



City of Chicago
Richard M. Daley, Mayor

Board of Ethics

Dorothy J. Eng
Executive Director

Darryl L. DePriest
Chair

Angeles L. Eames
Vice Chair

Mark E. Christensen
Eileen T. Corcoran
Martin E. O'Donovan
Michael F. Quirk
Joseph E. Samson

Suite 500
740 North Sedgwick Street
Chicago, Illinois 60610
(312) 744-9660
(312) 744-2793 (FAX)
(312) 744-5996 (TTY)

<http://www.ci.chi.il.us>

MM

April 19, 1999

CONFIDENTIAL

[

]

Re: Case No. 99019.Q

Dear [Mary],

You are the Director of the [Program] for the Chicago Department of Public Health. In a phone conversation with Board staff on April 8, 1999, you stated that you have been asked to serve as a faculty member at the 2nd Annual Clinical Update in HIV program, to be held in Tucson, Arizona, from June 17 to June 20, 1999. You asked the Board of Ethics whether any provisions of the City's Governmental Ethics Ordinance would prohibit you from participating in the program and accepting an honorarium and expenses for transportation, food, and lodging.

The purpose of the Tucson program, you said, is to further the understanding and management of HIV disease. You are being asked to speak on the topic of HIV in Prison Populations. You stated that you are being asked to serve as a faculty member as a result of your nationally-recognized expertise in this field, and not as a result of your City position. For your participation in the program, you will receive an honorarium of \$1500 and round-trip coach class airfare, three night's hotel accommodations, ground transfers, and group meals. The honorarium and other costs will be paid by the program's sponsor, World Health Continuing Medical Education. The program is supported through an independent educational grant from the Health Resources and Services Administration (a division of the U.S. Department of Health and Human Services) and Glaxo Wellcome Corporation. You stated that to the best of your knowledge, none of these entities does business with the City, and that you do not make any decisions regarding them in your current position. A staff review of the City's vendor list reveals that none of these entities are listed as doing business with the City.

Based on the facts presented and on previous Board decisions, Board staff concludes that the Ethics Ordinance does not prohibit you from participating in the program or accepting the honorarium, airfare, hotel accommodations, meals, and ground transportation, provided that you attend the conference on your own time and do not receive a City salary for the days you are there. However, please note that the Ethics Ordinance requires that you report the honorarium to the Board of Ethics within five business days of receiving it (see § 2-156-040[g]).



MM

Case No. 99019.Q

April 19, 1999

Page 2

Staff's opinion is not necessarily dispositive of all issues relevant to this situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts stated are incorrect or incomplete, please notify us immediately, as any change may alter our opinion. Other laws or rules also may apply to this situation, such as the State Gift Ban Act. The Act, which became effective January 1, 1999, applies directly to City employees and officials. Therefore, City employees must comply with both the State Gift Ban Act and the City's Governmental Ethics Ordinance gift restrictions contained in §2-156-040. In other words, City employees may not accept a gift if its acceptance is prohibited under either the City's Ordinance or the State Gift Ban Act. To the extent that there is a conflict between provisions of the two gift bans, the more restrictive provision controls. We advise you to seek guidance from Mr. Ben Gibson of the City's Department of Law as to whether that Act imposes any restrictions or prohibitions on your acceptance of this offer. Be advised that City departments have the authority to adopt and enforce rules of conduct that may be more restrictive than the limitations imposed by the Ethics Ordinance. Accordingly, we advise you to consult with your Department regarding any such rules.

Very truly yours,

John H. Mathews
Attorney/Investigator

Approved by:

Dorothy J. Eng
Executive Director

jhm/99019.Q.wpd