*Confidential*

[Redacted]

Re:  Case No.: 15047.Q

Dear [Redacted]:

You requested that the Board of Ethics advise you as to whether the precautions you listed in your email to our Executive Director sufficiently guard against potential conflicts of interest between your City of Chicago (the “City”) position, , and your volunteer board position with [Non-profit organization O].

Based on the information you provided in that email, we advise you that you are indeed subject to the restrictions in that email, but we also wish to advise you of several more. In addition to owing a fiduciary duty to the City and knowing that you must “recuse on both ends” from any work that comes before you involving [O] , or in your [position with O] capacity, that involves the City, please be advised that:

(i) Under §2-156-090(a), entitled “Representation of other persons,” you are, as a City employee, prohibited from “representing” any third party, such as [O] , in any formal or informal transaction before any City department, agency, employee, or official (or from being paid for such representation).  Given that [O] is a delegate agency on several City grants, this means that you may not sign any documents to be submitted to the City or its departments or agencies (note that this prohibition does not apply to formal or informal transactions before the City’s “sister agencies,” such as the Chicago Park District or Chicago Public Schools, because they are not agencies or department of the City), nor seek to communicate or promote [O’s] interests before or to any City department, agency, employee or official, including attending or speaking at face-to-face meetings, making telephone calls, or sending emails to a City department or agency (*See* Case no. 06037.Q);

(ii) Under §2-156-060, you may not use City resources for non-city purposes;

(iii) Under §2-156-070, you may not use or disclose confidential or non-public City information in your volunteer service; and

(iv) Under the Board’s case law, you may permit the use of your name on [O’s ] letterhead, even if it is for fundraising, but we advise that you not use your City title for purposes unrelated to your City duties (*See* Case 96032.A); and, as you already recognize, under §2-156-142(h), you cannot solicit funds on the [O’s] s behalf from any person who has matters pending before [your City department].

Should your volunteer position become a paid position, then you would also need to file, and have approved by your department head, a dual employment form, pursuant to the City’s Personnel Rules.  I have also included the Board’s brochure on volunteer activities for your reference.

Our conclusions and advice are based solely on the application of the City’s Governmental Ethics Ordinance to the facts stated in your email and in this letter.  If these facts are incorrect or incomplete, please notify us immediately, as any change may alter our conclusions. Please note that other laws or rules may apply to this situation, and that a City department may adopt and impose rules or policies stricter than those contained in the Governmental Ethics Ordinance.

We sincerely appreciate your bringing this matter to our attention and your concern to abide by the standards embodied in the Ethics Ordinance.  If you have any further questions, please call or email either of us.

Sincerely,

[signed]

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Ana Collazo

Attorney

Approved:

[signed]

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Steven I. Berlin

Executive Director