

May 9, 1990<sup>1</sup>

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

[REDACTED]  
[REDACTED]  
[REDACTED]

City of Chicago  
Richard M. Daley, Mayor

**Board of Ethics**

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Room 303  
320 North Clark Street  
Chicago, Illinois 60610  
(312) 744-9660

Re: [REDACTED]  
**Case No. 90042.A**  
**ADVISORY OPINION**

Dear [REDACTED]:

The Board of Ethics has considered your request for an advisory opinion regarding INDIVIDUAL A [REDACTED], an officer and employee of [REDACTED] COMPANY X, [REDACTED], and has determined that, under the Ethics Ordinance, she is not required to register as a lobbyist on the basis of her recent activities for Co. X. This letter outlines the facts of the case, as they have been presented, and the Board's analysis of those facts in relation to the lobbyist registration provisions of the Ethics Ordinance. We appreciate your bringing this matter to the Board's attention and your client's willingness to follow the ethical standards embodied in the Ordinance.

In your initial letter of July 30, 1990, you stated that Co. X was seeking an ordinance related to the use of the public way in the City of Chicago for the placement of a [REDACTED] system. The ordinance, which was passed by City Council on [REDACTED], was advocated principally by INDIVIDUAL A [REDACTED] who [REDACTED]

[REDACTED] WORKS FOR Co. X. [REDACTED] This project is the only lobbying-related action that she has performed for Co. X. Her activities on this project were performed as part of her duties as an employee of Co. X, and she was not compensated separately for these activities.

In such cases, the Board's policy is to require an employee-lobbyist to make a "good faith" estimate as to the part of his or her total compensation that represents payment for lobbying-related activities. See Case No. 87073.A. This amount is estimated by the percentage of total work-time that is spent in such activities.



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On August 17, 1990, we sent you a questionnaire requesting information relevant to the Ordinance requirements. You returned that questionnaire to this office on April 2, 1991. INDIVIDUAL A [REDACTED] had estimated her compensation for the activities in question to be \$4,800, which represents the monetary value of eight percent of her work-time over a period of eight months. She claimed no expenditures for these activities.

Section 2-156-210 (prior code § 26.2-21) of the Ethics Ordinance requires certain individuals to register with the Board as lobbyists. That provision states: "Each lobbyist whose lobbying-related compensation or expenditures total \$5,000 or more in the preceding or current calendar year shall register and file reports with the Board of Ethics."

As defined in § 2-156-010(p) (prior code § 26.2-1(p)) of the Ordinance, a "lobbyist" is any person "(i) who for compensation or on behalf of any person other than himself undertakes to influence any legislative or administrative action; or (ii) any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action." "Legislative action," as defined in § 2-156-010(o) (prior code § 26.2-1(o)) of the Ordinance, refers to "the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or non-action on any ordinance . . . pending or proposed in the City Council or any committee or subcommittee thereof."

Based on the facts presented, INDIVIDUAL A [REDACTED] is a lobbyist as defined by the Ethics Ordinance. Part of her duties as an employee of Co. X [REDACTED] included undertaking to influence a "legislative action," i.e., the [REDACTED] ordinance, on behalf of Co. X (see § 2-156-010(p)(ii)). However, she has estimated her lobbying-related compensation and expenditures to be \$4,800, less than the \$5,000 per year threshold required by § 2-156-210 of the Ordinance for registration purposes. Therefore, it is the Board's determination that INDIVIDUAL A [REDACTED] is not required to register as a lobbyist for her activities on behalf of Co. X [REDACTED] in this particular matter.<sup>1</sup> Please be advised that this determination pertains

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<sup>1</sup> The Board's determination in this case is based upon the facts as presented in this letter. If they are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our decision.

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only to the facts in this case and may not be applicable to any lobbying-related activities in which INDIVIDUAL A [REDACTED] may engage in the future.

Thank you again for bringing this matter to our attention. We enclose a sheet which sets forth the Board's procedural rules after it renders a decision. If you have any further questions regarding this matter or some related issue, please do not hesitate to contact us.

Sincerely,

  
Albert Hofeld  
Chairman

encl

cc: Kelly Welsh  
Corporation Counsel

jgj/90042.L2

## NOTICE OF RECONSIDERATION AND RELIANCE

Reconsideration: This advisory opinion is based on the facts outlined in this opinion. If there are additional material facts or circumstances that were not available to the Board when it considered this case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances that are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this opinion.

Reliance: 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 that is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.