

Board Case No.: 20006.Q

Dear [redacted]:

This email is in response to your inquiry regarding the applicability of the City's Governmental Ethics Ordinance's post-employment restrictions to your proposed post-City employment activity. Following our discussion on February 11, 2020, and a review of the information that you provided in this email, Board staff concludes that none of the post-employment restrictions applies to the work you contemplate as Corporate Counsel at [Company C], because your City position as an [employee of a City department] and your proposed post-City position involve different subject matters.

Based on the information you provided, the following is an application of the Ordinance's three post-employment restrictions (permanent, two-year lobbying, and one-year) to your contemplated new position.

As we discussed, because you helped to draft two trainer contracts related to the [redacted] training of [department] staff, you have contract management authority. Although entirely inapplicable to any work you would be engaging in at [new employer], you are permanently restricted from working on those two contacts for anyone other than City. You are also permanently restricted from representing or assisting in the representation of any person, other than the City, in any judicial, quasi-judicial or administrative proceeding involving the city or any of its agencies in which you participated. However, because you are not in a Shakman exempt position, the two-year lobbying restriction does not apply and you are not restricted from working as a lobbyist.

Lastly, in your current position [redacted], you review and provide guidance on [matters specifically and narrowly related to your City department]. The one-year restriction also does not apply because your contemplated new position, [with a new employer] involves a different subject matter, which would involve procurement or labor and employment within [the new company].

For those reasons, we conclude that none of the post-employment restrictions applies to your proposed new position [with the new employer].

Confidential Information and Sanctions: As a former City employee, you would be prohibited from using or revealing confidential or non-public information you acquired through your City employment, pursuant to §2-156-070. Confidential information means any information that cannot be obtained pursuant to the Illinois Freedom of Information Act. We also advise you that a violation of any of the post-employment restrictions could subject you to substantial monetary penalties, pursuant to §§2-156-485 and -510.

Staff's Conclusions: Staff's advice and conclusions are based on the facts you provided and address only the restrictions in the City's Governmental Ethics Ordinance. Other laws or regulations may apply. If the information is incorrect or incomplete, please notify our office immediately as any change may alter our conclusions and advice. Should your post-City employment plans change or are not addressed in this email, we recommend that you contact us for additional advice.

We appreciate your conscientiousness in seeking our opinion. Please contact us at (312) 744-9660 if you have any questions.