

January 22, 1992

CONFIDENTIAL

[REDACTED]

RE: 92007.Q, Travel

Dear [REDACTED]:

Yesterday, [REDACTED] of your department called to inquire about the acceptance of travel expenses under the provisions of the Governmental Ethics Ordinance as these provisions relate to an employee in your department. She stated that a City contractor offered to pay the travel expenses of a City employee [REDACTED] to attend a week long seminar on [REDACTED]. The contractor is not a sponsor of the seminar, which is to be held in North Carolina. It is our understanding that the duties and responsibilities of the employee [REDACTED] places the employee in a position where his/her decisions or actions may substantially affect transactions this contractor has with the City.

After reviewing the facts presented, the staff has concluded that the Ordinance prohibits the employee [REDACTED] from accepting travel expenses from the contractor in question.

The applicable sections of the Governmental Ethics Ordinance are sections 2-156-040(c) and (d). These subsections state, in relevant part:

(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, . . . 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.



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(d) Except as prohibited in subsections (a) and (b), nothing in this Section 2-156-040 shall prohibit any person from giving or receiving: . . . (iv) reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event.

Under subsection (c), it is clear that the employee in question is prohibited from accepting travel expenses from this contractor because [REDACTED] his/her actions or decisions may substantially affect the transactions this contractor has with the City.

While subsection (d) allows the acceptance of reasonable travel expenses so long as certain prerequisites are met, in this instance, because the City contractor making the offer is not a sponsor of the seminar, the travel expenses in question are not allowable under subsection (d).

Therefore, based upon the facts provided, the staff is of the opinion that the City employee [REDACTED] is prohibited by the Governmental Ethics Ordinance from accepting travel expenses from this City contractor. Our opinion 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 the Board immediately, as any change in the facts may alter our opinion.

We appreciate 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,


Dorothy J. Eng
Executive Director

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