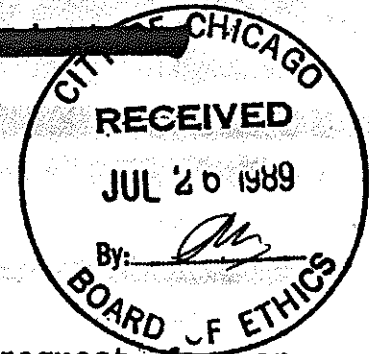


MEM

CONFIDENTIAL

July 25, 1989

[REDACTED]



City of Chicago
Richard M. Daley, Mayor

Board of Ethics
Harriet McCullough
Executive Director

Sol Brandzel
Chair

Mary Milano
Vice Chair

Margaret Carter
Angeles Eames
Russell Hardin
Rev. A. Patterson Jackson
Marlene O. Rankin

Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

Re: [REDACTED]
Case No. 89114. A

Dear [REDACTED]

The Board has considered your request for an advisory opinion regarding your food products advertising campaign. The ad agency handling the campaign proposed to go around to fire stations, pass out your food product and photograph firemen eating them. You wanted to know whether this would be prohibited by the Ethics Ordinance.

The Ethics Ordinance does not speak directly to promotionals or endorsements. However, in situations of this sort, the general concern of the Ordinance is that (1) no person who is interested in City business gives gifts to City personnel who can affect that business; and (2) no City official or employee uses his public office for his private economic benefit. The relevant Ordinance sections read as follows:

Section 26.2-4(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 cash or its equivalent regardless of value, or (ii) an item or service other than an occasional one of nominal value.

Section 26.2-8(a). No official or employee shall make or participate in the making of any governmental decision with respect to any matter in which he has any economic interest distinguishable from that of the general public.

Section 26.2-11. No elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work, or business of the City.



In this connection, our staff asked you some follow-up questions regarding contacts between Fire Department personnel and the people involved in your food product promotional. You responded that:

(1) Neither the advertising agency handling this promotional campaign nor the manufacturer of the product, _____, have any business with the Fire Department.

(2) There are no Fire Department personnel who have an economic interest in the advertising agency, your company or the promotion itself: All the Fire Department or any of its personnel stand to gain from the promotion is some publicity and a nominal quantity of your food product for firemen.

On the basis of this information, we conclude that the Fire Department's participation in your food product advertising campaign is not prohibited by the Governmental Ethics Ordinance. The contacts between Fire Department personnel and persons involved in the ad campaign are not such as to constitute a breach of Sections 26.2-4, 26.2-8 or 26.2-11. However, please be advised that the issue of participation in advertising campaigns is a policy matter which you should consider referring to the City officials responsible for press relations. There might be other, more restrictive, City policies which regulate the use of City personnel under circumstances such as you have described.

If there are additional material facts or circumstances that were not available to the Board when it considered your case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances which are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this letter.

Should you have any questions, please call the Board of Ethics at 744-9660.

Sincerely,


S. Brandzel
Chairman