

**ADVISORY OPINION
CASE NO. 03025.A
Post Employment**

To: [Michael]

Date: July 16, 2003

You are a former employee of the City of Chicago, and a licensed civil engineer. From 1973 until January 31, 2003, you were employed by the City of [Department 1] (and its predecessors) as a civil engineer, specializing in traffic engineering. Since leaving City service, you have been employed by [Company A] International ([Company A]) as a civil engineer. You have asked for an advisory opinion on what restrictions the City's Governmental Ethics Ordinance places on your activities in your post-City employment.

After careful consideration of the facts presented and the relevant law, the Board has concluded that the Governmental Ethics Ordinance imposes restrictions (as more fully described herein) that limit your post-City activities, specifically as to certain City projects you have identified. What follows is a statement of general background facts and of the relevant law, then a statement of the facts particular to each of the projects or contracts you have identified and our analysis of those facts under the Ordinance, and our determinations.

GENERAL BACKGROUND FACTS: You have a B.S. and an M.S. in civil engineering, with a focus on transportation planning—specifically, traffic planning—from the University of Wisconsin. You entered City service in 1973 as a civil engineer with the [Bureau of Alpha], which at that time was part of the Department of Streets and Sanitation. The [Bureau of Alpha] plans, designs, and operates the City's street traffic system. This includes conducting studies for the improvement of street traffic and signals, traffic planning for major public and private construction projects, traffic management during on-street construction projects, and the promotion of traffic safety. The Bureau also manages and maintains the city's system of street traffic control and parking signs, traffic calming programs, street paint markings, and guardrails. You explained that the Bureau is involved with virtually every construction project in the City, both public and private, as these projects all have an effect on traffic. However, you stated, most of your work focused on traffic issues arising from public projects, and you worked closely with [Department 1]'s Bureaus of Highways and Bridges (and to a lesser extent, its Bureau of Streets) on a variety of street and bridge rebuilding and replacement projects.

During your City employment, you served in the following engineering positions with [Department 1] and its predecessor agencies.¹

Civil and Traffic Engineer II-V: 1973-1985. During this period, you served in the various grades of civil and traffic engineer² with the Departments of Public Works and Streets and Sanitation. Your first City assignment was as a Civil Engineer II in the Department of Public Works Research and Development Division from 1973-1974. From 1974-1981, you served as a Traffic Engineer II and III in the Planning Section of Department of Streets and Sanitation's Bureau of Street Traffic. From 1981-1985, you were a Traffic Engineer II, IV, and V, and served as head of the Bureau's Design Section. In that capacity, you supervised the preparation of geometric designs³ and pavement marking plans for City streets, determined the scope of work for future street improvements, and supervised traffic design work of City consultants.⁴

Engineer of Traffic Planning: 1986-1991. In January 1986, you were promoted to Engineer of Traffic Planning. In that capacity you were the Chief Assistant to the City Traffic Engineer for Planning, assisting in the supervision of the Planning and Design Division of the Bureau. In November 1988 you were named acting head of the Division, a position that became official in 1991 with your promotion to Assistant Chief Engineer.

Assistant Chief Engineer: 1991-2001. Following your promotion to Assistant Chief Engineer, you were officially placed in charge of the Planning and Design Division of the [Bureau of Alpha]. In that position, you oversaw development of short- and long-term traffic plans, reviewed development proposals for their impact on street traffic, supervised the preparation of geometric designs, and supervised the preparation of traffic signal design and timing plans for a number of projects, including Kennedy and Stevenson expressway ramp improvements, Navy Pier redevelopment and roadway improvements, the Central Station and River East developments, the State Street and

¹The [Department 1] was established in 1991. Prior to that, most functions of that Department were carried out by the Departments of Public Works and Streets and Sanitation.

²The Civil and Traffic Engineer title in [Department 1] (and its predecessor Departments) is classified by grade, with Civil Engineer II being the lowest rank (generally filled by recent graduates) and Civil Engineer V the highest.

³The physical shape of a roadway is referred to as its geometric design. While individual jurisdiction usually have their own standards for geometric design, standardization of key geometric elements is desirable although because of travel between and through jurisdictions.

⁴The City often retains consulting engineers to draft engineering studies and construction plans for large public works projects. A more comprehensive review of this process may be found in the section entitled [Department 1] Projects Generally, below.

Wacker Drive rehabilitations,[the street] improvement projects, Soldier Field reconstruction, and McCormick Place South expansion.

Assistant Chief Engineer: 2001-2003. During this period, you served as senior technical advisor to [Bureau of Alpha] Deputy Commissioner [John]. You were appointed to this position when Deputy Commissioner [John] took over the [Bureau of Alpha], and you explained that his reasons for creating this position were two-fold. First, Mr. [John] needed a senior employee to advise him on issues and problems faced by the Bureau, and to bring him “up to speed” on ongoing projects. Second, Mr. [John] also wanted a person in this position who could serve as an advisor to [Department 1] staff on day-to-day issues they confronted.

Your New Position. After retiring from City service effective January 31, 2003, you accepted a position with [Company A] International, a civil and structural engineering firm specializing in the planning, design, and construction of transportation infrastructure. The company has contracts with a number of municipalities, including Chicago, to provide engineering consulting services. As a traffic engineer with 30 years of experience, you anticipate being asked to work on a number of different projects, including, at some point, projects for the City of Chicago. In your request for an advisory opinion, you identified 4 specific projects that [Company A] is currently working on, or hoping to work on, pursuant to current or future contracts with the City, and asked whether the Ordinance would prohibit you from assisting [Company A] with these projects. We provide a general explanation of the law as it applies to you and address these projects below.

LAW: The relevant provision of the Governmental Ethics Ordinance is subsection 2-156-100(b), “Post-Employment Restrictions.” It states:

No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

Under this provision, then, you are subject to two distinct restrictions on your activities after leaving City service. First, *for one year* after leaving City employment, you are prohibited from assisting or representing any person other than the City in any business transaction involving the City or any of its agencies, if you participated personally and substantially in the subject matter of that transaction during City employment. Second, you are *permanently* prohibited from assisting or representing any person other than the City on a contract if, as a City employee, you exercised “contract management authority” with respect to that contract.

Section 2-156-010(g) of the Ordinance defines the term “contract management authority:”

"Contract management authority" means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

FACTS AND ANALYSIS

[Department 1] Projects Generally. You explained that [Department 1] construction projects are typically divided into three discrete phases, all of which require input from the [Bureau of Alpha]. During an interview with Board staff, you reviewed the different phases, and outlined your general responsibilities as to each phase, as discussed below.

A. Planning Phase. In most cases, before [Department 1] embarks on a construction project, the Department's Bureau of Planning and Design issues a Request for Qualifications (“RFQ”) for a consulting engineer to draft engineering studies and construction plans. Generally, these studies and plans outline the scope of the project, estimate the cost, propose a time frame, and address other issues related to the project. Interested consultants submit a response to the RFQ, and the responses are reviewed by [Department 1] staff. You stated that you were never responsible for preparing RFQs, reviewing responses or selecting consultants.

Once a consultant is selected, it undertakes the engineering studies and construction plans. Once completed, the studies and plans are submitted to the [Department 1] bureau responsible for the construction of the project. The Bureaus of Highways, Bridges, and Streets are responsible for most construction work managed by [Department 1]. The plans are reviewed by the project manager, who is always a [Department 1] employee from the bureau responsible for construction, and by other [Department 1] staff. You explained that regardless of which [Department 1] Bureau manages the project, those parts of the construction plan that relate to or impact traffic are always submitted to the [Bureau of Alpha] for review, which essentially means that the [Bureau of Alpha] plays a role in reviewing all construction plans. As senior technical advisor in the [Bureau of Alpha], you estimated that you reviewed hundreds of the construction plans that came through that Bureau in the past three years. You provided advice on all aspects of traffic engineering, including traffic planning, traffic impact analysis of land developments, site plan review, geometric design, traffic signal design and timing, signing, markings, crash analysis, and construction maintenance. In some cases, the plans were sent to your office by the project manager; in other cases, you reviewed them in meetings with the project manager and staff, and the consultant. If you had recommendations, amendments, or corrections, you submitted them to the project manager, who would work with the consultant to implement your ideas. You said the only direct contact you had with consultants occurred during the aforementioned meetings; otherwise, [Department 1] procedure was for all

suggestions concerning construction plans prepared by consultants to go through the project manager.

B. Contract Preparation Phase. Once construction plans are finalized, the Department of Procurement issues an RFP for a developer for the project. The RFP responses are reviewed by City employees from the Department of Procurement and [Department 1], in some cases assisted by outside consultants (selected through another, separate RFQ process). Again, you stated that you were not responsible for preparing RFPs, reviewing responses or selecting developers. After a developer is selected, that developer enters into a contract with the City. You said you played no role in drafting, negotiating, or signing any City contracts.

C. Construction Phase. The selected developer does the actual construction work, supervised by the project manager and staff from the relevant [Department 1] bureau. As noted above, the Bureaus of Bridges, Highways, and Streets are the primary construction management Bureaus of [Department 1]. However, you stated that the [Bureau of Alpha] is invariably involved, in some capacity, in the vast majority of construction projects undertaken by [Department 1]. You explained that construction projects necessitate the rerouting of traffic to other streets, the adjusting of signals to respond to changes in traffic patterns, and the monitoring of traffic patterns by Bureau staff.

Specific Projects. You estimated that, during your 30 years with the City, you worked on thousands of projects in some capacity. For the purposes of this opinion, however, you have identified 4 specific projects involving the City (and specifically, [Department 1]'s [Bureau of Alpha]) which [Company A] is currently working on, or hoping to work on, pursuant to current or future City contracts. The four projects are:

1. [Project 1];
2. [Project 2];
3. [Project 3]; and
4. [Project 4].

1. [Project 1]. This project, which is managed by [Department 1]'s Bureau of Bridges, involves the complete renovation of [a street]. It calls for the complete removal of existing roadways, the widening of the street itself, and new traffic management systems based on new traffic flow projections. This project was in Phase 2 at the time you left City service. The City had selected consultants, pursuant to an RFQ process, to prepare preliminary engineering studies and construction plans, and the Department was in the process of issuing RFPs for developers based on these studies and plans. You stated that [Company A] is one of the approximately 10 companies that has been selected by [Department 1] through the RFQ process to provide traffic consulting services to the Department on the [] project. You played no role in drafting the RFQ that [Company A]

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(or any other consultant) responded to, and you did not review [Company A]'s (or any other consultant's) response or select them (or any other person) as a consultant.

As the Bureau of Bridges does not have traffic engineers on staff, all issues contained in the preliminary engineering studies and construction plans relating to traffic were submitted to the [Bureau of Alpha] for review by the Bureau of Bridges project manager. As an assistant chief engineer, you were responsible for reviewing these studies and plans, both personally and by supervising other [Bureau of Alpha] staff, advising the Bureau of Bridges on issues relating to traffic planning, traffic impact analysis of land developments, site plan review, geometric design, traffic signal design and timing, signing, markings, and construction maintenance. After reviewing the studies and plans, you would make suggestions to the project manager and other [Department 1] staff, who would discuss your suggestions with the consultants. You estimated that in two years, you reviewed several dozen plans submitted by various consultants and contractors, and stated that you recall reviewing plans submitted by [Company A] on approximately 6 occasions. You never dealt directly with [Company A] or its employees, and you do not know if any suggestions you made were acted on.

You explained that the studies and plans submitted by [Company A] that you reviewed (which dealt largely with preliminary matters such as the scope of the project, cost estimates, and time frame estimates) have already been used to finalize construction plans and select contractors. You explained that although [Company A] might be called upon to provide clarification or an explanation concerning parts of the studies and plans, its work, with respect to these plans, was finished. However, you also noted that [Company A] is currently drafting new engineering studies and construction plans (under the same contract) relating to construction staging and traffic maintenance issues for the construction stage of the [] project, and may be asked to prepare other plans and studies for the City with respect to the project. As these plans involve traffic engineering issues, you would likely be asked to lend your expertise in this field. For example, you may be asked to implement a traffic study, review proposed geometric design, or prepare a proposal for traffic management during construction.

As previously stated, Section 2-156-100(b) of the Ethics Ordinance permanently prohibits you from assisting or representing any person other than the City on a contract if, as a City employee, you exercised contract management authority over that contract. Under the definition contained in Section 2-156-010(g), "contract management authority" means personal involvement in, or direct supervisory responsibility for, the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance. In addition, Section 2-156-100(b) of the Ordinance prohibits you for one year from the date you left City service, from assisting or representing any person other than the City on a business transaction involving the City, if you were personally and substantially involved in the subject matter of the transaction as a City employee. The one-year prohibition

begins on the date City employment ends, not on the date an employee stops participating in specific projects or transactions. (See Case No. 94011.A, p. 7.)

In our analysis of this particular project, the Board first will address the permanent prohibition. Although you were personally involved in the planning and contract preparation phase for this project, your responsibilities consisted of providing technical advice and assistance relating to traffic engineering aspects of the projects by reviewing the studies and plans submitted by [Company A] and making recommendations to the project manager and [Department 1] staff. You did not participate in drafting the RFQ that [Company A] responded to, you did not review their response, and you did not select [Company A] as a City contractor or play any role in the negotiation of their City contract. Furthermore, you did not supervise the performance of [Company A] in any way. As you did not have personal involvement in, or direct supervisory responsibility for the formulation or the execution of this contract, the Board finds that you did not exercise contract management authority, and are not subject to the permanent prohibition with respect to this contract.

Focusing next on the one year prohibition, the Board notes that, during your City tenure, you were responsible for reviewing preliminary engineering studies and construction plans relating to traffic planning, traffic impact analysis of land developments, site plan review, geometric design, traffic signal design and timing, signing, markings, and construction maintenance for the [] project. In short, you were personally and substantially involved in the traffic engineering aspects of the [] project. Therefore, the Board determines that you are prohibited for one year from the date you left City service from assisting or representing [Company A], or any other person other than the City, on any business transaction involving the City relating to traffic engineering aspects of the [] project.

2. *[Project 2]*. This project, which is managed by [Department 1]'s Bureau of Highways, involves the complete reconstruction of [a street] from []; the reconfiguration of lanes to improve traffic flow; the construction of a center median with architectural details; and the improvement of lakefront access with five new pedestrian/bike underpasses and updated paths in [the] Park.

You stated that you were involved with the [] Project during all three phases. From approximately 1998-2000, you represented [Department 1] at meetings with the Illinois Department of Transportation⁵ and private engineering consultants retained by IDOT, during the preliminary planning phases of this project. You provided general advice on traffic engineering, specifically with respect to traffic planning, traffic signal design and timing, and construction

⁵You explained that the reconstruction of [the street] was originally meant to be carried out by the Illinois Department of Transportation. However, in approximately 2000, federal funds became available that made the City (and [Department 1]) a better choice to undertake this work.

maintenance of traffic. You did not participate in drafting any RFPs or RFQs, in reviewing responses to the Requests, or in selecting contractors.

In 2000, when the City took over the management of the project, [Department 1] selected two consultants pursuant to an RFQ process to prepare preliminary engineering studies and construction plans for the eventual contracts for the reconstruction of [the street]. [Company A] was selected as the consultant for the portion of [the street] north of 57th Street, and [Company B] as the consultant for the Jackson Park section (south of 57th Street). As in [Project 1], you reviewed the studies and plans submitted by these consultants through the [Department 1] project manager and made suggestions with respect to traffic-related issues. You did not participate in the process by which either [Company A] or CTE was selected as a consultant, and you did not supervise their work. You stated that you did not review as many studies and plans with respect to this project as you did for [Project 1], but that you are certain that you did have occasion to review studies and plans submitted by [Company A], and to make suggestions. Again, you do not know if your suggestions were acted on. Once the studies and plans were approved by the project manager and [Department 1]'s Commissioner, they were used to develop construction plans, and construction contractors were selected. You did not participate in the development of these construction plans or in the selection of the construction contractors.

The construction of [the street] started in early 2002. You explained that you played an active role in managing the traffic aspects of this project. You attended regular meetings relating to traffic management once construction was started. You explained that the purpose of these meetings was to discuss strategies for dealing with the changes in traffic flow due to the construction. Also present at these meetings were other [Department 1] and City employees, the construction contractors, and representatives of the consultants. You explained that you would listen to reports of construction progress and problems, and review ideas and plans submitted by these persons. You would then work with the other City Departments, contractors, and consultants to ensure that traffic rerouted from [the street] as a result of the construction moved through the surrounding neighborhoods in an efficient manner. [Company A], under their contract with [Department 1], provides advice relating to traffic signals and signs, and a [Company A] employee attends the traffic management meetings.⁶ Again, [Company A] may be asked to provide other consulting services with respect to this project, in addition to its current responsibilities.

With respect to this project, the Board first will address the permanent prohibition. Although you were personally involved in the planning, contract preparation, and construction phases of this project, your responsibilities consisted of providing technical advice and assistance relating to traffic engineering aspects of the projects by reviewing the studies and plans submitted by [Company A],

⁶You currently supervise the [Company A] employee who attends these meetings, but have recused yourself from making any decisions, or providing any other assistance to the employee or [Company A] with respect to this project.

and attending regular meetings related to traffic management issues arising from the South [the street] project, providing technical advice and assistance on traffic engineering matters to the project managers and contractors. You did not participate in drafting the RFQ that [Company A] responded to, you did not review their response, and you did not select [Company A] as a City contractor or play any role in the negotiation of their City contract. Furthermore, you did not supervise the performance of [Company A] in any way. As you did not have personal involvement in, or direct supervisory responsibility for the formulation or the execution of this contract, the Board finds that you did not exercise contract management authority, and are not subject to the permanent prohibition with respect to this contract.

However, with respect to the one-year prohibition, the facts show that you were personally involved in the planning, contract preparation, and construction phases of this project. You represented [Department 1] at meetings with the Illinois Department of Transportation and private consultants during the preliminary planning phases of this project, reviewed the studies and plans submitted by [Company A] and CTE, and attended regular meetings relating to traffic management once construction was started. The Board finds that these activities constitute personal and substantial participation in the traffic engineering aspects of the [the street] project. Therefore, we determine that you are prohibited for one year from the date you left City service from assisting or representing [Company A], or any other person other than the City, on any business transaction involving the City relating to traffic engineering aspects of this project.

3. [Project 3] J. The [Project 3] is a 501(c)3 not-for-profit organization whose membership consist of three private developers,⁷ representatives from [Department 1] and the Department of Planning and Development, and representatives from the Metropolitan Pier and Exposition Authority. The organization monitors transportation issues that have arisen as a result of increased development in the [neighborhood], and seeks solutions to problems affecting businesses, residents, and commuters in the neighborhood. The most noticeable initiative of the [Project 3] is the trolley service funded by this organization, which provides free transportation from North Michigan Avenue to Navy Pier, thereby reducing the number of private cars needing parking in the area.

While employed by the City, you represented the [Department 1] [Bureau of Alpha] at monthly meetings held by the [Project 3]. These meetings were attended by the entities listed above as well as by other [Department 1] employees, and representatives from the Police Department, the CTA, resident's groups, and local businesses. Some of the meetings dealt with general traffic issues in the area; others focused on specific issues raised by events at Navy Pier or new construction projects. Your role at these meetings was to make comments on issues raised by the members of the [Project 3], and to suggest and facilitate the use of City resources in resolving traffic problems. For example,

⁷The three developers are [].

you said that the [Project 3] might request that the timing of a specific traffic signal be changed due to increased traffic flow in the summer. If you agreed with this idea, you discuss it with your supervisor, and if he concurred, you would direct [Department 1] engineers to implement this change.

In 2000, the [Project 3] hired [Company A] as a traffic consultant to monitor traffic conditions in the area and provide suggestions to deal with issues arising from increased development. For example, [Company A] did traffic counts, prepared traffic studies, and drafted plans to deal with large events at Navy Pier. The contract was approved by the Board of the [Project 3], which consists of representatives from the three private developers, [Department 1], DPD and the MPEA. You were not a member of this Board, and played no role in selecting [Company A] as a consultant. You did, however, have regular contact with [Company A] with respect to the [Project 3]. In addition to seeing them at monthly [Project 3] meetings, you also spoke to [Company A] representatives at least once a week concerning traffic related issues. For example, during the construction of a building at 520[street], [Company A] advised the [Project 3] on ways to ease traffic congestions as a result of this construction, recommending changes in the length of traffic signals, the implementation of parking restrictions, and the installation of new signs to promote alternate routes. If, in your opinion, [Company A]'s recommendations were feasible, you would present their suggestions to your supervisor at the [Bureau of Alpha], who would decide whether they would be implemented.

Once again, the Board first will address the permanent prohibition. Your involvement with the contract between [Company A] and [Project 3] consisted of providing technical advice and assistance relating to traffic engineering issues raised by [Company A] pursuant to the contract. You assisted [Company A] in their interactions with the City, discussing traffic-related issues with their representatives and assisting them in getting their ideas implemented by the City. You did not prepare the scope of services for the contract, did not participate in selecting [Company A] as a contractor for the [Project 3], did not negotiate the terms of the contract, and did not supervise [Company A]'s performance under the contract. Therefore, the Board finds that you did not exercise contract management authority over the contract between [Company A] and the [Project 3], and are not subject to the permanent prohibition with respect to this contract.

With respect to the one-year prohibition, the facts show that you were one of [Department 1]'s representatives at the monthly meeting of this organization, providing technical traffic engineering advice to the members of [Project 3] and facilitating the use of City resources to resolve traffic problems. You estimated that you attended 25 monthly meetings, and spoke with other [Project 3] member and contractors on a weekly basis. You also assisted [Company A] in their interactions with the City, discussing traffic-related issues with their representatives and assisting them in getting their ideas implemented by the City. In other words, you assisted the [Project 3] and its contractors with issues related to traffic engineering. Based on these facts, and consistent with prior Board cases (*see* Case No. 02022.A, where the Board determined that the former City employee had participated

personally and substantially in the development of a number of construction projects by virtue of attending meetings on behalf of the City and assisting the governmental organizations and developers involved in these developments to obtain City infrastructure, permit and financial assistance), the Board finds that you participated personally and substantially in the subject matter of traffic engineering for the [Project 3], and therefore, are prohibited for one year from the date you left City service from assisting or representing [Company A], or any other person other than the City, on any business transaction involving the City relating to traffic engineering for the [Project 3].

4. *[Project 4]*. This is a project which has been discussed by the Department of Planning and [Department 1] as a means to address the problem of traffic congestion in the Loop and surrounding area. Generally, it would consist of a newly-constructed bus-only street [] which would run from the Ogilvie Transportation Center (fka Northwestern Station) to Illinois Center, Navy Pier, and the Streeterville area.⁸ This new road would use abandoned railroad rights of way and the tunnel system under the City to avoid the congestion at street level, providing a rapid transit link for commuters. In 2002, the [Department 1] Bureau of Bridges received a federal grant to undertake a feasibility study for this project, and issued an RFP for contractors to do the study. As this project would only utilize surface streets at the beginning and end of this route, neither you nor the [Bureau of Alpha] were involved in drafting the scope of services for the RFP, reviewing the responses, selecting the contractor, negotiating the contract, or in any other aspect of the proposed project. The Bureau of Bridges and the Department of Procurement reviewed the responses and retained [Company A] to do the study in mid- to late-2002. You anticipate that the study will probably take another 3 to 5 months to complete. You explained that although there are some traffic engineering aspects to the feasibility study, its main focus would be whether the project is feasible from a civil engineering aspect (i.e., will the underground roads support the weight of buses, can the tunnels be drained and kept free of water, what effect would the construction have on neighboring buildings, etc.), and that if you were to work on this project for [Company A], you would be using general civil engineering skills, not skills specifically related to City of Chicago traffic engineering.

As the facts clearly indicate that you did not participate in any manner in the [Project 4], the Board concludes that you did not exercise contract management authority over the feasibility study undertaken by [Company A], and are not permanently prohibited from assisting [Company A] with respect to this study.

The facts also show that you did not play any role with respect to the [Project 4]. All aspects of this potential project, including the contract with [Company A] for a feasibility study, were handled by the Bureau of Bridges and the Department of Planning and Development. Therefore, the Board finds

⁸The route would start on Canal Street outside the Ogilvie Transportation Center, run north on Canal to an abandoned railroad bridge over the river, just south of Kinzie, cross the bridge and head east under the Merchandise Mart Apparel Center (using the tunnels), and continue east underneath street level before emerging somewhere in on the near north side, east of Michigan.

that you did not participate in any aspect of the proposed [Project 4], and are not prohibited for one year from the date you left City service from assisting or representing [Company A], or any other person on any business transaction involving the City relating to this project.

5. *Other Projects.* In your request for an advisory opinion, you stated that you may be asked by [Company A] to work on other projects involving the City and [Department 1]. As you were unable to provide specific details concerning any projects, the Board can only provide you with general guidance, reminding you again of the one-year and permanent prohibitions in Sec. 2-156-100 of the Ethics Ordinance. In the event that you are asked by [Company A] to work on other projects involving the City, we recommend that you seek advice from the Board pertaining to these specific projects.

Confidential Information. We also bring to your attention Ordinance Section 2-156-070, entitled "Use or Disclosure of Confidential Information." This section prohibits you, as a former City employee, from using or revealing confidential information you acquired through your City employment. Confidential information, for purposes of this Section, means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

DETERMINATIONS: Based on the facts presented, the Board determines the following:

1) One Year Prohibition. You are prohibited, for one year after leaving City employment, from assisting or representing [Company A], its clients, or any other person in any business transaction involving the City relating to traffic engineering aspects of any project you worked on while employed by the City, including, but not limited to, [Project 1], [Project 2], and [Project 3]. You are not subject to the one-year prohibition on any business transaction involving the City relating to [Project 4].

2) Permanent Prohibition. You are permanently prohibited from assisting or representing any person in any contract involving the City if you exercised contract management authority over that contract while in City service. As the facts show that you did not exercise contract management authority over any contracts between [Company A] and the City related to [Project 1], [Project 2], [Project 3], and [Project 4], therefore, you are not permanently prohibited from assisting or representing [Company A] with respect to any contracts related to these projects.

Our determination is not necessarily dispositive of all issues relevant to this situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts stated are incorrect or incomplete, please notify the Board immediately, as any change may alter our determination. Other laws or rules also may apply to this situation. Be advised

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that City departments have the authority to adopt and enforce rules of conduct that may be more restrictive than the limitations imposed by the Ethics Ordinance.

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

Darryl L. DePriest
Chair

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