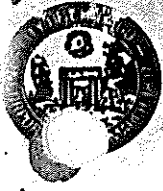


MEH

June 1, 1988



City of Chicago  
Eugene Sawyer, Acting Mayor

[Redacted]

Case Number 88074.A

Board of Ethics  
Harriet McCullough  
Executive Director

Sol Brandzel  
Chair  
Mary Milano  
Vice Chair  
Rev. Don Benedict  
Margaret Carter  
Angeles Eames  
Rev. A. Patterson Jackson  
Mariene Rankin  
Suite 1320  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660

Dear [Redacted]

This letter is in response to your request for an advisory opinion regarding the acceptance by the Committee [Redacted]

[Redacted] of a dinner to sample the beef or a *trip to another state* to view the preparation and processing of beef by a company seeking waiver of the City's meat grading requirements. The company would like to sell their beef at grocery stores in the City. The City of Chicago requires the grading of all meat sold within the City. This company does not grade their beef. However, they believe their slaughter time (cows at younger ages and weight) combined with their unique processing method create a high quality product. Therefore, they seek a waiver by the Committee of the City's grading requirement.

Based on a review of the facts pursuant to the provisions of the Ethics Ordinance, the Board reached the following conclusion. The Board recommends your committee not accept the dinner or the trip to *another state*.

Section 26.2-4(b) of the Ethics Ordinance states as follows:

No person shall give or offer to give to any official, employee, or City contractor, or to the spouse or minor child of any of them, and none of them shall accept, anything of value, including, but not limited to, a gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgment of any official, employee, or City contractor concerning the business of the City would be influenced thereby. It shall be presumed that a non-monetary gift having a value of less than \$50 does not involve such an understanding.



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The committee invited to participate in the dinner has not guaranteed or promised to render a decision based upon receipt of the dinner. However, as you have informed us, no member of the committee possesses any special expertise in the area of beef review. Therefore, the acceptance of the dinner by the committee members may implicitly signal acceptance of the beef companies position regarding the waiver. The Board recommends that the committee decline the offer to attend the dinner offered by this company prior to the Committee's vote on the company's request for waiver of the Ordinance requirements.

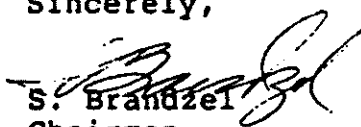
The beef company also offered to furnish transportation to *another state* for review of the company's processing facilities. Section 26.2-4(d)(iv) of the Ordinance allows reasonable hosting but states:

reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event.

This provision requires analysis of two issues. First, the nature of the event, i.e. is the event public and related to official City business. Second, whether the hosting is furnished by the sponsor. The trip would offer the Committee and staff an opportunity to observe the processing procedure of the company's beef. Therefore, the trip would be considered official City business. However, because the tour would not be open to the public, therefore the trip fails to meet the first requirement. The trip is being furnished by the beef company, therefore it meets the second requirement. Because the trip fails to meet the first requirement, Board would advise the committee to decline the offer of hosting by the beef company.

Finally, acceptance by an elected official of gifts, dinners or hosting offered by a party with a pending matter before such elected official should be declined in order to avoid even the appearance of impropriety. If you have any further questions regarding this matter please do not hesitate to contact the Board of Ethics staff at 744-9660.

Sincerely,

  
S. Brandzel  
Chairman

EC/jh/