

BOARD OF ETHICS
OPEN SESSION MINUTES
February 18, 2015 - 3:23 p.m.
740 North Sedgwick, Suite 500

BOARD MEMBERS PRESENT

Stephen W. Beard, Chair
Russell F. Carlson
Mary T. Carr
Dr. Daisy S. Lezama

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
Pully Casillas, Staff Assistant

BOARD MEMBERS ABSENT

Hon. Julia M. Nowicki

BOARD MEMBER ATTENDED TELEPHONICALLY IN PART

Frances R. Grossman

I. APPROVAL OF MINUTES

The Board VOTED 4-1 (Frances R. Grossman, abstaining, and Hon. Julia M. Nowicki, absent) to approve the Open Session Minutes of the January 15, 2015 meeting.

II. CHAIR'S REPORT

None

III. EXECUTIVE DIRECTOR'S REPORT

A. Education-Classes

Staff continues to work with the Department of Innovation & Technology to replace the system for scheduling people for 4-year classes. In the meantime, 12 attended on January 29, and 20 are scheduled for classes on February 19 and March 3.

On January 30, staff met with a delegation of visiting officials from Kazakhstan, at the request of the Mayor's Office.

On February 5, we conducted a 90 minute seminar for the entire staff of the Inspector General's Office.

On February 23, we will conduct a 90 minute training session for all SSA Commissioners.

B. On-line Training

Fifty-six (56) lobbyists have completed the all-new 2014-2015 lobbyist program. The all-new 2015 all-employee training program will be posted in the next few weeks.

Currently, there remains one (1) employee who has not completed the 2014 mandatory program. On February 2, as required by law, staff posted the names of all employees and two aldermen who had not completed their training by the end of 2014. There will be an update on this matter in Executive Session.

C. Lobbyists-Regulation and Enforcement

Currently, 544 lobbyists have registered for 2015 and filed activity reports, and the agency collected \$238,375 in lobbyists' registration fees. Staff is diligently working to process these registrations so that information can be posted on the internet. As required by Ordinance, on January 23, staff notified 89 lobbyists who failed to re-register or file termination notices of their failures and the penalties. All lobbyists are now in compliance.

D. Candidates' Statements of Financial Interests

All candidates for elected City office are required by the Ordinance to file Statements of Financial Interests with our office within 5 days of qualifying as a candidate. All forms received from candidates were posted on our website, and collected under a new section of the website for easy access. On December 11, staff sent 147 letters via US mail to candidates who had filed ballot access petitions with the Chicago Board of Election Commissioners but who had not yet filed with our office.

E. 2015 Statements of Financial Interests from Employees and Officials

Staff is in the process of receiving final lists of filers of these forms for 2015 from each City department, Ward Office and, for appointed officials, from the Mayor's Office of Legislative Counsel and Government Affairs. Emails notifying each filer of the requirement to file and instructions for filing electronically on the City's EFIS system are scheduled to be sent out beginning February 28. We anticipate the same approximate number of filers as in 2014: 3,500.

F. Meeting with the Illinois Campaign for Political Reform (ILCPR) and Better Government Association (BGA)

At the invitation of the ILCPR, the Executive Director, Deputy Director and Chair met on January 22 with 4 representatives from the ILCPR and 2 from the BGA at the ILCPR's offices. The ILCPR is also meeting separately with the Inspector General

and Legislative Inspector General. Among the topics discussed was the adjudicative process, including settlements and what information is made public and when.

G. Advisory Opinions

Since the January 2015 meeting, the agency issued 272 confidential advisory opinions (in addition to those formal opinions issued or approved by the Board).

- The leading categories in this period (in descending order) were lobbying, gifts, campaign financing, political activity, travel, and post-employment.

Further analysis shows that:

- 38% of these were from City employees in administrative or management positions, 21% from non-administrative or managerial employees, 25% from lobbyists, 2% from City vendors or other businesses, 5% from department heads, 8% from City elected officials (or their personal aides calling on their behalf), and the remainder from City appointed officials, members of the public, the media, and other government agencies.
- 47 % came via email; 52 % via telephone; the remainder via walk-ins.
- Employees or officials from every City department (including the City Council) are represented, with the most numerous ones, in descending order, coming from employees or officials in: City Council, Office of the Mayor, Police, Finance, Public Health, Law, and Inspector General or Legislative Inspector General.

Staff continues to work with the Department of Innovation & Technology on a “beta” version of a secure, searchable database for all such informal advisory opinions. This will enable Board staff to receive instantaneous reports of opinions issued by topic, department, title, date, etc.

H. Freedom of Information Act

Since the last regularly scheduled Board meeting, the office has received one (1) new request under the Freedom of Information Act. The request was for information on this agency’s databases. We extended our response date, waiting for direction from the Department of Law.

IV. OLD BUSINESS

None

V. NEW BUSINESS

1. Case No. 15010.Q. Political Activity

See Reconvened Open Session, below.

The Board VOTED 4-1 (Frances R. Grossman, abstaining, and Hon. Julia M. Nowicki, absent) to adjourn into Executive Session at 3:24 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.

In addition, The Board voted to adjourn into Executive Session under 5 ILCS 120/2(c)(4) to hear and discuss evidence or testimony in closed hearing as specifically authorized pursuant to Governmental Ethics Ordinance Section 2-156-385 and the Board's Rules and Regulations, 4-1 and 4-5, as amended, effective October 23, 2014, presented to a quasi-adjudicative body, as defined in the Illinois Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

At 3:50 p.m. member Frances R. Grossman ended telephonic attendance at the Board meeting.

At 4:15 p.m., the Board VOTED 4-0 (Dr. Daisy S. Lezama and Hon. Julia M. Nowicki, absent) to reconvene into open session.

VI. MATTERS CONSIDERED AND ACTED UPON BY THE BOARD IN EXECUTIVE SESSION

I. APPROVAL OF EXECUTIVE SESSION MINUTES

The Board confirmed it had approved the Executive Session minutes of the December 15, 2014 meeting by a VOTE of 4-0 (Frances R. Grossman and Hon. Julia M. Nowicki, absent) in executive session.

II. CASES

A. Query and Consult Summary

1. Case No. 15008.Q, Reverse Revolving Door

Staff reported on a request for an opinion as to whether a city employee can assist in a decision making capacity on a project that benefits his immediate former employer. Staff advised the Board that, based upon the facts presented, it advised that the employee is prohibited from performing the work he described for the first two (2) years of his city employment, pursuant to §2-156-111(d) of the Governmental Ethics Ordinance.

2. Case No. 15013.Q, Political Activity

The Board VOTED 4-0 (Frances R. Grossman and Hon. Julia M. Nowicki, absent), pursuant to §§2-156-070(c) and -135(b) of the Governmental Ethics Ordinance, to direct Board staff to advise a City employee who had disclosed having brought campaign materials to an evening community meeting that was held in a building not owned or leased by the City that the employee must self-report this conduct to the Legislative Inspector General, as it appears not to be a minor violation of the Ordinance.

B. Dismissed and Referred Complaint Report

3. Case No. 15009.CF, Campaign Financing

Staff reported that it reviewed a lobbyists' quarterly activity report, which showed that the lobbyist disclosed a \$2,000 political contribution to the political committee of a City candidate for City elected office. Lobbyists are subject to a \$1500 contribution limitation per candidate per calendar year. Staff also reviewed campaign contribution reports filed by that political committee and corroborated that the contribution represented a potential violation of §2-156-445(a) of the City's Governmental Ethics Ordinance. Pursuant to §§2-156-380(a) and -380(n-1) of the Governmental Ethics Ordinance, we referred this matter to the Legislative Inspector General, as a signed and sworn complaint, for action as that office deems appropriate.

4. Case No. 15007.CF, Campaign Financing

The Board VOTED 4-0 (Frances R. Grossman and Hon. Julia M. Nowicki, absent) to refer a potential violation of §2-156-445(a) to the Office of Inspector General. The apparent violation was discovered during staff's review of a lobbyist's latest quarterly activity report. The Board determined the recipient political committee was the committee of a "candidate," even though the candidate was not a City elected official at the time of the contribution.

III. OTHER BUSINESS

C. Other Matters

5. Case No. 15010.Q, Political Activity

Staff reported on a request for an advisory opinion involving the use of email lists, indicating that it responded to the requestor that the underlying question is one that cannot be answered on the facts provided: do such lists constitute City-owned property or City resources?, and advising the requestor to first seek an opinion from the Law department on that issue.

6. Pending Case List

The Board and staff discussed posting a current written record of all investigative reports filed with the Board of Ethics by both inspectors general since January 1, 2012. The list will show the status of all such investigations in the adjudicative process, and, as provided in the Governmental Ethics Ordinance, name the persons found by the Board to have violated the Ordinance, and those who have entered into settlement agreements with the Board. The Board also directed staff to ensure that a press release is issued explaining what the document means, and how this step greatly enhances transparency in government.

At 4:17 p.m., the Board VOTED 4-0 (Frances R. Grossman and Hon. Julia M. Nowicki, absent) to adjourn the meeting.