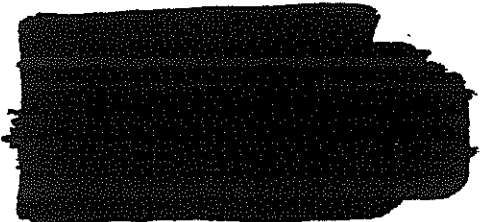




City of Chicago
Richard M. Daley, Mayor

May 24, 1990

C O N F I D E N T I A L



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Executive Director
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RE: Case No. 90022.A

Dear [redacted]

Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

This letter is in response to your recent request for an advisory opinion concerning your winning a registration fee to a professional conference. Below are the Board's understanding of the facts, the relevant provisions of the Governmental Ethics Ordinance, and the Board's opinion.

FACTS: You are [redacted] in the Department [redacted]. You are also a member of [redacted] a national professional association for those involved in [redacted]. The [redacted] is a not-for-profit organization. It has no contracts and does no business with the City.

The [redacted] offers members professional certification as Certified [redacted] provided they do 40 hours of Continuing Professional Education (CPE) each year. The [redacted] is divided into regional chapters which hold monthly meetings. Attendance at these meetings earns two hours of CPE credit per meeting.

At these monthly meetings, those in attendance take part in a drawing. The winner gets a free lunch at one of the meetings. In addition, the monthly winners' names are placed in an annual drawing. The winner of the annual drawing wins the registration cost to the annual [redacted] International Conference. You won this year's annual drawing. The monetary value of the prize is approximately \$800.



ANALYSIS:

Acceptance of the Prize

The gifts provision of the Governmental Ethics Ordinance (Section 26.2-4) prohibits City officials and employees from:

- 1) accepting gifts from anonymous donors;
- 2) accepting gifts or benefits of any kind on the basis of a mutual understanding, either explicit or implicit, that such gifts will influence an official's actions in government;
- 3) accepting gifts from persons who have an economic interest in a specific business, service or regulatory transaction with the City if the official is in a position to substantially affect this transaction. (This includes cash gifts of any amount and items or services worth \$50 or more.)

The Ordinance defines "gift" as "anything of value given without consideration or expectation of return."

Based on the facts outlined above, your acceptance of the prize does not violate the Ordinance's gift provision. First, the gift is not anonymous; its source is the [REDACTED]. Second, the fact that the recipient of the gift was chosen by random drawing probably rules out intent to influence your actions in government. Third, since the [REDACTED] has no contracts and does no business with the City, it is unlikely that the [REDACTED] is in a position to benefit from your position as [REDACTED].

[REDACTED] (Were it the case that the [REDACTED] had an economic interest in a City business, service or regulatory transaction over which you exercised discretion, the acceptance of the prize might be prohibited.) Assuming that the above facts are correct and complete, the Board of Ethics finds no violation in your accepting the prize.

Financial Disclosure

Section 26.2-16(e) of the Governmental Ethics Ordinance requires any person filing a Statement of Financial Interests to disclose the name of any person (except a relative) from whom he received in the preceding calendar year one or more gifts with an aggregate value of \$500 or more. Your prize is a gift from the [REDACTED] valued at about \$800. You must disclose your receipt of the gift on the FIS you file in 1991. If you wish, you could provide an explanatory parenthetical that you won the prize in a random drawing.

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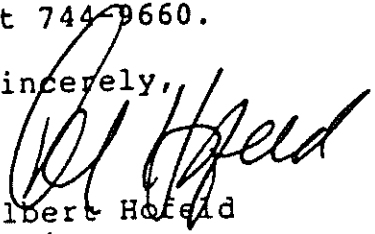
RELIANCE: This advisory opinion is based upon the facts which are outlined in this letter. If there are additional material facts or circumstances that were not available to the Board when it considered your case, or if the above facts are inaccurate, you should notify the Board of Ethics so that it may reconsider its opinion.

This opinion pertains only to the propriety of your actions from the standpoint of the Governmental Ethics Ordinance. You are advised to consult with your department to be sure that nothing in its rules or policies prohibits your accepting the prize.

This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

Should you have any questions, please contact the Board of Ethics at 744-9660.

Sincerely,



Albert Hofeld
Chairman

BWS: 90022.L