



March 19, 1987

CONFIDENTIAL

City of Chicago
Harold Washington, Mayor

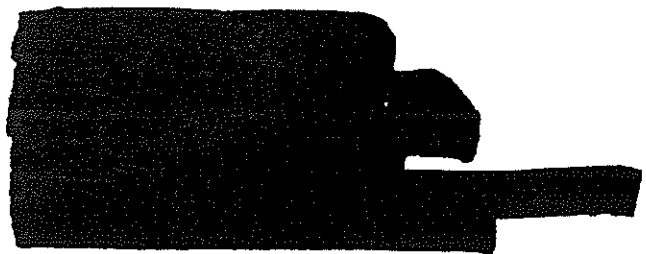
Board of Ethics
Harriet McCullough
Executive Director

Robert C. Howard
Chair

Janet Malone Morrow
Vice-Chair

Sol Brandzel
Rev. Harry Gibson
Nola Hicks
Vennie Lyons
Beatrice Pizana

Suite 1320
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660



Dear [REDACTED]

CASE NUMBER 87016.A

The Board of Ethics has reviewed your case and determined that your acceptance of an employment offer from Gay Lesbian [REDACTED] will not violate Executive Order 86-1. This is because Section 11 of the Order merely directs the Commissioner of Personnel and other department heads to consider the adoption and implementation of rules regarding post-employment restrictions, thus no legally binding restrictions are prescribed by the Order.

However, the newly enacted Ethics Ordinance (effective July 1, 1987), contains two post employment restrictions. Pertinent to this case is Section 26.2-10(b):

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. (emphasis added)

Section 26.2-1(e) of the Ordinance defines "contract management authority" as any personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.



[REDACTED]
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It is the understanding of the Board that as a City employee [REDACTED] you worked with Gay Lesbian [REDACTED] to ensure that this organization fulfilled its contract obligations with the City. (See Verified Statement of Facts, ¶3.) Under Section 26.2-1(e) of the Ordinance, such action constitutes "contract management authority". Thus, in accordance with Section 26.2-10(b) you would be prohibited from working with Gay Lesbian Horizons in so far as the [REDACTED] position offered to you requires that you assist or represent the organization in its contractual relationship with the City. (See Verified Statement of Facts, ¶14.)

Although the Board is currently conducting research on the issue of whether the post-employment restrictions will be applicable to persons who leave City employment prior to the effective date of the Ordinance (July 1, 1987), we are of the opinion that these provisions should be used as guidance in determining what constitutes appropriate conduct in a given circumstance.

The Board therefore recommends that you decline the Gay Lesbian [REDACTED] employment offer unless you and your prospective employer can assure the Board that you will not be involved with transactions related to the city. Such action on your part will avoid appearances of impropriety.

Sincerely,

Robert C. Howard

Robert C. Howard
Chairman

JS/cb/0013
Enclosures
cc: file



for MEH

January 7, 1987

City of Chicago
Harold Washington, Mayor

[REDACTED]

Board of Ethics
Harriet McCullough
Executive Director

Robert C. Howard
Chair

Janet Malone Morrow
Vice-Chair

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Rev. Harry Gibson
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Suite 1320
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9662

Dear [REDACTED]

Re: Case #86030.1

It has come to our attention that [REDACTED] a former [REDACTED] CITY EE [REDACTED] has received a City contract. The question was raised whether this constituted a violation of the Executive Order 86-1.

Our inquiry shows that former employee left city service in March 1985 and that he received a city contract in February 1986. The city contract was awarded through competitive bidding process, and although former employee had been a member of [REDACTED] Department during the period when specifications were developed, he did not work on the specs.

Examining these facts in light of the Executive Order, there is no basis for action, because 1) the policy expressed in Section 11 of the Executive Order is that former city employees should be prohibited from having city contracts for six months after leaving city service, and in former employee's situation the period was eleven months, 2) the rule called for by Section 11, prohibiting such city contracts, was not effective immediately after the Executive Order was signed, and 3) there appears to have been no favoritism, since bids were sealed and there is no reason to suspect that former employee had information on the specifications that was greater than his competitors.

Sincerely,

Robert C. Howard
Chairman

RCH:sco'b

[REDACTED]

