

MEH

January 8, 1991

CONFIDENTIAL

[REDACTED]

RE: Case No. 92001.Q, Travel

Dear [REDACTED]

On January 2, 1992, we received a memorandum from your Assistant, Ms. C., asking if the Governmental Ethics Ordinance prohibited you from accepting hotel expenses for the [REDACTED] Seminar in [REDACTED]. The staff is of the opinion that nothing in the Ordinance prohibits you from accepting these expenses, and sets forth its analysis below.

The memorandum and attachments we received show that L [REDACTED] is sponsoring the [REDACTED] Seminar on [REDACTED] 1992. During this seminar, companies in the Z industry will make presentations and conduct "panel discussions to consider key subjects of current interest" in the industry. L [REDACTED] has offered to pay your hotel room expenses.

We spoke with Ms. C., and she stated that neither "S" subsidiary [REDACTED] nor "T" subsidiary of L [REDACTED] have dealings with your [REDACTED] Department with which you would have any involvement. She stated that, in fact, you have nothing to do with either of these entities. We confirmed, with the resources that we have available, that neither have contracts with your Department. [REDACTED]

Under the section of the Governmental Ethics Ordinance dealing with gifts, section 12-156-040, two subsections are relevant:

- (b) No person shall give or offer to give to any official, employee, or City contractor, or the spouse or minor child of either of them, and none of them shall accept, anything of value, including, but not limited to, a gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any official, employee



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Case No. 92001.Q
January 8, 1992
Page 2

or City contractor, concerning the business of the City would be influenced thereby. . . .

(c) No person who has an economic interest in a specific City business, service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, or to the spouse or minor child of such official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than an occasional one of nominal value (less than \$50) provided, however, nothing herein shall be construed to prohibit such person from accepting gifts from relatives.

The facts provided show that you are not in a position in your City job to vote or make any official actions, decisions, or judgments regarding either "S" subsidiary [REDACTED] or "T" subsidiary [REDACTED]. Therefore, these two subsections do not prohibit you from accepting the hotel expenses.


Our opinion in this case is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts presented are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our opinion. We enclose a copy of the Governmental Ethics Ordinance for your convenience. We appreciate all of the information that you provided to us, and your willingness to comply with the ethical standards embodied in the Governmental Ethics Ordinance. If you have any further questions, please do not hesitate to contact us.

Sincerely,



Marilyn E. Hanzal
Legal Counsel

Approved:



Dorothy J. Eng
Executive Director

Enclosure

MEH:92001.L1