

**RE: Health Dept Inquiry**

Case No. 12027.Q

**Sent:** Tuesday, April 24, 2012 10:58 AM

**To:** Collazo, Ana

**Cc:** Berlin, Steve

Thank you Ana. This is extremely helpful.

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**From:** Collazo, Ana

**Sent:** Tuesday, April 24, 2012 10:10 AM

**To:** [REDACTED]

**Cc:** Berlin, Steve

**Subject:** RE: Health Dept Inquiry

Hello [REDACTED]

In response to your query -

The question you posed April 10, 2012, was whether Chicago Department of Public Health (CDPH) Food Inspector/Sanitarians could teach a certification course to summer festival food operators. The course would be taught at Harold Washington College (one of the City Colleges).

Your question invokes §2-156-050 of the City's Governmental Ethics Ordinance, entitled "Solicitation or Receipt of Money for Advice or Assistance." It states, in pertinent part that, "No official or employee ... shall solicit or accept any money or other thing of value ... in return for advice or assistance on matters concerning the operation or business of the City." In other words, a City employee cannot get paid by a third party to give advice on what the City already pays him/her to do.

There have been several Board decisions interpreting §2-156-050 in the context of teaching classes at local colleges. For example:

In Case No. 90020.A, a Board of Health Food Inspector asked whether he could teach two courses at one of the City Colleges (food service sanitation for food handlers, and a practicum for certification for food inspectors.) The Board determined that he was prohibited from teaching those courses because he would have been paid to instruct students on the City ordinances, certification, and the inspection process. The Board also determined that because of the Food Inspector's job description/duties there existed the strong possibility for the appearance of impropriety regarding the enforcement of the inspection regulation.

In Case No. 91101.Q, the Board narrowly interpreted "advice and assistance" as the giving of "insider information" that is not otherwise publicly available. The Board further determined that there would exist a conflict of interest if the teacher (in that case, the Food Inspector/Sanitarian)

would have decision-making authority over the student (the food operator).

Nevertheless, teaching *per se* does not violate the Ordinance as long as it is unrelated to the employee's official duties, and the employee does not exercise supervisory or regulatory authority over his students. Case No. 91103.A.

However, in the question you posed, the City Food Inspectors would be paid by a third party (Harold Washington College) to render "advice and assistance" on what the City pays them to do. If these City Food Inspectors instruct this course to these students, it would also provide those students with "insider information," that would not be available to other students not instructed by a City Food Inspector. Lastly, and most importantly, because the City Food Inspectors would have decision-making authority over the summer festival food operators, some of which would include their students, it poses a conflict of interest.

For these reasons, it is our conclusion that the Governmental Ethics Ordinance would prohibit CDPH food sanitarians from receiving compensation for teaching a certification course to summer festival food operators at Harold Washington College.

Please keep in mind that if the specific facts of the question posed change, you may certainly contact this office again for consideration of any new facts.

Ana

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**From:** [REDACTED]  
**Sent:** Friday, April 20, 2012 10:28 AM  
**To:** Collazo, Ana  
**Subject:** Health Dept Inquiry

Hi Ana -

This is in follow-up to the dual employment issue that we discussed. As you recall, two of my staff had made a dual employment request to teach a food service sanitation class at Harold Washington College. Following your review of this issue, you determined this teaching would be in violation of city personnel rules. After informing my staff of your recommendation, and after my denying their requests for such dual employment, these staff requested to 'have something writing' that would inform them of why this recommendation was made.

Can you please provide this? I think an email referencing the two personnel rules that you based your recommendation on would be sufficient. I can then pass this on to my staff.

Thanks, Cori