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City of Chicago
Eugene Sawyer, Acting Mayor

June 21, 1988

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



Case Number 88084.A

CONFIDENTIAL

Dear [redacted]

This letter is in response to your request for an advisory opinion concerning the post-employment restriction of the Ethics Ordinance and their potential application to you should your current employment circumstances change.

It is our understanding that you have no current plans to leave City employment but are inquiring about the general affects of the post-employment provisions should you decide at some future date to take up employment as a private consultant on matters of aviation. In rendering its opinion the Board has taken into consideration the following facts: As an employee in the Department Aviation you have [redacted] authority over contracts and policies affecting the operations of the City's airports. In your former position

you were liaison to the Department of Aviation and were therefore responsible for advising on major policy initiatives related airport development.

Based on these facts, the Board has reached the following general conclusions concerning the possible implications of the post-employment provisions for your circumstances. First, you would be prohibited for one year subsequent to your resignation as employee of the Dept. of Aviation, from assisting a private consulting firm in any transaction with the City if that transaction involves you in activities and services substantially similar to those you provided to the City as an employee of the dept. of Aviation. Such prohibited



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activities would presumably include advising Chicago airports on matters related to present policies and future development. Secondly, you would be prohibited permanently from involvement in any particular contract which you helped to evaluate, negotiate or enforce during your tenure as *liason in another City department* or as an *employee* the Department of Aviation.

These conclusions are based on Section 26.2-10(b) of the Ethics Ordinance which 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.

This section imposes two levels of restriction on former employees. The first level is a one year restriction; former City employees are prohibited, for one year, from involvement in business transactions with the City if those transactions concern subject matters in which they participated personally and substantially while employed by the City.

Your responsibilities as an *employee in the Dept. of Aviation* entail exercising the highest level of authority over [REDACTED] decisions with respect to the operations and development of Chicago airports. The Board believes that given the nature and scope of your responsibilities as *that employee in Aviation*, many of the decisions which concern the operation and development of Chicago airports may constitute subject matters in which you participated personally and substantially during your employment as *that employee*. Therefore, under the provisions cited above, you would be prohibited for one year subsequent to resigning this City job, from engaging or assisting in any transaction with the City, if the transaction involves decisions which concern the operation and development of Chicago airports which you participated in as an *employeell*.

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The second level of restriction contained in Section 26.2-10(b) is a permanent prohibition: former City employees are permanently prohibited from assisting or representing any person in a contract with the City if they exercised contract management authority with respect to that particular contract. As defined in Section 26.2-1(e), "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."

Under this restriction, you would be prohibited permanently from engaging in any post-employment activities which involve advice or assistance on a contract which you helped to formulate, evaluate, negotiate or in any way supervise while serving as a City employee. This restriction would include contracts you evaluated and made recommendations on *in your position in your previous City department* : as well as to those you supervise as *an employee in the dept.* of Aviation.

The Board wants to emphasize that this opinion concerns the possible application of the post-employment provisions for a person with your employment history with the City. The types of activities restricted under the one-year prohibition stated above may vary depending on the precise nature of your activities as *an employee* and the services you propose to render as a private consultant. If you should decide to leave City employment with the intention of working as a private consultant, it would be wise to contact us at that time with information on the specific activities you would engage in as a private consultant. On the basis of this information and further information concerning your specific activities *as a specific employee* we could render a specific opinion concerning the status of those particular activities under the one-year prohibition. The permanent prohibition on privately assisting in contracts which you have previously participated in as a City employee would hold regardless of any variation in your career plans.

We appreciate your inquiry and hope that this letter has sufficiently addressed your questions concerning the Ethics Ordinance. If you should have further questions regarding this matter or any other, please do not hesitate to contact us.

Sincerely,


S. Brandzel
Chairman