advisory opinions, complaints and investigations regarding lobbyist registration and disclosure shall be handled by the Board in accordance with the applicable provisions of Chapter 2-156, Articles 1, 3, 4 and 5 and with the applicable provisions of these rules.

Section 7. Limitation on Political Contributions

7-1. Determination That Contribution May Exceed Limitation

7-2. Notification to Contributor

7-3. Contributor's Opportunity to Respond

7-4. Failure to Respond to Notification

7-1. Determination That Contribution May Exceed Limitation:

Section 2-164-040 of the Municipal Code of Chicago imposes an annual limitation on contributions to candidates and elected City officials from certain persons. The Board shall take steps to acquire information enabling it to determine (1) from which persons contributions are limited and (2) whether any of those persons has exceeded the contribution limitations of Section 2-164-040.

7-2. Notification to Contributor:

If the Board or Board legal staff have a reasonable basis to believe that a contributor has exceeded the limitation, the Board shall send written notification to the contributor that the Board has reason to believe that a contribution exceeding the limitation has been made. The notification shall also provide information regarding the factual basis of the belief, the contributor's opportunity to refute the Board's belief, and the Board's recommendation regarding compliance if the belief is correct, and the time within which the contributor must respond to the notification. The Board or Board legal staff shall provide a copy of this written notification to the candidate or official to whom the excess contribution(s) was made.

7-3. Contributor's Opportunity to Respond:

A contributor who the Board has notified of its belief that the contributor has exceeded the contribution limitation shall be afforded the opportunity to make a timely response to the allegation in order to demonstrate that (1) the Board's belief is incorrect, or (2) the contributor has complied with the ordinance by obtaining reimbursement of the excessive contribution.

7-4. Failure to Respond to Notification:

The case of any person who fails to respond to notification under this section of the rules shall be referred to a quorum of the Board for further action.

Section 8. Ethics Education

8-1. Failure to Complete or Attend Required Ethics Training

(1) Sections 2-156-145, -145(B), and -146 of the Municipal Code of Chicago set forth, respectively: i) a mandatory quadrennial ethics education seminar attendance requirement for aldermen, members of an alderman's personal staff, city council committee staff members and each person holding a senior executive service position with the city; ii) a requirement that all aldermen and full-time City employees complete an annual ethics education program as designed by the Board; and iii) a requirement that each lobbyist complete in each consecutive twelve month period (beginning July 1, 2010) an ethics education training course developed by the Board . The Board shall take steps to acquire information enabling it to determine which individuals have failed to satisfy these requirements.

(2) If the Board makes an initial determination that an individual has not attended or completed an ethics education seminar or training course as provided by Sections 2-156-145, -145(B), or -146, the Board shall afford the individual with written notice of its initial determination which shall include: information regarding the factual basis of the determination, the individual's opportunity to contest the Board's determination, the Board's recommendation regarding compliance if the determination is correct, and the time within which the individual must respond to the notification.

(3) An individual shall be afforded the opportunity to make a timely response to contest the Board's initial determination that he or she has not attended or completed an ethics education seminar or training course as required by Sections 2-156-145, -145(B), or -146.

(4) After the period for a timely response has passed, the Board will render a final determination.

SECTION 2. This amendment shall be effective 45 days from and after its submission to the City Council, unless the City Council, by majority vote of aldermen entitled to be elected, acts to disapprove the amendment.