



BOARD OF ETHICS
CITY OF CHICAGO

CONFIDENTIAL

December 10, 2015

*Via email to [redacted] at:
[redacted]*

Dear Mr. [redacted]-

This email will formalize our discussion regarding potential conflicts under the City's Governmental Ethics Ordinance ("Ethics Ordinance") with your City position as a [City employee] and your outside employment. After consulting with Steve Berlin, Executive Director, we advise you that the Ethics Ordinance does not prohibit you from engaging in outside employment as an [employee] for [a private company] but you must abide by some restrictions, discussed below, to avoid any ethics violations.

The following is based on the information you provided about your position at the [City Department] and your position as an [employee] at [a private company].

The primary Ethics Ordinance provisions applicable to your outside employment are §2-156-142(f), which states, in pertinent part that,

"No official or employee ... shall solicit or accept any money or other thing of value ... in return for advice or assistance on matters concerning the operation or business of the City."

and, §2-156-090, Representation of other parties, which states, in pertinent part that,

"No elected official or employee may represent, or derive any income or compensation from the representation of, any person other than the city in any formal or informal proceeding or transaction before any city agency in which the agency's action or non-action is of a nonministerial nature; ..."

In other words, because you are a City employee, an outside employer (such as [a private company]), cannot pay you to give it or its employees or representatives advice or assistance on anything that is at all related to the work of the [City Department], which is what the City already pays you to do. You also cannot represent, advocate for, or act as a spokesperson for [a private company] in any formal transaction(s) or even informal conversation(s) regarding City of

Chicago government business (e.g., you could not telephone or email another City official or employee regarding [a private company] on any City contract or work it has or may have.)

You explained that you are working for [a private company] under its contract with the [another City Department]. According to the records I found on the City's Department of Procurement Services' website, [a private company] has had several City contracts. The one that you work under is a Job Order Contract ("JOC") ([redacted]) for the [redacted] with a term from [redacted] 2013 to [redacted] 2016, for up to \$[redacted]. This scope for the work in this type of contract depends on the individual job orders for the type of work described.

Your work as an [employee] at [a private company], as you described in this email, does not *per se* appear to violate the Ethics Ordinance, and should not, *as long as the work remains unrelated to your official duties*. This means that you can continue to perform the work that you described for [a private company], but you may not assist [a private company] with respect to any bids for additional City contracts. Therefore, you cannot help prepare, estimate or review any plans or specification, *etc.*, which [a private company] might use in submitting a bid for a City contract. You also cannot access any [City Department] or other City records for [a private company]'s benefit, or work on any projects directly related to [City Department].

Additionally, you are subject to the standard admonitions that apply to all City employees engaging in outside employment. Please be advised that you (i) may not use City resources for non-City purposes (including your City title, or any property or equipment belong to [City Department]); (ii) may not disclose confidential or non-public information; and (iii) owe your fiduciary duty to the City. Finally, you have said you have been working for [a private company] since [redacted]. Please ensure that you have obtained whatever required written approval from the [City Department] for outside employment you may need. For your convenience and reference, I have attached the standard City outside employment form and brochure.

The advice and conclusions given here are based on the facts and information you provided and address only the restriction in the Ethics Ordinance. If the information is incorrect or incomplete, please notify the Board's staff immediately as any change may alter our conclusion. Be advised that City departments have the authority to adopt and enforce rules of conduct that may be more restrictive than the limitations imposed by the ethics Ordinance.

If you have any further questions, please feel free to email or call me at (312) 742-9660.