

met

January 25, 1991

CONFIDENTIAL

[REDACTED]
[REDACTED]
[REDACTED]

df emp

Re: 91029.Q

Dear [REDACTED]

Thank you for your telephone call of January 16, 1991. You asked if there was a conflict with your status as one of the developers of the [REDACTED] Y program and your acting as a consultant for Dept. X. There is nothing in the Governmental Ethics Ordinance which precludes your serving as both. We set forth the analysis for our conclusion and provide additional guidance below.

In our conversation, you stated that you are a [REDACTED] who entered into a joint venture with a [REDACTED]. The joint venture will be working on the Y program [REDACTED] a Department of X [REDACTED] project, and has received assistance from the City. The joint venture may bid for additional portions of this project.

You were recently asked by Dept. X to serve as a consultant. Your position would not be that of an employee, but that of an independent contractor. Your tasks will involve [REDACTED], but you will not be involved with any contracts on which you bid or which you received. You asked if you can work as a consultant if your joint venture has received City money for the Y project and may be bidding on additional portions of this project.

The Governmental Ethics Ordinance applies primarily to City employees, appointed officials, and elected officials. As an independent contractor/consultant, you do not fall within any of applicable categories. Therefore, the Governmental Ethics Ordinance does not prohibit you from working as an independent contractor/consultant for Dept. X. However, in your capacity as an independent contractor/consultant, we recommend that you refrain from consulting on any areas dealing with the [REDACTED] Y project or any other

City of Chicago
Richard M. Daley, Mayor

Board of Ethics

Dorothy J. Eng
Executive Director

Albert F. Hofeld
Chair

Angeles L. Eames
Vice Chair

Margaret Carter
Darryl L. DePrist
Russell Hardin
Marlene O. Rankin
Catherine M. Ryan

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

January 25, 1991
Page 2

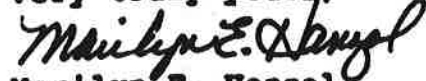
loans in which you as a developer are participating. In addition, you should be careful not to disclose confidential information gained as a result of your consulting work.

At this time, we would like to take this opportunity to point out the provisions of the Ordinance which apply to persons who do business with the City. First, a person who does business with the City may not: (1) give (a) a non-monetary gift over \$50 or (b) a monetary gift to a City employee or official who is in a position to affect the person's business (§ 2-156-040), (2) give an anonymous gift to any City employee or official or their spouse or minor child(ren) (§ 2-156-040), and (3) give a gift to any City official or employee or their spouse or minor child(ren) in exchange for advice or assistance on City matters (§ 2-156-050).

Also, no payment, gift, or offer of employment may be made in connection with any City contract, by or on behalf of a subcontractor to the prime contractor or to a higher tier subcontractor, in exchange for the award of a subcontract or order (§ 2-156-120). In addition, a person who has done business with the City during the past four years or who is seeking to do business with the City is subject to the limitation on campaign contributions. Pursuant to that limitation, such a person may not contribute more than \$1500 per reporting year to any candidate for City office or any employee or official running for any office. A reporting year runs from July 1 through June 30. Of course, the award of a City contract may not depend upon any political campaign contribution (§§ 2-164-040, -020).

I enclose copies of the Governmental Ethics Ordinance and the Campaign Financing Ordinance for your convenience. The determinations and recommendations contained in this letter are based upon the facts as stated. If these facts are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our decision. 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.

Very truly yours,


Marilyn E. Hanzal
Legal Counsel

MEH:bh

Enc.