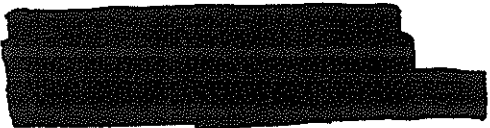




City of Chicago
Eugene Sawyer, Mayor

September 26, 1988

Board of Ethics
Harriet McCullough
Executive Director



Sol Brandzel
Chair

Case Number 88117.A

Mary Milano
Vice Chair

CONFIDENTIAL

Margaret Carter
Angeles Eames
Rev. A. Patterson Jackson
Marlene O. Rankin

Dear

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

On September 14, 1988, the Board of Ethics received the staff opinion tendered to you on August 10, 1988. Based on the facts as alleged, the Board confirmed the previously rendered staff opinion.

Sincerely,

S. Brandzel
Chairman

EC/jh/



MEH



City of Chicago
Gene Sawyer, Acting Mayor

August 10, 1988

[REDACTED]

Board of Ethics
Harriet McCullough
Executive Director

Case Number 88117.A

John Brandzel
Chair

Mary Milano
Vice Chair

Rev. Don Benedict
Margaret Carter
Angela Eames
Rev. A. Patterson Jackson
Marlene Rankin

Suite 1320
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

CONFIDENTIAL

Dear [REDACTED]

On August 9, 1988 you contacted the staff of the Board of Ethics for an advisory opinion regarding the purchase of an automobile from an *automobile dealer*. You related the following facts to the staff. On or about May 26, 1988, you responded to an advertisement for the purchase of a 1987 Oldsmobile from the *automobile dealer*.

Upon your in person inquiry regarding the purchase of the automobile, you were informed that none of the advertised vehicles were available in stock. However, two days later the company again advertised, in the newspaper, the same automobile for sale. Thereupon you contacted the Department of Consumer Services for investigation of this matter. *Someone* from the Department of Consumer Services contacted *the dealer* and was allegedly informed of *the dealer's* intention to "make good" on the advertisement. However, upon your review of the available stock of automobiles nothing compared, in price or value, to the advertised model.

Consumer services therein, initiated a complaint against the *automobile dealer*. You stated that subsequently an attorney for *the dealer* contacted you and suggested a possible settlement of the complaint. However, you contacted the Board of Ethics because you are employed with [REDACTED]

[REDACTED] you prosecuted Consumer Fraud violations.

Section 26.2-3 of the Governmental Ethics Ordinance prohibits a City employee from participating in or in any way using his public position to influence any City governmental decision or action in which he has an economic interest distinguishable from that of the general




public. Pursuant to this section of the Ordinance and the facts as you relate them, your resolution of this matter with *this auto dealer* would not violate the Ethics Ordinance. Analysis of this section requires a two part review. First, does the employee have an economic interest. Section 26.2-1(i) defines an economic interest to mean any interest valued or capable of valuation in monetary terms. If you succeed in your attempt against *this auto dealer* you will save money on the purchase of your automobile. Your interest in this savings is distinguishable from the general public because only you seek to benefit from the resolution of this complaint.

The second issue to be reviewed is whether you used your position as a City employee to influence a governmental decision. You previously worked as a prosecuting attorney [REDACTED]

You presently work in [REDACTED] Your job is wholly unrelated to the Consumer Services department. Any citizen of the City of Chicago may request an investigation from the Department of Consumer Services. The Department of Consumer Service's decision to initiate a complaint against *the dealer* bears no relationship to your position as an attorney [REDACTED]

In fact pursuant to your allegations, *the dealer* was unaware of your position as an employee of the City of Chicago. Therefore, an evaluation of the facts presented evidence no use of your position, as a City employee, in the City's decision to initiate a case against *the dealer*. Any citizen may file a complaint with Consumer Services. The Department of Consumer Services after investigating all facts will determine the validity of the complaint, seek resolution of the complaint and when necessary initiate formal action for violation of the City's Consumer Fraud Ordinance. Consumer services confirms your statement of the facts regarding the procedure used in the initiation and investigation of your complaint.

The Board of Ethics meets every second Tuesday of the month. This tentative staff opinion must be reviewed by the Board at their next meeting. Subsequent to the next Board meeting, you will receive a formal opinion from the president of the Board ratifying this staff opinion. If you have any further questions please contact my office at 744-9660.

Sincerely,

Ertharin Cousin
Deputy Director