

MEA



City of Chicago  
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To:

[REDACTED]

From:

*Marilyn E. Hanzal*  
Marilyn E. Hanzal  
Legal Counsel

*at emp*

Re:

Case No. 91030.Q

Date:

January 25, 1991

It was a pleasure meeting and talking with you on January 17th and 18th. This memorandum confirms our discussions at that time.

In our meeting, you explained that you are a City employee working in the 'X Dept. [REDACTED] and you have an independent contract with Company A [REDACTED] pursuant to which you will be assisting Company A with a grant proposal to Foundation B. [REDACTED] Based on this dual employment, you asked if this was a violation of the City's Governmental Ethics Ordinance. As we discussed, there is nothing in the Governmental Ethics Ordinance which would prohibit you from working on this project. We also discussed the ways in which the Ordinance may restrict some of your activities. Our determinations and recommendations are based upon the facts as stated in this memorandum. If these facts are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our decision.

You explained that Company A [REDACTED] is seeking a grant from Foundation B [REDACTED]. You have agreed to serve as a consultant for Company A and assist them in obtaining this grant. You will receive \$500.00 for this work. You believe that the funding of this grant is from Foundation B [REDACTED], and not from the City.

You are concerned because City employees serve on Foundation B's grants committee; one of these

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people, [REDACTED], is in your department. These people will not be evaluating the requests, and do not serve on the committee as part of their City job, but simply serve as volunteers.

There is nothing per se in the Governmental Ethics Ordinance that prohibits you from having a non-City job. However, the Ordinance does place certain restrictions on you if the services you render in your non-City employment are provided to or for the City. If Company A's contract or your contract was with a City agency, then you would be limited to earning \$2,500 per year or a lump sum of \$5,000 under the provisions of the Ordinance. Since Company A is not a City agency, you are free to consult on the project and there is no limitation on the amount which you can earn.

With regard to the other relevant Ordinance provisions, please be aware that you may not represent Company A in a proceeding or transaction before a City agency (§ 2-156-040). Additionally, the Ordinance restricts you from using City property or City time while working for Company A (§ 2-156-060). Finally, you must take care not to give advice or assistance to Company A on City matters as a part of your consulting work (§2-156-050). However, you may give Company A and any entity for that matter, assistance and advice as required by your City job, but you may not be paid by any entity other than the City for that assistance or advice.

We now respond to two specific concerns that you raised. First, you stated that you needed to contact City employees as part of your research for the grant. There is nothing in the Ordinance that restricts you from doing that as long as you are not obtaining confidential information. Second, you wanted to contact City employees to serve as references for the Company A proposal. As we previously discussed, that task would be better left for a non-City person. Although nothing in the Ordinance directly prohibits this conduct, the conduct gives an appearance of impropriety, and is therefore better left to another person.

We appreciate your effort to comply with the ethical standards imposed by the Governmental Ethics Ordinance. If you have any further questions, please feel free to contact us.

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