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[REDACTED]

**C O N F I D E N T I A L**

City of Chicago  
Richard M. Daley, Mayor

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Re: Case No. 97001.Q

Dear Mr. [REDACTED]:

On [REDACTED], you called and wrote the Board of Ethics to ask for a written opinion on whether the Governmental Ethics Ordinance prohibits you from working on a project for the Chicago Board of Education. Board of Ethics staff advised you by telephone that, based on the facts you presented, we concluded that nothing in the Ethics Ordinance prohibits your work on the project. However, staff advised that you should be aware of the Ordinance provisions that could restrict your outside work. This letter confirms staff's oral advice.

In your City position, you are the [REDACTED] [REDACTED] Coordinator and the [REDACTED] [REDACTED] Officer for the Office of [REDACTED] [REDACTED]. As you described it, your job involves keeping records of the Ethics Disclosure Statements filed by, among others, aldermen, department heads and those seeking [REDACTED] franchises. You also handle public relations work for the department and coordinate the City's inspection of the [REDACTED] [REDACTED] at City schools, libraries, fire departments, and police departments.

You said you do occasional free-lance television production, and have been asked to submit a proposal to the Board of Education (now the Chicago School Reform Board of Trustees, or "School Board") for a television program about the schools. You would create, write and produce the program in your non-City time, and be paid by the Board. The program is to be broadcast over Cable Channel 21, which the Board uses courtesy of the Chicago Access Corporation (CAC), a nonprofit organization created by the cable companies' franchise agreements with the City, and paid for by the cable companies. You said that while the Office of [REDACTED] has some dealings



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with the School Board, in your job, you do not; those dealings are handled by another division within the [redacted] office. Your only City work related to the City schools, you said, is coordinating inspection of the [redacted]. You said you make no decisions in your City job about Channel 21 or the Chicago Access Corporation.

It is the Board staff's opinion from the facts you have presented that nothing in the Ethics Ordinance prohibits you from working on the proposed project.

Staff discussed with you two provisions in particular. First, as we discussed, the School Board is not a City agency for purposes of the City's Ethics Ordinance (Case nos. 90013.A and 95022.Q). The Governmental Ethics Ordinance prohibits a City employee from having a "financial interest" in a contract, work or business of the City "whenever the expense . . . is paid with funds belonging to or administered by the City, or is authorized by ordinance." Section 2-156-110.<sup>1</sup> Because the School Board is not a City agency, this provision does not affect your ability to do outside work for the School Board, provided that the expense of your work is not paid for with funds belonging to or administered by the City, and is not authorized by Ordinance.

Second, staff discussed Section 2-156-080, "Conflicts of Interest," which prohibits an employee from making or participating in decisions with respect to any matter in which the employee has an economic interest distinguishable from that of the general public. Under the Ethics Ordinance, a City employee who is paid for work outside the employee's City job has an "economic interest" in the outside employer. The facts you presented indicate that you make no decisions in your City job about your potential outside employer, the School Board, or its programming, and no decisions that affect your project in any way. Under these facts, therefore, your proposed work on the project you describe is not prohibited by the "Conflicts of Interest" provision of the Ordinance.

As staff has advised you orally, you also should be aware of the other provisions that are relevant to City employees who work part-time outside their City jobs.

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<sup>1</sup> A "financial interest" is defined in part as an interest as a result of which the owner receives or is entitled to receive in the future more than \$2,500 a year. Section 2-156-010(1).

EMWS

EMWS

Case No. 97001.Q

Page 3

Section 2-156-030, entitled "Improper Influence", in addition to the restrictions of Section 2-156-080, discussed above, prohibits you as a City employee from attempting to influence any City action or decision in which you know or have reason to know that you have an economic interest distinguishable from its effect on the public generally.

Section 2-156-050, "Solicitation or Receipt of Money for Advice or Assistance," prohibits you from soliciting or accepting money or anything of value in return for advice or assistance on matters concerning the operation or business of the City.

Section 2-156-090, "Representation of Other Persons," prohibits you from representing or acting as a spokesperson for any person or entity other than the City in any formal or informal proceeding or transaction before any City agency in which the agency's action or non-action is discretionary in nature.

Section 2-156-060, "City-Owned Property," prohibits you from engaging in or permitting the unauthorized use of any City property.

Finally, Section 2-156-020, "Fiduciary Duty," obligates you to use your City position responsibly and prohibits you from using your City time, resources, position, or title to obtain a personal benefit or to promote a private interest; and Section 2-156-070, "Confidential Information," prohibits you from disclosing or using confidential information gained in the course of, or by reason of, your City employment.

Additionally, you asked about how the Ethics Ordinance affects your ability to do free-lance television programming for the Cook County Forest Preserve District and the Chicago Park District. Like the School Board, neither the Cook County Forest Preserve District nor the Chicago Park District are City agencies (See Case Nos. 95004.A and 90013.A). Therefore, the Ordinance prohibition against an employee having a financial interest in a contract, work or business of the City does not affect your ability to work for these districts, as long as the expense of your work for them is not paid with funds belonging to or administered by the City, or authorized by ordinance (Section 2-156-110).

As a City employee who carries out [redacted] projects for those districts, or other outside employers, your conduct must also, of course conform to the other provisions of the Ethics Ordinance, the most pertinent of which are those mentioned above. Those provisions are also set forth in the "checklist"

EMW

Case No. 97001.Q

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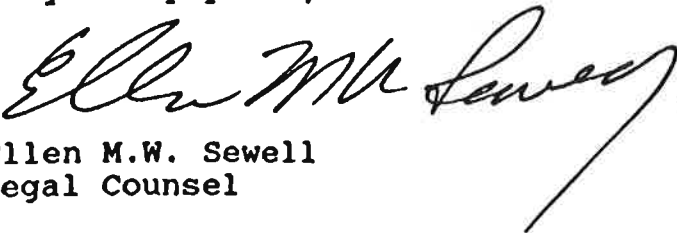
Page 4

titled "Restrictions Concerning Outside Employment or Business Activities of City Employees," which staff sent you. If you have questions about any particular project, please contact Board staff, and we would be happy to provide advice based on the facts of that project.

Our conclusion is based solely on our application of the Governmental Ethics Ordinance to the facts stated in this letter. Other rules or laws may apply to your situation, such as Personnel Rule XX, Section 3, and Rule XVIII, Section 1, no.43. Also, a City department may adopt and impose rules stricter than those contained in the Ethics Ordinance. If any of the facts presented here are incorrect or incomplete, please notify us immediately, as a change in the facts may alter our opinion.

We appreciate your bringing this matter to our attention, and your concern to abide by the standards of the Ethics Ordinance. We enclose a copy of the Ordinance for your reference. If you have any further questions, please do not hesitate to contact us.

Very truly yours,



Ellen M.W. Sewell  
Legal Counsel

Approved:



Dorothy J. Eng  
Executive Director