

BOARD OF ETHICS

Open Session Minutes

October 1, 2008 - 3:09 p.m.
740 North Sedgwick, Suite 500

Board Members Present

Miguel A. Ruiz, Chair
Alison C. Chisolm
Thomas McCarthy
John L. Wilhelm, M.D.

Michael F. Quirk, Absent

Staff Present

Steven I. Berlin, Acting Executive Director
Richard J. Superfine, Legal Counsel
Courtney L.D. Kimble, Attorney/Investigator
Edward Primer, Program Director
Pully Casillas, Staff Assistant

Visitor

Deborah Fellingner, Student
Columbia College Chicago

I. Approval of Minutes

The Board VOTED 4-0 (Michael F. Quirk, absent) to approve the Open Session minutes of the August 27, 2008 meeting.

II. Chair's Report

III. Acting Executive Director's Report

A. Education-Classes

Since the last Board meeting, staff has conducted 2 regularly scheduled classes for persons required to attend ethics training. 24 attended on September 4, and 23 attended on September 18. There are currently 25 scheduled for tomorrow, October 2, and 24 for October 16.

At the request of the Director of Revenue, staff will make a 30 minute presentation focusing on lobbying to the Director and Deputies of the Department of Revenue on November 5.

At the request of OMP's Director, staff made a 90 minute presentation to 73 OMP contractors on September 26; the third of four.

B. Mandatory Annual Ethics Education

As of today at 2:30 p.m., approximately 30,448 City employees and 11 aldermen have completed their 2008 on-line training. This is approximately 83% of the City's full-time

workforce. In the next few weeks, staff will be contacting those aldermen who haven't yet begun their training to remind them of the requirement.

C. Statements of Financial Interests

As of today at 2:30 p.m., there remain 4 employees who have not filed as required in 2008 (all appointed officials required to file have). There will be more on this in closed session.

To date in 2008, the Board has collected \$9,840 in late filing fees for the 2008 filing year.

D. Lobbyist Registration

There are currently 634 lobbyists that have registered with the City for this year. To date, approximately \$137,800.00 in lobbyist registration fees have been deposited with the Department of Revenue.

The deadline for lobbyists' semi-annual activity report filings was July 20. As of today, there remains 1 lobbyist yet to file its report. This matter will be discussed in closed session.

E. Illinois Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received three new requests (and completed processing the two outstanding, voluminous requests reported at the last meeting) under the Freedom of Information Act. These were for 356 statements of financial interests for 44 employees and 3 elected officials, and 78 lobbyists.

IV. Old Business

None.

V. New Business

1. Employee Compensation Level for Requirement to File Statement of Financial Interests in 2009

The Board reviewed staff's recommendation regarding the Governmental Ethics Ordinance-mandated increase in the rate requiring employee filing of a Statement of Financial Interests with the Board. The Board VOTED 4-0 (Michael F. Quirk, absent) to approve the staff recommendation: the 2009 rate is \$76,450.00.

2. **Semi-Annual Review of the Confidentiality of Executive Session Minutes Under the Illinois Open Meetings Act**

It was announced that, during the executive session, Board members would conduct the semi-annual review of Board executive session minutes as required by the Illinois Open Meetings Act, and would reconvene in open session to confirm the Board's determination in executive session.

3. **Public Notice of 2009 Board of Ethics Meeting Schedule**

The Board considered staff's proposed 2009 schedule of regularly-scheduled Board of Ethics meetings. The Board then VOTED 4-0 (Michael F. Quirk, absent) to approve the staff recommendation as follows:

Wednesday, January 14	Wednesday, July 15
Wednesday, February 18	Wednesday, August 19
Wednesday, March 18	Wednesday, September 16
Wednesday, April 15	Wednesday, October 14
Wednesday, May 20	Wednesday, November 18
Wednesday, June 17	Wednesday, December 16

All meetings will be held at 3:00 p.m. at the Board of Ethics, 740 North Sedgwick, Suite 500, Chicago, Illinois 60654.

4. **News Article: "Illinois Senate overrides Blagojevich's veto, enacts 'pay-to-play' ethics law"**

The Acting Executive Director explained that legal staff is reviewing the new law, adopted on September 22, when the Illinois Senate voted to override the Governor's amendatory veto of HB 824. The purpose of the review is to ascertain what effect, if any, the law will have on the Board of Ethics and its administration of the City's Campaign Financing Ordinance, as well as on elected City officials (and candidates for elected City office), their political committees, and contributors thereto. The new law has three "prongs": (i) registration and certification of certain "business entities" and "affiliated persons" and "entities" with the State Board of Elections; (ii) a ban on contributions to certain elected state "officeholders" (or their committees) by those business entities and their affiliates; and (iii) penalties. At this point, it is staff's opinion that the contribution ban does not apply to political contributions to City elected officials or candidates for elected City office, or their political committees (because they are not included in the definition of "officeholders"), but staff's review is continuing. The Board thanked the staff for keeping it apprised of these developments and for staying current with developments in Springfield.

5. Draft of the Board of Ethics 2007-2008 Annual Report for Approval

Staff presented the Board with its working draft of this Report, which has been prepared with the Board's new software package, Quark. The Board members complimented the staff on the report's appearance and text. Board members will submit comments and corrections by October 31, so that the Report can be printed and published. The Board also suggested that as many copies be printed as the agency's budget will allow, and distributed more widely, e.g. to schools.

The Board VOTED 4-0 (Michael F. Quirk, absent) to adjourn into Executive Session at 3:50 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.

VI. New Business (Reconvened)

Semi-annual Review of the Confidentiality of Executive Session Minutes under the Illinois Open Meetings Act.

At 4:25 p.m. the Board reconvened in open session to confirm its vote in Executive Session on the confidentiality of the Executive Session Minutes. The Board VOTED 4-0 (Michael F. Quirk, Absent) to confirm that the Executive Session Minutes of the Board from August 1987 to September 2008 remain confidential, on the ground that the need for confidentiality still exists as to those minutes, with the exception of those that have already been made publicly available by vote of the Board.

Alison Chisolm reminded all present that this meeting is her last, as she and her husband are relocating to New Hampshire and she will be submitting her letter of resignation to the Mayor. She thanked the Board members and staff for the opportunity to serve and complimented everyone on their professionalism, dedication and service-mindedness. On behalf of the Board, the Chair thanked her for her service, dedication and for sharing her knowledge, and on behalf of the staff, Acting Executive Director expressed his appreciation for her insights, contributions and sharp intellect.

The Board VOTED 4-0 (Michael F. Quirk, absent) to adjourn at 4:27 p.m.