

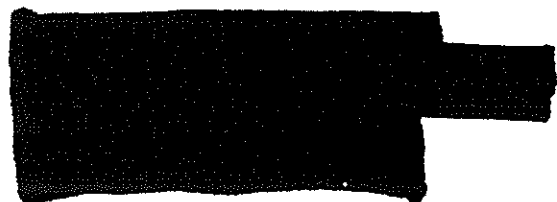
MEH



City of Chicago
Harold Washington, Mayor

June 24, 1987

Board of Ethics
Harriet McCullough
Executive Director



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Case No. 87038.A

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CONFIDENTIAL

Dear

The Board of Ethics has reviewed your request for an advisory opinion to determine whether a member of the Chicago Cable Commission may accept an offer of free cable television service made by a cable company that holds a city franchise. You have also requested that the Board determine whether its jurisdiction and authority permit it to render an advisory opinion with respect to the provisions of the Chicago Cable Ethics Ordinance, Chapter 113.2 of the Chicago Municipal Code.

Please be advised that the current Board of Ethics is only authorized to interpret the provisions of Executive Order 86-1. We are therefore unable to render an advisory opinion with respect to the provisions of the Chicago Cable Ethics Ordinance. Similarly, the Board of Ethics does not have the authority to interpret the provisions of the Governmental Ethics Ordinance which becomes effective July 1, 1987. Sometime this summer, a new Board of Ethics will take office and only that Board will have jurisdiction to render opinions under the Governmental Ethics Ordinance. Any interpretations of the Governmental Ethics Ordinance offered by this Board are therefore only interim recommendations offered for the purpose of providing guidance to individuals who have explicitly requested such an opinion.



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Executive Order 86-1

Section 5 of Executive Order 86-1 states that:

No official or employee shall solicit or accept anything of value, including, but not limited to, a gift, favor, service or promise of future employment, based upon any understanding, either explicit or implicit, that the votes, official actions, decisions or judgment of any official or employee would be influenced thereby.

The term "official" as defined in the Order (Section 2(m)) includes appointed members of city agencies and would therefore include members of the Cable Commission. Thus, the above Section prohibits Cable Commissioners from accepting free cable service from cable grantees if the acceptance of this gift was based upon an explicit or implicit understanding that the Commissioner's official actions or decisions would be influenced. This section requires the existence of a quid pro quo transaction. However, in the absence of such an agreement, the Board recommends that officials exercise extreme caution in accepting gifts from persons who have an economic interest in City business, due to the potential for appearance of impropriety.

Governmental Ethics Ordinance

Section 5 of the Executive Order is incorporated in Section 26.2-4 (b) of the Governmental Ethics Ordinance. In addition, Section 26.2-4 (c) states that:

No person who has an economic interest in a specific City business, service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, ... and none of them shall accept any gift of (i) cash or its equivalent regardless of value or (ii) an item or service other than an occasional one of nominal value (less than \$50).

This provision, after July 1, will explicitly prohibit Cable grantees from offering free cable service to Cable Commissioners since (1) the Commissioners are responsible for regulating all transactions of the grantees in the City of Chicago, and (2) the value of cable service exceeds the \$50 threshold of gifts deemed

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permissible under the Ordinance. We therefore conclude that the acceptance of free cable television service by a member of the Chicago Cable Commission would constitute a violation of Section 26.2-4(c) of the Governmental Ethics Ordinance which becomes effective July 1, 1987.

Sincerely,

Robert C. Howard
Chairman

JS/jh-
6/24/87