

MEH



May 23, 1991

City of Chicago
Richard M. Daley, Mayor

Board of Ethics

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Room 303
320 North Clark Street
Chicago, Illinois 60610
(312) 744-9660

[REDACTED]

*Fiduciary duty
not emp*

Re: 91053.Q

Dear [REDACTED]

You telephoned this office on May 7, 1991 asking whether, under the Governmental Ethics Ordinance, you could charge a person for notarizing personal documents during working hours. You explained that you are a City employee and hold the title of

[REDACTED] for [REDACTED]

[REDACTED]. You are responsible for submitting [REDACTED] employee's paperwork to the Personnel Department, including documents that must be notarized. Although it is not a duty of your employment to notarize other employees' personal documents that are unrelated to their City employment, throughout the ordinary course of the workday, you have done so in the past as a courtesy to your fellow employees.

After reviewing the Ordinance as well as past opinions of the Board, the staff has concluded that to collect a fee for your notarizing an employees's personal document(s) during work hours would be a violation of the Ordinance. Our conclusion is based on section 2-156-020 of the Ordinance, entitled "Fiduciary Duty," which states:

Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City.

In interpreting this provision the Board determined in past cases that "any attempt to use time designated for public service to obtain a personal or private advantage is a violation of this section." Case no. 88087.A, p. 2. Therefore, since collection of a fee by you during work time designated for public service would allow you a private benefit, it would be prohibited by the Ordinance.



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Thank you for contacting us. We appreciate your willingness to comply with the Governmental Ethics Ordinance. If you have any additional questions, please call.

Sincerely,



Marilyn Hanzal
Legal Counsel

APPROVED BY:



Dorothy J. Eng
Executive Director

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