

MT

CONFIDENTIAL

March 26, 2001

[Jane Doe]
Assistant Commissioner, [Dept Q]

Chicago, IL 606

**Re: Case No. 01007.Q
Company R/Travel Expenses**

Dear Ms. [Doe:]

On March 13, 2001, you asked whether the City's Governmental Ethics Ordinance prohibits the [Department's] Director of [] [John Smith], from accepting travel expenses, including airfare, food and lodging, to attend a two-session focus group sponsored by [Company R] in New York City on two Fridays: March 23 and April 27. Board staff's opinion, based on the facts you and [Mr. Smith] presented, and on prior cases, is that the Ordinance does not prohibit [Mr. Smith] from accepting [R's] offer in the way she intends. Staff advised [Mr. Smith] of this by phone on March 20.

As both you and [Mr. Smith] explained to Board staff, and as the materials you provided indicate, [R] plans to design a web-based reference resource, and has invited 8-10 [professionals from 8-10 nationwide organizations similar to your department] to New York to talk about the resource's content, pricing and organization. [R] has offered to pay round trip airfare, food and lodging for one [professional] from [your department] to attend the conference; the offer appears to cover expenses from Thursday night through Sunday for both weekends. [R] originally extended the invitation to [James Jones], [your department's Director of C] , but [your department] believes that it would be to its advantage instead for [Mr. Smith] to attend the sessions and have input into the product's design and pricing. [Mr. Smith] said that the [department] currently [owns two products made by Company R] , and would certainly be interested in purchasing more, [] , if the final product would [be] appropriate] . [Mr. Smith] also said that he has participated in selecting [related products] in the past, and would expect to participate in the [department's] selection of any product that [R] develops in part as a result of these focus group sessions (which [Mr. Smith] believes would most likely be at least one year from now).

[Mr. Smith] said his intent would be to fly to New York both Thursday evenings, March 22 and April 26, stay both Thursday nights at [R's]

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expense, and fly back to Chicago on both Sundays, March 25 and April 29. Although [R's] offer appears to include food and lodging through both return flights on Sunday, [Mr. Smith] plans to accept [R's] offer to cover lodging only for the two Thursday nights (staying in the New York area both Friday and Saturday nights at his own expense), and to pay all of his own remaining food and miscellaneous expenses after the two sessions end on Friday evening.

Based on these facts, and on previous Board cases, Board staff concludes that nothing in the Ordinance prohibits [Mr. Smith] from accepting this offer by [R] , so long as the expenses to be accepted are reasonable and reasonably related to the purposes of the sessions, serve to benefit the City rather than [Mr. Smith] personally, and are not offered in exchange for his willingness to influence City decisions concerning [R] . Given your statements, and [Mr. Smith's], these conditions are satisfied. See Case Nos. 01002.Q; 98039.Q; 98040.Q; 97014.Q. Staff also reminds you that §2-156-040(c) of the Ordinance prohibits any employee whose City decisions can substantially affect [Company R's] City business (such as [Mr. Smith]) from accepting any gift or item valued at \$50 or more from the company (this prohibition does not include the travel expenses listed above).

Staff's conclusion is based solely on the application of the City's Governmental Ethics Ordinance to facts presented; other laws, rules, regulations or policies may apply to this situation. If any of the facts in this letter are incomplete or inaccurate, please inform us, as any change could alter the conclusion.

We sincerely appreciate your sensitivity to the standards contained in the Governmental Ethics Ordinance, and willingness to comply with them. Please contact us if you have any further questions.

Yours very truly,

Steven I. Berlin
Deputy Director

Approved:

Dorothy J. Eng,
Executive Director

cc: [John Smith]
01007Qred.wpdMarch 26, 2001 (4:17PM)