

BOARD OF ETHICS
OPEN SESSION MINUTES

April 18, 2013 - 3:07 p.m.
740 North Sedgwick, Suite 500

BOARD MEMBERS PRESENT

Stephen W. Beard, Chair
Russell F. Carlson
Mary T. Carr
Frances R. Grossman
Hon. Julia M. Nowicki

STAFF PRESENT

Steven I. Berlin, Executive Director
Lisa S. Eilers, Deputy Director
Richard J. Superfine, Legal Counsel
Ana Collazo, Attorney/Investigator
Edward Primer, Program Director
Jef Johnson, Coordinator of Special Projects

BOARD MEMBERS ABSENT

Hon. Michael J. Gallagher
Daisy S. Lezama

ATTENDEE PRESENT

Pat Doerr, Registered Lobbyist

The members present (Stephen W. Beard, Hon. Michael J. Gallagher and Daisy S. Lezama, absent) elected Russell F. Carlson to act as Chair *Pro Tem*.

I. APPROVAL OF MINUTES

The Board VOTED 4-0 (Stephen W. Beard, Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to approve the Open Session Minutes of the March 20, 2013 meeting.

II. CHAIR'S REPORT

Deferred.

Note: Board Chair Stephen W. Beard joined the meeting at 3:23 p.m. and resumed his office as Chair from the Chair *Pro Tem* Russell F. Carlson.

III. EXECUTIVE DIRECTOR'S REPORT

A. EDUCATION-CLASSES

Since the last Board meeting, we have held 2 classes in our offices (on March 28 and April 11), and 2 classes for new employees, hosted by the Laborers International 1001 (bringing to 11 the total held in 2013 to date). A total of 59 City employees and one alderman attended.

There are currently 40 employees scheduled to attend classes on April 25 and May 9.

In addition, at the invitation of Board member Fran Grossman, I will be doing a presentation to a class in urban planning at the UIC on April 24. I will also be doing a presentation for the Federal Bar Association on June 12.

B. LOBBYISTS

As of today's date, we have 640 registered lobbyists, and have collected \$302,375 in registration fees. The next quarterly reporting period ended on March 31, and lobbyists' quarterly reports are due by April 20 (actually April 22, as April 20 is a Saturday). On March 30, our ELF system sent reminder notifications to all registered lobbyists regarding the April 22 deadline. To date, we have received and processed 329 reports.

To date, 84 lobbyists have completed the training program.

C. ON-LINE TRAINING

Education Director, Edward Primer is currently working with the Department of Innovation & Technology to have the 2013 all-employee training posted next week. It will include graphics and three short films.

D. STATEMENTS OF FINANCIAL INTERESTS

As of 2:30 p.m. today, 2195 employees and officials have filed Statements of Financial Interests, as required by law. This puts the City at 64% compliance. By law, on April 1, a reminder notification was sent to all persons who had not yet filed, and lists of filers and not yet filers were sent to all Department Heads and Ethics Officers. We will send further reminders on May 15.

Those who fail to file by May 31, 2013 are subject to a \$250 per day fine and to their names being made public.

E. UPDATED AND NEW EDUCATIONAL BROCHURES

Staff has completed and posted on our website revisions to the following 9 "Plain English" guides:

- A Plain English Guide to the Ethics Ordinance For Businesses and City Contractors
- Ethics in City Government: A Plain English Guide for City employees and officials
- City of Chicago Board of Ethics: A general guide for the public
- A Plain English Guide for Appointed Officials of Boards and Commissions
- A Plain English Guide to Chicago's Post-Employment ("Revolving Door") Restrictions
- Gifts Between Co-Workers: A Plain English Guide
- Contracting With the City of Chicago - A Plain English Guide for City Employees and Officials
- Political Activity: A Plain English Guide for City Employees and Officials
- A Plain English Guide to Volunteering for Outside Organizations

Further guides planned are a new “A Plain English Guide to Investigations, Enforcement and Settlement Procedures,” including an employee “bill of rights,” and an updated “A Plain English Guide to Being Lobbied.”

F. BOARD’S RULES & REGULATIONS

Staff is continuing its push to revise the agency’s Rules & Regulations (last amended in February 2010). We have a meeting scheduled for April 29 with the Chair and Board member Fran Grossman.

G. ILLINOIS FREEDOM OF INFORMATION ACT

Since the last Board meeting, the office received 1 new request under the Freedom of Information Act, for records related to the new ward maps. This agency had no responsive records and so advised the requestor.

H. NEW ORDINANCE

Staff is in the process of creating an engrossed version of the Ordinance that will take effect on July 1, 2013. It will be posted on our website.

Pat Doerr, Registered Lobbyist, introduced himself at 3:30 p.m. and was excused by the Chair.

IV. DEPUTY DIRECTOR'S REPORT

None.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

None.

The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to adjourn into Executive Session at 3:33 p.m. under 5 ILCS 120/2(c)(1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

THE RECONVENED OPEN SESSION

After the Executive Session, the Open Session of the meeting reconvened at 4:29 p.m.

VII. MATTERS CONSIDERED BY THE BOARD IN EXECUTIVE SESSION

I. APPROVAL OF EXECUTIVE SESSION MINUTES

The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to approve the minutes of the March 20, 2013 meeting in executive session.

II. CASES

A. Advisory Opinions

1. Case Nos. 12067.1.A and 12067.2.A, Part III Limitations on Solicitations of Donations

After reviewing Part III of this combined case, the Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent), under **amended** §2-156-142 of the Governmental Ethics Ordinance, when it takes effect that, aldermen may solicit donations to non-profit organizations from companies doing business with the City, subject to the limitations set forth in new subsection (h) of §2-156-142.

2. Case No. 12072.A, Representation, Fiduciary Duty

The Board discussed staff's report about the status of a reconsideration request from a City employee with respect to an issued Board opinion. The employee resigned and withdrew the request for reconsideration, thus there was no Board vote on the matter.

3. Case No. 13018.A, City Agency

The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to approve staff's recommendation that two boards were not City agencies and to adopt staff's advisory opinion and letter to the requestor memorializing the Board's determinations.

B. Dismissed/Referred Complaint Report

4. Case No. 13016.C, No Jurisdiction

The Board discussed staff's report about an anonymous complaint alleging misuse of City resources over which the Board had no jurisdiction because the complaint was anonymous, and which the staff referred to the Office of Inspector General. The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to approve staff's recommendations.

5. Case No. 13019.C, Misuse of Position

The Board discussed staff's report about an anonymous complaint alleging misuse of City position over which the Board had no jurisdiction because the complaint was anonymous, and which the staff referred to the Office of Inspector General. The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to approve staff's recommendations.

6. Case No. 13020.C, Possible Fraud

The Board discussed staff's report about an anonymous complaint alleging possible residency violations, and possible fraud committed by a City employee, over which the Board had no jurisdiction because the complaint was anonymous, and which the staff referred to the Office of Inspector General. The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to approve staff's recommendations.

C. Statements of Financial Interests

Employees – Cases to be Vacated

7. Case No. 12044.275.FIS, Vacate

8. Case No. 12044.285.FIS, Vacate

Staff reported that the employees named in the cases were determined to be in violation of the Ethics Ordinance for failing to timely file their 2012 Statements of Financial Interests ("FIS"). Staff reported that it was just recently informed that these employees were on leave for much of 2012 until now. The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to vacate these determinations, and close these two cases.

Appointed Official – Case to be Closed

9. Case No. 12045.15.FIS, Close

Staff reported that, at the Board's August 12, 2012 meeting, the appointed official named in this case was determined to be in violation of the Ethics Ordinance for failing to timely file the 2012 Statements of Financial Interests ("FIS"). Staff reported that the official filed his FIS and that staff received a report from the Mayor's office regarding its actions. The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to close the case.

D. Lobbying

10. Case No. 13017.01.LOB, Determination of Violation

11. Case No. 13017.02.LOB, Determination of Violation

12. Case No. 13017.03.LOB, Determination of Violation

13. Case No. 13017.04.LOB, Determination of Violation

14. Case No. 13017.05.LOB, Determination of Violation

15. Case No. 13017.06.LOB, Determination of Violation

The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to approve staff's recommendations that six lobbyists be found in violation of the Ordinance for failure to (timely) file or pay for statements of registrations and adopt staff's recommendations to sanction the lobbyists pursuant to the Ordinance.

III. OTHER BUSINESS

E. Semi-Annual Review of the Confidentiality of Executive Session Minutes under the Illinois Open Meetings Act

The Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to confirm that the Executive Session Minutes of the Board from August 1987 to March 2013 remain confidential, on the ground that the need for confidentiality still exists as to those minutes, with the exception of those that have already been made publicly available by vote of the Board.

At 4:41 p.m., the Board VOTED 5-0 (Hon. Michael J. Gallagher and Daisy S. Lezama, absent) to adjourn the meeting.