

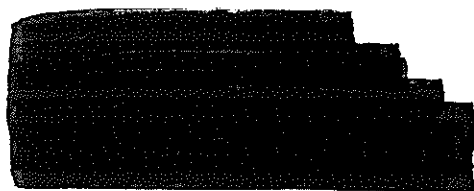
MEH



City of Chicago
Eugene Sawyer, Acting Mayor

May 16, 1988

Board of Ethics
Harriet McCullough
Executive Director



Sol Brandzel
Chair

Case Number 88059.A

Mary Milano
Vice Chair

CONFIDENTIAL

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

Dear

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

In its meeting of May 10, 1988, the Board of Ethics addressed the issue of whether the post-employment provisions contained in the Chicago Ethics Ordinance would affect your new employment situation. It is our understanding that you have resigned your City job *as a manager* in the Bureau of Parking and have accepted a position with *a company* as Regional Vice President. On the basis of information concerning your responsibilities as a City employee and your future responsibilities with *this company*, the Board reached the following conclusions.

First, the post-employment provisions of the Ordinance contained in Section 26.2-10(b) would prohibit you, for a period of one year from the date of your separation from the City, from assisting or representing *this company* in any business with the City which involves the subject matter of your previous duties as a manager *in the City's Bureau of Parking*. During this one year period, you would be prohibited from negotiating or managing any contract with the City involving services related to the *area you were involved in while a manager in the specific area of the Bureau of Parking*.

Secondly, the post-employment provisions would not prohibit you from assisting or representing *this company* in marketing and managing its services to City agencies where the services offered concern the processing of *a particular contract* and the collection of fines for *a particular violation*.



Thirdly, under section 26.2-7 of the Ordinance, former City employees are prohibited from using or disclosing confidential information gained during the course of their City employment. As a former employee, you are subject to this section and should be careful to avoid using or disclosing any information about the operations of the City which is not available to the general public. The Board's explanation of these conclusions is set forth below.

Section 26.2-10(b) of the Ethics Ordinance states that:

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)

Since you did not exercise contract management authority with respect to any contract involving *this company* during your employment with the City, the second restriction contained in this section - that concerning a permanent prohibition on assisting with a particular contract - would not apply to your circumstances. However, the first portion of this section concerning a one year prohibition on certain post-employment activities would be relevant. Under this first part of 26.2-10(b), a former City employee is prohibited for one year from assisting or representing persons in business transactions with the City if he or she "participated personally and substantially in the subject matter of the transaction during his [or her] term of office or employment."

As a manager *in the City's Bureau of Parking* your responsibilities entailed supervision of, and consequently a significant level of decision making authority over, the purchase, maintenance and collection *of specific areas*. It is the Board's opinion that your supervisory authority over the purchase maintenance and collection *in certain areas* constitutes a personal and substantial level of involvement in these subject matters and that you would therefore be prohibited under the section cited above from participating or assisting in any

Page Three

business transactions with the City which involve these areas of City business. This prohibition would extend for one year beginning from the date of your resignation from City employment.

You would be allowed to assist or participate in business transactions with the City which do not involve services related to the purchase, maintenance and collection *of certain services* including business transactions which involve *this company's* services for processing and enforcement *of contractual areas*.

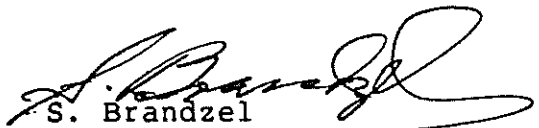
In addition to the restrictions on post-employment activities contained in section 26.2-10 cited above, the Ordinance establishes a general prohibition on the use or disclosure of confidential information by current and former City employees. Section 26.2-7 states that:

No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act.

In light of these provisions, you should avoid discussing with your colleagues, any matter concerning the City which might be considered confidential.

We appreciate your attention to the Ethics Ordinance. If you have further questions regarding this opinion or related matters please do not hesitate to contact the Board.

Sincerely,


S. Brandzel
Chairman

JH/jh 