

MEH

April 11, 1988



City of Chicago
Eugene Sawyer, Acting Mayor

CONFIDENTIAL

Case Number 87018.A

Dear

Board of Ethics
Harriet McCullough
Executive Director

Sol Brandzel
Chair

Mary Milano
Vice Chair

Rev. Don Benedict
Margaret Carter
Angeles Eames
Rev. A. Patterson Jackson
Marlene Rankin

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

In February of 1987, the Board of Ethics received a request from you for an advisory opinion to determine the application of the Governmental Ethics Ordinance (scheduled to take effect later that year) to you as a former employee of the City. You indicated that you anticipated leaving City employment before the effective date of the Governmental Ethics Ordinance. The Board, acting under the Mayor's Executive Order 86-1, was not authorized to give a binding opinion upon the prospective application of the Ordinance. However, in a letter dated March 19, 1987, the Board suggested that the Ordinance provisions regarding post-employment be used as "guidance" in determining appropriate conduct. The Board stated that it was unable to determine at that time whether the post-employment restrictions of the Ordinance would be applicable to employees who left public service prior to the effective date of the Ordinance. Consequently, you would be notified when the new Board of Ethics, constituted under the Governmental Ethics Ordinance, had reached a final determination with respect to this issue.

It is the determination of the Board of Ethics that the post-employment provisions of the Ethics Ordinance (Chapter 26.2 of the Municipal Code) are applicable to officials and employees who left City service before the effective date of the Ethics Ordinance, August 1, 1987. The Ethics Ordinance restrictions upon former officials and employees are as follows:

Section 26.2-10 (Post-Employment Restrictions):

- (a) No former official or employee shall assist or represent any person other than the City in any judicial or administrative proceeding involving the City or any of its agencies, if the official or employee was counsel of record or par-



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ticipated personally and substantially in the proceeding during his term of office or employment [a permanent ban].

- (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].

If you have any questions, please do not hesitate to contact the Board of Ethics at 744-9660.

Sincerely,


S. Brandzel
Chairman

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