



BOARD OF ETHICS  
CITY OF CHICAGO

**FINAL DETERMINATION OF LOBBYING VIOLATION  
CASE NO. 17011.10.LOB**

This matter involves further action following the Board's determination, made at its meeting of February 15, 2017, that there is probable cause for the Board to conclude that: (i) an individual violated §2-156-245 of the Governmental Ethics Ordinance (the "Ordinance") by engaging in lobbying (as defined in §2-156-010(p) of the Ordinance) on May 21, 2015, but failed to register as a lobbyist. The subject was notified of that determination. On March 13, 2017, the Board received a written response from the subject. The Board then afforded the subject the opportunity to meet to present any supplemental information or arguments, and that meeting was held on May 31, 2017.

At its meeting of June 13, 2017, the Board, having fully considered all of the information presented by the subject, VOTED 6-0 (Mary T. Carr, absent) to determine that the subject violated §2-156-245 of the Ordinance by failing to register as a lobbyist within five (5) days of engaging in lobbying activity. Further, pursuant to §2-156-465(b)(3), the Board named the lobbyist as Alan S. King.

On July 11 and 13, Mr. King submitted a written request for the Board to reconsider its determinations, with supporting materials. At its meeting of July 19, the Board considered this written request for reconsideration, but voted, 6-0 (Nancy C. Andrade, absent) to reaffirm its June 13 determination, and, pursuant to §2-156-465(b)(3), to impose a fine of \$2,500.

The Board recites the following:

1. The evidence before the Board is that Mr. King emailed the Mayor on May 21, 2015 as follows:

"I have a bit of a crisis situation with the Chicago Park District ... relating to our ... Chosen Few House Music Picnic ... on July 4<sup>th</sup> ... due to some construction work the Park District has allowed on our picnic site (despite permitting the site to us) ... it is a very serious situation for me and my business partners, and I think you might be able to help at least to broker a solution."


2. While the Board concludes that the purpose of this email was ultimately to have a fence removed from a Chicago Park District property – which removal could be effected only by the United Army Corps of Engineers when approved by the Chicago Park District – the email itself constituted an attempt to influence

“administrative action,” as that term is defined in the Ordinance, namely, to enlist the assistance of a City official acting in and through that official’s City capacity to broker a solution to the administrative problem he was facing. The Board has previously determined that attempting to influence the Mayor or other City officials or employees to take a position regarding an issue pending in Washington, D.C. or Springfield is considered an “administrative action” as defined in §2-156-010(a) of the Ordinance. Case No. 89124.A.

3. The Board has considered the arguments put forth at Mr. King’s meeting with the staff and Chair, and in the materials presented in support of the subject’s July 11 and 13 requests to reconsider the determination, specifically that: (i) his email to the Mayor was an attempt to influence action by the Army Corps of Engineers, a federal governmental entity, thus not an attempt to influence City “administrative” or “legislative” action within the meaning of the Ordinance; and (ii) he was not “retained” or “employed” by another person to engage in this activity.

4. The Board rejects both arguments, for the following reasons: (i) the purpose of the email to the Mayor was to influence the Mayor, in his official capacity as Mayor, to assist the subject with respect to the Army Corps of Engineers and the Chicago Park District, and the decision of the Mayor to assist or not assist in his capacity as Mayor *does* constitute “administrative action” as defined in the Ordinance; and (ii) as the Ordinance defines the term “lobbyist” in §2-156-010(p), it means “any person who, on behalf of any person other than himself, *or* as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action ...” [emphasis added]. The subject here was emailing the Mayor on behalf of his business, which is “another person.” The Ordinance’s requirement that only persons who were compensated or expended more than a set amount per year was removed, effective May 17, 2000.

**5. The Board again makes clear that its determination is not intended to question the subject’s integrity, character or motivations. It represents, rather, the Board’s careful examination of all the facts and arguments presented to it, and the Board’s determination that those facts show that the subject engaged in “lobbying” as defined in the Ordinance, but did not register as a lobbyist as required by the Ordinance.**

  
William F. Conlon, Chair *WFB*  
July 20, 2017

Steven I. Berlin, Executive Director

Zaid Abdul-Aleem  
Nancy C. Andrade  
Stephen W. Beard  
Mary Trout Carr  
Frances Grossman  
Dr. Daisy S. Lezama