BOARD OF ETHICS OPEN SESSION MINUTES

February 20, 2013 - 3:12 p.m. 740 North Sedgwick, Suite 500

BOARD MEMBERS PRESENT

STAFF PRESENT

Stephen W. Beard, Chair Russell F. Carlson Mary T. Carr Hon. Michael J. Gallagher Daisy S. Lezama Hon. Julia M. Nowicki Steven I. Berlin, Executive Director Lisa S. Eilers, Deputy Director Richard J. Superfine, Legal Counsel Ana Collazo, Attorney/Investigator Paully Casillas, Staff Assistant

Frances R. Grossman (Present via teleconference)

ATTENDEES

Lobbyists and their representatives

John Piera Thomas Murphy Norma Reyes Michael Broderick Margaret Meiser Matthew Coughlin James Robinson <u>Member from Inspector General</u> Keith Lebed

<u>City Employee</u> Robert Poklacki

The attendees identified themselves at the beginning of the Board meeting.

I. APPROVAL OF MINUTES

The Board VOTED 7-0 to approve the Open Session Minutes of the January 23, 2013 meeting.

II. CHAIR'S REPORT

Deferred.

III. EXECUTIVE DIRECTOR'S REPORT

A. Amendments To The Ordinance

I would like a few minutes to comment on the February 13 passage of the amendments to the Ethics Ordinance based on Part II of the Task Force's Report. As Executive Director of the Board of Ethics, I was granted the privilege and honor of being involved in this initiative. My involvement (which has occupied about one third of my time since early December), and the Board's generally, is not something I or the Board can take for granted, and we are grateful for it, for it makes a better and fairer law for the citizens and employees and officials of the City. I attended several meetings, handled several all-day aldermanic briefings, and testified before the City Council's Rules and

Ethics Committee several times. I appreciate very much the chance to share my expertise and experience with my colleagues in the Mayor's Office, Law Department and City Council. I take personal pride in this effort, and believe that, despite some media reports to the contrary, the City has accomplished something very important. What was passed is revolutionary. Names of investigated employees, officials and contractors will be made public for the first time. This is a huge move toward accountability, and should help counter the unfortunate and incorrect notion that this agency is a "do-nothing agency." Board adjudications, due process—those are critically important, and long overdue reforms for this City. These reforms were unfortunately drowned out by the focus on "anonymous complaints," but there are good reasons to be proud. The point of these amendments is transparency, due process and efficiency. Although anonymous complaints with respect to elected officials are best practice nationwide (although by no means universal), I, as Executive Director, remain confident that, as the system just passed gains a foothold, trust in the integrity of the Board and the two IGs will grow. These are preconditions for the time--and that time will come--when the Council will see that allowing anonymous complaints to be investigated is the right thing to do.

In the interests of time, I will not go over highlights of the changes recently adopted, all of which take effect on July 1, 2013, until Closed Session.

B. <u>Education-Classes</u>

Since the last Board meeting, we have held 3 classes in our offices, two classes for Building Department personnel, two classes for new employees, hosted by of the Laborers International 1001, and one class for Senior Staff of the Chicago Public Library. A total of 256 City employees attended. There are currently 55 employees and one incoming aldermen scheduled to attend classes on February 28, March 14 and March 28.

C. Lobbyists

As of today's date, we have 601 registered lobbyists for 2013, and have completed and posted activity reports from 604, and processed 47 terminations. We have collected \$272,575 in registration fees. We have 127 lobbyists who made a filing late, or who have still not completed their re-registrations or activity reports, and 8 who failed to re-register or terminate and failed to file activity reports altogether. These 135 will be the subject of further discussion and action in closed session.

D. Statements of Financial Interests

For 2012, we had 14,576 required filers (all City employees or officials—14,277 of them were required to file by May 31). To date, 14,410 filed. This puts us at 99.7% compliance. Those who didn't file by May 1 were determined to have violated the law, and still must pay a \$20 filing fee—and many have been disciplined by their departments. We collected \$25, 420 in late fees.

We have identified all 3,500 filers of 2013 Statements of Financial Interests. However, we are still working on the complex programming necessary to change the EFIS system over to the new criteria for handling filers of annual Statements. Due to programming changes to the EFIS system, and the necessity for the Department of Innovation & Technology to complete user testing, filers will not

be able to file electronically until the third week of March, though all will receive notice of their requirement to file on March 1 (most by email), and will be able to file in paper form at that time. We will then send notices to those who have not filed

Under the new law, forms must be filed by May 31, 2013, and those who fail to file are subject to a \$250 per day fine and to their names being made public.

E. 2012 On-line Ethics Training: Final Numbers

29,764 employees and officials had completed the 2012 annual training program by the close of 2012, as required by law. An additional 347 completed their training in January 2013. There still remain an additional 6, all employees, who have yet to complete their training, putting the City at 99.998% compliance currently, and 98.83% as of January 1, 2013, the statutory deadline. They too will be the subject of further discussion in closed session.

Staff intends to have drafts of the 2013 trainings ready for Board review at its March 2013 meeting.

F. Sister Agencies' Roundtable

The next meeting of the ethics officers from the CTA, CPS, CCC and CHA will be March 19.

G. Mayor's Small Business Advisory Council Policy

Last week, we were asked by the Mayor's Office and the Law Department to draft an ethics/conflict of interests policy for the appointees to this advisory council. We did so and delivered it today. We opined that this is not a City agency, and thus its members are not subject to the Governmental Ethics Ordinance. Thus, this policy is in the form of an agreement.

H. Building Department Policy

At the request of the Commissioner, we are revamping the internal conflicts of interests and gift policies imposed by the Department on its employees. They are stricter than the rules contained in the Ordinance.

I. Board's Rules & Regulations

Staff is now making a push to revise the agency's Rules & Regulations (last amended in February 2010). We now know the latest Ordinance amendments and will have these ready by July 1, 2013, the law's effective date, and ready for Board review at the May 2013 meeting.

J. <u>Illinois Freedom of Information Act</u>

For the third time in the past 5 years, since the last regularly scheduled Board meeting, the office has received no new request under the Freedom of Information Act.

IV. DEPUTY DIRECTOR'S REPORT

Deputy Director Lisa Eilers indicated that she is working on a Board newsletter that would be published on a periodic basis. In connection with this work, she has been reviewing ethics newsletters from jurisdictions across the country. She asked that Board members please provide her with any ideas they have regarding format and content.

V. <u>OLD BUSINESS</u>

None.

VI. NEW BUSINESS

None.

The Chair read the items on the Open Session Agenda, and excused the attendees until those wishing to address the Board should be called; the Inspector General's representative did not remain.

The Board VOTED 7-0 to adjourn into Executive Session at 3:50 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 5:54 p.m.

Two of the lobbyist attendees rejoined the meeting during the reconvened open session.

VII. MATTERS CONSIDERED BY THE BOARD IN EXECUTIVE SESSION

I. APPROVAL OF EXECUTIVE SESSION MINUTES

The Board VOTED 7-0 to approve the minutes of the January 23, 2013 meeting in executive session.

II. <u>CASES</u>

A. Advisory Opinion

1. Case No. 12072.A, Representation

The Board discussed a draft advisory opinion addressing a case involving a City employee's representation of a matter before a City agency, breach of fiduciary duty, and misuse of City position. The Board VOTED 6-0 (Russell Carlson abstaining) to approve and issue the opinion, and determined that the employee violated multiple provisions of the Ordinance, and to recommend discharge and department consultation with the law department regarding possible legal implications of the employee's actions.

B. Office of the Legislative Inspector General

2. Case No. 12008.OLIG

Staff reported on an alderman's response to the Board's disciplinary recommendation of a 30-day suspension for an aldermanic staff employee found to have violated the Ethics Ordinance based on an investigation conducted by the Legislative Inspector General. Staff reported that the alderman imposed a 15-day unpaid suspension. The Board VOTED 7-0 to approve staff's report.

C. Statements of Financial Interests

Employees – 2012 Cases to be Closed

- 3. Case No. 12044.421.FIS
- 4. Case No. 12044.424.FIS
- 5. Case No. 12044.427.FIS
- 6. Case No. 12044.428.FIS
- 7. Case No. 12044.430.FIS
- 8. Case No. 12044.432.FIS
- 9. Case No. 12044.434.FIS
- 10. Case No. 12044.436.FIS
- 11. Case No. 12044.438.FIS

Staff reported that these employees were found in violation of the Ethics Ordinance for failing to timely file the 2012 Statements of Financial Interests ("FIS") at the August 15, 2012 Board meeting. Staff reported these employees subsequently filed their FIS, and staff received a report from their City department regarding discipline imposed. The Board VOTED 7-0 to close the above listed cases.

D. Lobbying

- 12. Case No. 12046.46.LOB, Request to Vacate Suspension and Fine Determination
- 13. Case No. 12041.47.LOB, Request to Vacate Fine Determination

These two cases involved the same former lobbyist, albeit under two different provisions of the Ordinance (late filing of the January through June, 2012 activity report and non-completion of the mandatory annual 2011-2012 lobbyist training). The Board considered this lobbyists written statement, and previous determinations that he violated those

provisions and sanctions imposed. The Board considered the lobbyist's response and VOTED 7-0 not to modify its most recent determinations of violations or fines.

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14.
      Case No. 13004.01.LOB
                              64.
                                    Case No. 13004.51.LOB
                                                                   Case No. 13004.101.LOB
                                                             114
15.
      Case No. 13004.02.LOB
                              65.
                                    Case No. 13004.52.LOB
                                                             115.
                                                                   Case No. 13004.102.LOB
16.
      Case No. 13004.03.LOB
                              66.
                                    Case No. 13004.53.LOB
                                                                   Case No. 13004.103.LOB
17.
      Case No. 13004.04.LOB
                              67.
                                    Case No. 13004.54.LOB
                                                             117.
                                                                   Case No. 13004.104.LOB
18.
      Case No. 13004.05.LOB
                              68.
                                                                   Case No. 13004.105.LOB
                                    Case No. 13004.55.LOB
                                                              118.
19.
      Case No. 13004.06.LOB
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20.
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      Case No. 13004.07.LOB
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                                    Case No. 13004.57.LOB
21.
      Case No. 13004.08.LOB
                              71.
                                    Case No. 13004.58.LOB
                                                              121.
                                                                   Case No. 13004.108.LOB
      Case No. 13004.09.LOB
22.
                              72.
                                    Case No. 13004.59.LOB
                                                              122.
                                                                   Case No. 13004.109.LOB
23.
      Case No. 13004.10.LOB
                              73.
                                                              123.
                                                                   Case No. 13004.110.LOB
                                    Case No. 13004.60.LOB
                              74.
24.
      Case No. 13004.11.LOB
                                    Case No. 13004.61.LOB
                                                              124.
                                                                   Case No. 13004.111.LOB
                              75.
25.
      Case No. 13004.12.LOB
                                    Case No. 13004.62.LOB
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                                                                   Case No. 13004.112.LOB
26.
      Case No. 13004.13.LOB
                              76.
                                    Case No. 13004.63.LOB
                                                              126.
                                                                   Case No. 13004.113.LOB
                              77.
27.
      Case No. 13004.14.LOB
                                    Case No. 13004.64.LOB
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                                                                   Case No. 13004.114.LOB
                              78.
28.
      Case No. 13004.15.LOB
                                    Case No. 13004.65.LOB
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                                                                   Case No. 13004.115.LOB
                              79.
29.
      Case No. 13004.16.LOB
                                    Case No. 13004.66.LOB
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30.
      Case No. 13004.17.LOB
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31.
      Case No. 13004.18.LOB
                              81.
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32.
      Case No. 13004.19.LOB
                              82.
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33.
      Case No. 13004.20.LOB
                              83.
                                    Case No. 13004.70.LOB
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34.
      Case No. 13004.21.LOB
                              84.
                                    Case No. 13004.71.LOB
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35.
                              85.
      Case No. 13004.22.LOB
                                    Case No. 13004.72.LOB
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      Case No. 13004.23.LOB
                              86.
                                    Case No. 13004.73.LOB
                                                                   Case No. 13004.123.LOB
36.
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37.
      Case No. 13004.24.LOB
                              87.
                                    Case No. 13004.74.LOB
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38.
      Case No. 13004.25.LOB
                                    Case No. 13004.75.LOB
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                                                                   Case No. 13004.125.LOB
39.
                              89.
      Case No. 13004.26.LOB
                                    Case No. 13004.76.LOB
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                                                                   Case No. 13004.126.LOB
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40.
      Case No. 13004.27.LOB
                                    Case No. 13004.77.LOB
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41.
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      Case No. 13004.28.LOB
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                                                                   Case No. 13004.128.LOB
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42.
      Case No. 13004.29.LOB
                                    Case No. 13004.79.LOB
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43.
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      Case No. 13004.30.LOB
                                    Case No. 13004.80.LOB
44.
      Case No. 13004.31.LOB
                              94.
                                    Case No. 13004.81.LOB
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45.
      Case No. 13004.32.LOB
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                                    Case No. 13004.82.LOB
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                                                                   Case No. 13004.132.LOB
                              96.
46.
      Case No. 13004.33.LOB
                                    Case No. 13004.83.LOB
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                                                                   Case No. 13004.133.LOB
47.
      Case No. 13004.34.LOB
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                                    Case No. 13004.84.LOB
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                                                                   Case No. 13004.134.LOB
                                                                   Case No. 13004.135.LOB
48.
      Case No. 13004.35.LOB
                              98.
                                    Case No. 13004.85.LOB
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49.
      Case No. 13004.36.LOB
                              99.
                                    Case No. 13004.86.LOB
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                                                                   Case No. 13004.136.LOB
                               100.
                                    Case No. 13004.87.LOB
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50.
      Case No. 13004.37.LOB
51.
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      Case No. 13004.38.LOB
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                                    Case No. 13004.88.LOB
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52.
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      Case No. 13004.39.LOB
                              102.
                                    Case No. 13004.89.LOB
53.
      Case No. 13004.40.LOB
                              103.
                                    Case No. 13004.90.LOB
                                                              153.
                                                                   Case No. 13004.140.LOB
                                                                   Case No. 13004.141.LOB
54.
      Case No. 13004.41.LOB
                              104.
                                    Case No. 13004.91.LOB
                                                              154.
55.
      Case No. 13004.42.LOB
                               105.
                                    Case No. 13004.92.LOB
                                                              155.
                                                                   Case No. 13004.142.LOB
56.
      Case No. 13004.43.LOB
                               106.
                                    Case No. 13004.93.LOB
                                                              156.
                                                                   Case No. 13004.143.LOB
                                                                   Case No. 13004.144.LOB
57.
      Case No. 13004.44.LOB
                              107.
                                    Case No. 13004.94.LOB
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58.
      Case No. 13004.45.LOB
                               108.
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                                                                   Case No. 13004.145.LOB
59.
      Case No. 13004.46.LOB
                              109.
                                    Case No. 13004.96.LOB
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                                                                   Case No. 13004.146.LOB
60.
      Case No. 13004.47.LOB
                              110.
                                    Case No. 13004.97.LOB
                                                                   Case No. 13004.147.LOB
61.
      Case No. 13004.48.LOB
                              111.
                                    Case No. 13004.98.LOB
62.
      Case No. 13004.49.LOB
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                                    Case No. 13004.99.LOB
63.
      Case No. 13004.50.LOB
                              113.
                                    Case No. 13004.100.LOB
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The Board VOTED 7-0 (Julia Nowicki abstaining from Case No. 13004.92.LOB) to (i) admonish lobbyists who had filed incomplete or late documents with a formal written

warning about future conduct and their requirement to file missing documents; and (ii) determine that five lobbyists violated the Ordinance; and (iii) fine these five lobbyists and suspend their registrations because they had filed no documents with the Board at the time of the meeting, these being Case Nos. 13004.28, .35,.37,.47 and .54.LOB.

At 5:47 p.m., member Fran Grossman attending via teleconference lost connection, which was then restored.

E. Mandatory Online Ethics Training – Non Compliances

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Case No. 13001.007.TR
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                                     Case No. 13001.239.TR
                                                                    Case No. 13001.492.TR
     Case No. 13001.008.TR
                                                                    Case No. 13001.494.TR
162.
                               207.
                                     Case No. 13001.241.TR
                                                              252.
     Case No. 13001.010.TR
                               208.
                                                              253.
163.
                                     Case No. 13001.248.TR
                                                                    Case No. 13001.501.TR
     Case No. 13001.011.TR
                               209.
                                     Case No. 13001.255.TR
                                                              254.
                                                                    Case No. 13001.502.TR
164.
                               210.
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                                                                    Case No. 13001.504.TR
165.
     Case No. 13001.012.TR
                                     Case No. 13001.260.TR
     Case No. 13001.015.TR
                               211.
                                                              256.
                                     Case No. 13001.263.TR
                                                                    Case No. 13001.507.TR
                               212.
                                                              257.
167.
     Case No. 13001.018.TR
                                     Case No. 13001.283.TR
                                                                    Case No. 13001.509.TR
168.
     Case No. 13001.020.TR
                               213.
                                     Case No. 13001.289.TR
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                                                                    Case No. 13001.517.TR
                               214.
169.
     Case No. 13001.021.TR
                                     Case No. 13001.290.TR
                                                              259.
                                                                    Case No. 13001.520.TR
                               215.
170.
     Case No. 13001.024.TR
                                     Case No. 13001.292.TR
                                                              260.
                                                                    Case No. 13001.529.TR
     Case No. 13001.025.TR
171.
                               216.
                                     Case No. 13001.293.TR
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                                                                    Case No. 13001.535.TR
172.
      Case No. 13001.026.TR
                               217.
                                     Case No. 13001.295.TR
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                                                                    Case No. 13001.551.TR
173.
     Case No. 13001.028.TR
                               218.
                                     Case No. 13001.297.TR
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                                                                    Case No. 13001.555.TR
174.
     Case No. 13001.045.TR
                               219.
                                     Case No. 13001.305.TR
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                                                                    Case No. 13001.559.TR
175.
     Case No. 13001.047.TR
                               220.
                                     Case No. 13001.313.TR
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     Case No. 13001.048.TR
                               221.
                                     Case No. 13001.314.TR
                                                              266.
                                                                    Case No. 13001.578.TR
176.
                               222.
     Case No. 13001.050.TR
                                     Case No. 13001.315.TR
                                                              267.
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     Case No. 13001.052.TR
                               223.
                                     Case No. 13001.327.TR
                                                                    Case No. 13001.582.TR
     Case No. 13001.054.TR
                                                                    Case No. 13001.583.TR
                               224.
                                     Case No. 13001.330.TR
                                                              269.
179.
                               225.
                                                                    Case No. 13001.591.TR
     Case No. 13001.055.TR
                                     Case No. 13001.331.TR
                                                              270.
180.
                                                                    Case No. 13001.596.TR
                               226.
                                                              271.
181.
     Case No. 13001.076.TR
                                     Case No. 13001.334.TR
     Case No. 13001.078.TR
                               227.
                                                                    Case No. 13001.598.TR
182.
                                                              272.
                                     Case No. 13001.341.TR
183.
      Case No. 13001.079.TR
                               228.
                                     Case No. 13001.342.TR
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                                                                    Case No. 13001.605.TR
184.
     Case No. 13001.109.TR
                               229.
                                     Case No. 13001.353.TR
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     Case No. 13001.110.TR
                               230.
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                                                                    Case No. 13001.607.TR
185.
                                     Case No. 13001.359.TR
186.
     Case No. 13001.119.TR
                               231.
                                     Case No. 13001.361.TR
                                                                    Case No. 13001.608.TR
187.
     Case No. 13001.120.TR
                               232.
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                                                                    Case No. 13001.609.TR
188.
     Case No. 13001.121.TR
                               233.
                                     Case No. 13001.393.TR
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                                                                    Case No. 13001.610.TR
189.
     Case No. 13001.122.TR
                               234.
                                     Case No. 13001.394.TR
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     Case No. 13001.123.TR
                               235.
                                     Case No. 13001.395.TR
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                                                                    Case No. 13001.614.TR
190.
                               236.
                                                                    Case No. 13001.615.TR
     Case No. 13001.131.TR
                                     Case No. 13001.408.TR
                                                              281.
191.
     Case No. 13001.134.TR
                               237.
                                     Case No. 13001.410.TR
                                                              282.
                                                                    Case No. 13001.616.TR
192.
                               238.
                                                              283.
193.
     Case No. 13001.135.TR
                                     Case No. 13001.413.TR
                                                                    Case No. 13001.617.TR
     Case No. 13001.139.TR
194.
                               239.
                                     Case No. 13001.416.TR
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                                                                    Case No. 13001.618.TR
195.
     Case No. 13001.144.TR
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                                     Case No. 13001.417.TR
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196.
     Case No. 13001.161.TR
                               241.
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                                     Case No. 13001.418.TR
                                                              287.
197.
     Case No. 13001.162.TR
                               242.
                                     Case No. 13001.423.TR
                                                                    Case No. 13001.621.TR
198.
     Case No. 13001.170.TR
                               243.
                                     Case No. 13001.451.TR
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                               244.
199.
     Case No. 13001.174.TR
                                     Case No. 13001.454.TR
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                               245.
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     Case No. 13001.179.TR
                                     Case No. 13001.460.TR
                                                                    Case No. 13001.625.TR
201.
     Case No. 13001.196.TR
                               246.
                                     Case No. 13001.467.TR
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                                                                    Case No. 13001.626.TR
202.
     Case No. 13001.201.TR
                               247.
                                     Case No. 13001.472.TR
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                                                                    Case No. 13001.627.TR
203.
     Case No. 13001.211.TR
                               248.
                                     Case No. 13001.478.TR
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                               249.
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204.
     Case No. 13001.215.TR
                                     Case No. 13001.481.TR
205.
     Case No. 13001.229.TR
                               250.
                                     Case No. 13001.483.TR
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296.
     Case No. 13001.631.TR
                               352.
                                     Case No. 13001.687.TR
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The Board VOTED 7-0 to: (i) admonish employees who had been late in completing their mandatory online employee training with a warning about future conduct and deadlines; and (ii) determine that six employees violated the Ordinance because they had not completed their training at the time of the Board meeting; and (iii) to fine, and publish the names of, those employees who had violated the Ordinance (Case Nos. 13001.606, .787, .827, .837, .843, and 845.TR), advising them of the determination and sanction by letter and copying their department heads.

At 5:49 p.m., the Board VOTED 7-0 to adjourn the meeting.