

City of Chicago  
Sergeant Sawyer, Acting Mayor

Board of Ethics  
Harriet McCullough  
Executive Director

Al Brandzel  
Chair

Mary Milano  
Vice Chair

Dr. Don Benedict  
Margaret Carter  
Angela Eames  
W. A. Patterson Jackson  
Barbara Rankin

Room 1130  
5 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9680

MEMORANDUM

88119 A

MEH

88119 A

To:

[REDACTED]

From:

Harriet McCullough  
Harriet McCullough  
Executive Director

Date:

August 17, 1988

Re:

Appointment of [REDACTED]

On August 16, 1988, you requested that the Board of Ethics render an advisory opinion stating whether A's [REDACTED] appointment, to a paid position on [REDACTED] Board [REDACTED] would violate the Governmental Ethics Ordinance. A is [REDACTED] an architect, frequently represents clients before various City agencies, Boards and Commissions.

**ISSUE:** Whether appointment to a paid Board position of an individual who frequently represents clients before other Boards and Commissions would violate the Governmental Ethics Ordinance.

The initial question to be answered is whether an appointed official, compensated for his services on the Board or Commission, would be considered an employee of the City. Section 26.2-1(i) of the Ethics Ordinance defines an employee to mean, "an individual employed by the City of Chicago, whether part-time or full-time, but excludes elected officials or City contractors." No exclusion was provided for paid appointed officials. Further, the monthly publication of the alphabetical Listing of Current Employees lists paid Board and Commission members. Therefore it appears that a paid appointed official would be considered an employee of the City.

Section 26.2-9(a) states:

No elected official or employee may represent, or have an economic interest in the representation of, any person other than the City in any formal or



Page Two  
[REDACTED]

August 17, 1988

informal proceeding or transaction before any City agency in which the agency's action or non-action is of a non-ministerial nature; provided that nothing in this subsection shall preclude any employee from performing the duties of his employment, or any elected official from appearing without compensation before any City agency on behalf of his constituents in the course of his duties as an elected official.

A City employee violates this section if he represents any person other than the City, before any City agency. Because a paid appointed official would be considered an employee of the City, he would violate the Ethics Ordinance if he represented private clients before City agencies. Therefore if A [REDACTED] intends to continue representing clients before City Boards and Commissions, his appointment to a paid Board position would violate the Governmental Ethics Ordinance.

[REDACTED]