

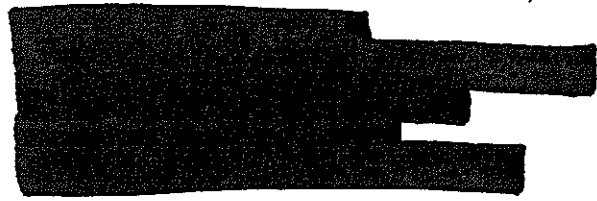
MEH



City of Chicago
Harold Washington, Mayor

February 19, 1988

Board of Ethics
Harriet McCullough
Executive Director



Sol Brandzel
Chair
Rev. Don Benedict
Margaret Carter
Angeles Eames
Rev. A. Patterson Jackson
Mary Milano
Marlene Rankin

CONFIDENTIAL

- Case Number 87086.A

Suite 1320
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

Dear [REDACTED]

This letter is in response to your inquiry concerning the proposed outside employment of your assistant, [REDACTED]. According to the information you have given us, [REDACTED] would like to work part-time assisting persons who wish to [REDACTED]

complete applications. He would be performing these services in addition to his full-time work in your office. It is our understanding that this part-time work would involve providing services for profit which are similar, if not identical, to the services he currently provides to the public, free of charge, as an employee of the City's [REDACTED]

The Board advises that [REDACTED] should not engage in this employment in addition to his City job since this arrangement creates the potential for a conflict of interest and might violate certain provisions of the Ethics Ordinance.

Especially relevant in this case is Section 26.2-5 of the Ethics Ordinance which states that:

No official or employee... shall solicit or accept any money or other thing of value... in return for advice or assistance concerning the operation or business of the City; provided, however, that nothing in this section shall prevent an official or employee... from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities rendered as part of his or her non-City employment occupation or profession.



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This section prohibits an employee from accepting money for advice or assistance concerning the business of the City if the services provided are in any way related to the employee's City responsibilities. [REDACTED] part-time employment would involve assisting persons in meeting the requirements [REDACTED]. Such services are also provided by the City through the [REDACTED] and are fundamental to [REDACTED] responsibilities as an employee of that agency. Consequently, [REDACTED] part-time work would involve assistance concerning City business which is not wholly unrelated to his City responsibilities. If [REDACTED] accepts money for these services from private clients, he would be held in violation of the Ethics Ordinance Section cited above.

In addition to this section of the Ordinance pertaining to outside employment, there are general provisions governing employee conduct which are relevant to [REDACTED] circumstances. Under the Ordinance, City employees have a general obligation to uphold the interests of the City and the public it serves. Section 26.2-2 states that "officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City." The employment arrangement [REDACTED] proposes creates the potential for a conflict of interest and a breach of fiduciary duty. By engaging in part-time employment which involves services similar to those he provides for the City, [REDACTED] would have the opportunity to recommend that the public obtain assistance with [REDACTED] through the private consulting services which he provides rather than obtaining such assistance from the City. Although the Board has no reason to conclude that [REDACTED] has any intention of using his City job as a means of promoting private interests, it is the opinion of the Board that regardless of an employee's intentions in accepting outside employment, it is not prudent to intentionally create a situation in which conflicts of interests can arise.

We recommend that [REDACTED] refrain from engaging in part-time employment under the circumstances described since the proposed arrangement would violate Section 26.2-5 of the Ethics Ordinance, and it creates the potential for a conflict of interest situation contrary to the ethical standards established by Section 26.2-2. Please note, however, that the Ethics Ordinance does not prohibit [REDACTED] from assisting persons filing [REDACTED] if he performs these services after working hours without receiving compensation. The Ordinance provisions concerning outside employment pertain exclusively to situations in which a City employee or official maintains an economic interest in work outside his or her City job which is in some way related to that employee's City responsibilities.

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[REDACTED]

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We very much appreciate your inquiry. Please do not hesitate to contact us if you have further questions regarding this or any related matter.

Sincerely,

S. Brandzel J.H.

S. Brandzel
Chairman

JH/jh [REDACTED]