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April 10, 1991

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

[REDACTED]
[REDACTED]
[REDACTED]

**Re: Post-Employment
Case No. 91042.A**

Dear [REDACTED]

The Board of Ethics received your telephone request on April 4, 1991, and your written request on April 9, 1991, asking if your employment in a position with a real estate management company would violate the Governmental Ethics Ordinance. Based upon the facts you presented, the Board determines that your employment in the position you described would not be in violation of the Ordinance. We appreciate your bringing this matter to the Board's attention and your effort to follow the ethical standards embodied in the Ordinance. This letter sets forth the facts of your case and the Board's analysis of those facts according to the applicable provisions of the Ordinance.

FACTS: You were employed in three different positions with the City of Chicago Department of General Services from [REDACTED] to [REDACTED]. The first position was that of [REDACTED] in the Bureau of Asset Management in the Real Estate Division. In that capacity, under the direction of a supervisor or asset manager, you would make appointments, contact landlords, attend negotiations related to leasing arrangements, gather necessary information and documentation, perform any necessary research, and acquire proper signatures for the execution of leases. You also coordinated office staff. Your second position was in [REDACTED] where you first held the title of [REDACTED], and later of [REDACTED]. In this office, you were responsible for participating in on-site visitations to properties that were leased or owned by the City. Your duties were to evaluate these sites by calculating their size, documenting the number of persons occupying the space, noting management of



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space usage, and drafting maps showing space layout. Your third position, for the last [REDACTED] of your City employment, was that of [REDACTED] in the Bureau of Inventory Management where you [REDACTED]

Your duties included taking inventory of supplies, cross-checking supplies with vendors' purchase orders, billing salvage contractors who participated in the City's abandoned auto program, and monitoring the City agency's spending to assure that it stayed within its budget limits. In none of these positions did you have any decision-making authority.

After your City employment, you were hired by [REDACTED] to manage a 196-unit low-income housing property. At this time, you are interested in acquiring a position with the commercial real estate management company that is submitting a bid to the Department of General Services for the management of the new Harold Washington Library. Your work for this company, if it is successful in its bid with the City, would involve assisting a broker in the management of the library. You would be responsible for leasing space in the library for special events. Specifically, you would: (1) assist the broker in marketing the space available to possible food vendors, (2) prepare the leases for the space, following company guidelines, and (3) keep the schedule of events to be held there. You told us that you have had no involvement in the company's preparation of the bid to be submitted to the Department of General Services.

THE ETHICS ORDINANCE: Section 2-156-100(b) of the Ethics Ordinance, which applies to post-City employment, states:

No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

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Section 2-156-010(g) defines "contract management authority:"

"Contract management authority" means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

According to these sections, a former City employee is subject to two restrictions on employment after leaving City service, a one-year prohibition and a permanent prohibition. A former City employee is prohibited, for one year after leaving City service, from assisting or representing any person in any business transaction involving the City if (1) the transaction involves a subject matter or area of City business in which the person participated as a City employee; and (2) the person's participation in this subject matter or area was personal and substantial. A former City employee is prohibited permanently from assisting or representing someone in a business transaction involving the City if (1) the transaction is a contract; and (2) the person exercised "contract management authority," as defined above, with respect to this particular contract while acting as a City employee.

ANALYSIS: Although you worked for the Department of General Services, which is the agency that will award the bid and be ultimately responsible for the library, it appears from the facts presented that you were not personally or substantially involved during your City employment in any matters that will relate to your potential employment with the management company for the Harold Washington Library. Therefore, the one-year restriction does not apply to this position.


In addition, you were not involved during your employment with the Department of General Services in the formulation or execution of the bid or potential contract between the City and the management company. Therefore, the permanent prohibition also does not apply in this case.

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CONCLUSION: Based on the facts presented, the Board of Ethics determines that your employment in the position with the real estate management company that you described to us would not constitute a violation of the Ethics Ordinance.¹ Be advised that this determination pertains only to the position you described, and may not be applicable to any other position.

Thank you again for bringing this matter to our attention. We enclose a sheet which sets forth the Board's standard procedures after it renders a decision. If you have any further questions regarding this matter or some related issue, please do not hesitate to contact us.

Sincerely,


Albert Hofeld
Chair

encl

cc: Kelly Welsh
Corporation Counsel

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jgj/91047.L

¹ The Board's determination in this case is based upon the facts as presented in this letter. If they are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our decision.

NOTICE OF RECONSIDERATION AND RELIANCE

Reconsideration: This advisory opinion is based on the facts outlined in this opinion. If there are additional material facts or circumstances that were not available to the Board when it considered this case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances that are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this opinion.

Reliance: This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.