



## GETTING ETHICS ADVICE: HOW AND WHY? A GUIDE



**THE IMPORTANCE OF GETTING ETHICS ADVICE.** A **CRITICAL** function of the Chicago Board of Ethics — in fact, a critical function of **any** governmental ethics agency — is to advise persons in advance how to handle potential conflicts of interest responsibly, “do the right thing,” or comply with relevant ethics laws.

**You could say issuing ethics advice is our “bread and butter” work.**

**Our goal is to help City personnel and others subject to the City’s ethics laws learn to recognize potential ethics or conflicts of interest issues, stay out of trouble, and avoid ethics problems altogether. But, we can do that only if people contact us.**



**HOW DO YOU GET ETHICS ADVICE?** Call us. Email us. Our contact information is listed below. You can speak with a Board attorney. ***IT’S EASY TO GET ADVICE FROM US. ITS FREE. BUT IT’S NOT EASY WHEN YOU DON’T GET ADVICE AND GET INTO TROUBLE.***

The Board issues about 4,000 pieces of ethics advice, or “advisory opinions,” every year, usually by telephone or email. We call these “informal advisory opinions.” Some ethics questions are more complex and require us to do legal or factual research, or render a new interpretation of a provision in the City’s Governmental Ethics Ordinance. We will then issue a “formal advisory opinion,” which is signed by our Chair or Executive Director, and reported to or approved by our Board members.

**WHO CAN GET ETHICS ADVICE?** By law, and under our Rules and Regulations, anyone who is subject to the City’s Governmental Ethics Ordinance, like current or former City employees or officials, lobbyists, City vendors or contractors, or attorneys for any of them, can receive advisory opinions from the Board. ***The Board of Ethics cannot render opinions to other persons, such as members of the public, persons from watchdog or good government groups, or the media, unless they are personally involved in the situation.***

**IS BOARD OF ETHICS ADVICE CONFIDENTIAL?** Yes. All formal or informal advisory opinions pertaining to the Governmental Ethics Ordinance are confidential, except in cases where the Board concludes that past or ongoing conduct involves non-minor violations of the Ordinance.\* ***The Board will not share opinions or advice with anyone else without a waiver of confidentiality from the requestor, or as required by law.*** This includes not sharing with the person’s supervisor, department head, or investigating agency (like the Office of Inspector General), or the media. ***However, persons receiving Board advice may share it with anyone.***

**NOTE: ADVISORY OPINIONS ARE IMPORTANT EDUCATIONAL TOOLS. THEY INFORM PEOPLE ABOUT WHAT THE CITY'S ETHICS LAWS REQUIRE, AND HOW THE BOARD INTERPRETS THESE LAWS. WE POST ALL FORMAL ADVISORY OPINIONS ON OUR WEBSITE, WITH A SEARCHABLE SUMMARY AND INDEX OF KEYWORDS AND TOPICS. BUT, NAMES AND OTHER IDENTIFYING INFORMATION ARE REDACTED, THAT IS, REMOVED. THIS IS A COMMON PRACTICE AMONG GOVERNMENTAL ETHICS AGENCIES. SEE THIS INDEX OF ALL FORMAL OPINIONS ISSUED SINCE 1986, SEARCHABLE BY KEY WORDS:**

<https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/AOindex.pdf>

**WHAT DOES ADVICE FROM THE BOARD OF ETHICS COVER?** Informal or formal advisory opinions from the Board or its legal staff address only provisions in the City's Governmental Ethics Ordinance, chapter 2-156 of the City's Municipal Code. You can read the Ordinance on our website: <https://www.chicago.gov/content/dam/city/depts/ethics/general/Ordinances/GEO-2019-color%20through%20August%202022.pdf>

The Board does not have authority to render advice with respect to other laws, rules or policies, like other chapters of the City's Municipal Code, the City's Personnel Rules, or state laws, like the Illinois Election Code or Code of Professional Responsibility for attorneys. However, we can often pinpoint issues that may arise under those other laws, and help direct you to people authorized to advise you.

**DOES GETTING ADVICE FROM THE BOARD OF ETHICS PROTECT YOU?** If you give us all the relevant and true facts, and follow our advice, then **yes**, it does. A Board opinion applies the Governmental Ethics Ordinance to your situation, thus is only as good as the facts on which it's based. The Ordinance specifically provides that any person may use a Board advisory opinion regarding their future conduct as evidence supporting their position, or as otherwise appropriate, in any investigation or disciplinary proceeding.

**\*But note:** if a person requests advice from the Board of Ethics regarding **past** or ongoing conduct, and the Board concludes that the facts involve an Ordinance violation in a way that is more than minor, technical, or *de minimis*, then we must advise the person that he or she may self-report that conduct to the Office of Inspector General within 14 calendar days, or we, the Board, must do so. If the Board determines that the violation involved was minor, technical or *de minimis*, then we send the person a confidential letter of warning or admonition, advising them of the violation, and not to repeat it. Under City law, however, we must treat conduct involving any repeated minor, *de minimis* violation as non-minor.

### **WHAT IS A MINOR VIOLATION?**

In deciding this question, we ask: (i) would the Board still be upholding the spirit of the Governmental Ethics Ordinance by concluding that the conduct violates the Ordinance, but is minor?; (ii) would a reasonable person familiar with all the facts consider the violation technical and not substantive in nature and extent?; and (iii) is the violation part of a pattern?

**CALL US! EMAIL US! NO QUESTION IS TOO BIG OR SMALL.**

**CITY OF CHICAGO BOARD OF ETHICS  
740 NORTH SEDGWICK, SUITE 500  
CHICAGO, IL 60654  
312-744-9660**

**[steve.berlin@cityofchicago.org](mailto:steve.berlin@cityofchicago.org)  
twitter: @ChicagoEthicsBd  
[www.chicago.gov/Ethics](http://www.chicago.gov/Ethics)**

**WILLIAM F. CONLON, CHAIR**

**BRANDON JOHNSON, MAYOR  
Steven I. Berlin, Executive Director  
[steve.berlin@cityofchicago.org](mailto:steve.berlin@cityofchicago.org)**



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