

BOARD OF ETHICS
Open Session Minutes
August 16, 2006 - 3:43 p.m.
740 North Sedgwick, Suite 500

Board Members Present

Darryl L. DePriest, Chair
Michael F. Quirk
Mary Beth S. Robinson
Miguel A. Ruiz

Staff Present

Dorothy J. Eng, Executive Director
Steven I. Berlin, Deputy Director
Michael Haggerty, Deputy Director
Richard J. Superfine, Legal Counsel
Briana Milton, Attorney-Investigator
Edward Primer, Program Director
Pully Casillas, Staff Assistant

I. Approval of Minutes

The Board VOTED 4-0 to approve the Open Session minutes of the May 25, 2006 meeting, as amended.

II. Chair's Report

Mr. DePriest informed the Board that after August 31, 2006, he will no longer be with the American Bar Association.

III. Executive Director's Report

In the interest of saving time, the Executive Director's report has been reduced to writing and with the exception of a few matters to be reported orally; the Director asked for leave that the written report be made a part of the open session minutes

Board VOTED 4-0 to accept as part of the open session minutes the report of the Executive Director partially in writing and partially given orally by Steve Berlin.

A. Education

Education Classes

Since the last Board meeting, there have been 6 regularly scheduled and one specially scheduled classes for persons required to attend ethics training. A total of 119 persons have attended. Staff has been working with BIS to correct computer malfunctions that have caused some classes to be extremely small and other to be extremely large.

On June 1, staff made the last of three 30-minutes presentations to seasonal employees of the Department of Transportation, at the request of the department's Commissioner, 60 employees attended.

On June 2, at the request of the Mayor's Office of Protocol, staff made a 45 minute presentation to visiting delegation of 22 officials from the Beijing, China Municipal Supervision Bureau.

On June 8, at the request of the Director of the Department of Administrative Hearings, staff made a 45-minute presentation to the 75 Administrative Hearing Officers retained by the department.

On July 12, staff made a 45-minute presentation to 25 officials from the Beijing Municipal Supervision Delegation. The presentation was made at the request of the Mayor's Office of Protocol.

On July 21, staff made a 25-minute presentation to 20 members of the Mayor's Summer Internship Program, at the request of the Mayor's Office.

Since the last meeting, two integrity fora have been held. One was conducted on June 27, for the Department of Procurement, 125 employees attended. The other was conducted on August 14, for the Department of Business Affairs and Licenses, 100 employees were in attendance.

Educational Materials

In anticipation of the upcoming City elections, Board staff has prepared a brochure on the City's laws as they relate to candidates seeking election to City office. The brochures will be available through the State Board of Election as well as the Board of Ethics.

Annual Online Ethics Training Program

Staff has produced three versions of the online Ethics Training Program and the creation of the training video is in its final production stages.

Version 1 Will be utilized by the vast majority of the 38,000 City employees.

Version 2 The primary users for this version will be Police and Fire department employees. Unlike version 1, version 2 does not include a section on reporting requirements of outside employment, as those rules are inapplicable to these employees.

Version 3 Is the Aldermanic version of the training program.

The video is being produced with the assistance of the office of Municipal Television and its primary users will be Fire Department staff assigned to the various firehouses throughout the City. Production of the video was necessary because the firehouses do not have Intranet access.

Thirty-five copies of the training video will be distributed to the Fire Department. The battalion chief of each house will be responsible for administration of its use for training and attendance.

Version 3 - The aldermanic version is being given to the Board members in the form of a disc. It is being presented in this form for Board's review. Comments and suggestions should be submitted to staff by August 25. Otherwise, staff will produce the program as drafted. The Board's review is requested because the text for the employee training version which was approved by the Board is different from version 3 as the law applies differently to aldermen in many instances.

In late June, training sessions on use of the online program were conducted by Board staff. All but a few of the larger departments submitted a training plan approved by the department head. Each was reviewed by Board staff. Changes were made where necessary. On July 1, department training representative were given administrative rights to the training program. Employee notices went out and training began. To date, 3700 employees have completed their training online and the following departments are at 100% compliant: Administrative Hearings, Office of Budget Management, Inspector General's Office, Office of the Mayor and O'Hare Modernization Program. Board staff constantly monitors each department in an effort to ensure they are adhering to their plan. Where there are deviations contact is made and Board assistance given where appropriate.

Once version 3 is approved by the Board and production of the program completed, notices of a training schedule will go out to aldermen. At that same time Board staff will schedule and notify aldermanic and City Council Committee staff of their schedule.

B. Statements of Financial Interests

As of today, there are 180 officials and employees who have not yet filed a Statement of Financial Interests as required. These individuals will be the subject of discussion during the Executive Session of today's meeting. To date, \$21,560 in filing fees has been collected.

C. Lobbyist Registration

There are currently 521 lobbyists registered with the City. Since the last Board meeting, 20 lobbyists terminated their registration. To date, \$109,600.00 in lobbyist registration fees has been deposited with the Department of Revenue.

The semi-annual filing of Lobbyists' Activity Reports was due July 20. On June 16, 2006, e-mail reminder notices of the filing requirement were sent to all lobbyists with e-mail addresses on file. The 2nd reminder was sent on July 3rd. On August 2, staff

made telephone calls to non filers. Pursuant to law, staff sent certified mail notices to non filers on August 4, stating a filing deadline of August 14, 2006. Five lobbyists have yet to file an Activity Report.

Staff continues to work with BIS in completing an online registration program. However, we have been stalled and await notice to move into "Phase II" from BIS.

D. 2007 Proposed Budget

On August 3, Board staff submitted the agency's proposed budget for 2007. The proposal reflected a 16.8% overall increase from 2006 (\$818,921 to \$901,707). The primary reason for the increase is attributable to the proposed expenses for upgrading, enhancing and revising the annual Ethics Training Program.

Since that time, departments have been given targeted amount which must be reached. We have been given the 2007 targeted budget amount of \$784,000. Amended budget proposals are due August 25, 2006.

E. Amendment to the Governmental Ethics Ordinance

On or about August 1, 2006, it came to Board staff's attention that City Council, on April 26, 2006, adopted an amendment to § 110 of the Ethics Ordinance. That amendment (attached) provides an exception to the prohibition on Financial Interests in City Business for "Eligible Persons" in "Eligible Programs," as determined by the Department of Housing. The purpose of the amendment we have been told is to provide City employees the opportunity of participation in various Department of Housing programs. Staff is in the process of making the necessary changes to our training materials.

F. Vacant New Position - Assistant to the Director

The position of Assistant to the Director was establish in the Board's 2006 Budget. Board staff has been advised that résumés will be sent over from Human Resources by the end of the month so that interview process for the position can begin. However, because of the requested budget reductions, this position may have to be eliminated.

G. Board Members

The Mayor's Office of Intergovernmental Affairs has informed staff that Michael Quirk has been nominated for reappointment to the Board of Ethics. In addition, Dr. John Wilhelm has been nominated for appointment to the Board as a new member. Both names will be presented to full council on September 13.

Although this agency has to date received no official written notice of Robert Grodnicki's resignation from the Board, Board staff no longer sends Board materials to his last known address.

H. Illinois Freedom of Information Act

Since the last meeting the following requests for review of documents were received:

1. This request was for FOURTEEN FORMS. It was a request for two employees' Statements of Financial Interests, for 2000 - 2006; available records only for one; these were produced, and were copied.
2. This request was for THREE FORMS. It was a request for one employee's Statements of Financial Interests, for 2004-2006; only 2006 was available; these records were produced and copied.
3. This request was for TWO FORMS. It was a request for one employee's Statements of Financial Interests, for 2003-2004; all records were available, produced and copied.
4. This request was for information about Aldermanic budgets. No records were available, and the requestor was referred to City Council.
5. This request was for EIGHT FORMS. It was a request for one employee's Statements of Financial Interests, for 1999-2006; 2003-2006 were available; all records available were produced and copied.
6. This request was for ELEVEN FORMS. It was a request for two employees' Statements of Financial Interests, one for 2004-2006, the other for 1999-2006, 2003-2006 for the latter were available; available records were produced but not copied.
7. This request was for FOURTEEN FORMS. It was a request for two employees' Statements of Financial Interests, each for 2000-2006, only one had records available: 2000-2006; all available records were produced and copied.
8. This request was for FIVE FORMS. It was a request for three employees' Statements of Financial Interests, two for 2005-2006, the other for 2006; all records were available; were produced and copied.
9. This request was for NINE FORMS that were certifications of responses to previous record requests between May 7, 2004 - November 3, 2004. The certifications were not provided as the requests were not of records pursuant to the Freedom of Information Act.

10. This request was for TEN FORMS that were certifications of records produced pursuant to previous record requests from various dates. The certifications were completed and provided as the records requests were of records reviewed by staff and previously provided by staff pursuant to proper Freedom of Information Act requests.
11. This request was for EIGHT FORMS. It was a request for two employees' Statements of Financial Interests, for 2003-2006; all records were available, were produced and copied.
12. This request was for EIGHT FORMS. It was a request for one employee's Statements of Financial Interests, two for 1999-2006; only records for 2003-2006 were available; they were produced and copied.
13. This request was for THREE FORMS. It was a request for one employee's Statements of Financial Interests, two for 2003-2006; all records were available; they were produced and copied.
14. This request was for THREE FORMS. It was a request for one employee's Statements of Financial Interests, for 2004-2006; only records for 2004 and 2006 were available; they were produced and copied.
15. This request was for THREE FORMS. It was a request for one employee's Statements of Financial Interests, for 2004-2006; all records were available; they were produced and copied.
16. This request was for THREE FORMS. It was a request for one employee's Statements of Financial Interests, for 2004-2006; only records for 2006 were available; they were produced and copied.
17. This request was for THREE FORMS. It was a request for one employee's Statements of Financial Interests, two for 2004-2006; all records were available; they were produced and copied.

IV. Old Business

V. New Business

The Board VOTED 4-0 to adjourn into Executive Session at 3:52 p.m. to review matters concerning the conduct of employees and officials of the City that could result in their discipline or dismissal, to review questions concerning matters of professional ethics and performance, to review matters in which litigation is ongoing, and/or to review matters in which the Board finds that litigation against or affecting the Board is probable or imminent.