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Chicago, Illinois 60606  
(312) 744-9660

MEB

July 19, 1990

[REDACTED]

Re: [REDACTED]  
Case No. 90036.A

Dear [REDACTED]

This is in response to your inquiry.

[REDACTED]

corporate travel service located in Des Plaines, Illinois, is trying to secure some new travel accounts. In this connection, it recently sent out a mailing to corporate travel managers in the area, including City officials. It made the following offer: (1) All corporate air travel purchased before August 31, 1990 would be discounted 10%; (2) Secondly, if the travel manager (in this case yourself) completed the corporate travel survey enclosed in the mailing, he--or a designated company representative--would become eligible to win a day for two at Wrigley Field watching the Cubs from its Skybox; (3) If the travel manager let the co. do a free corporate travel needs analysis for his business, the co. would enter the company's name in its drawing for two for a trip to Tahiti.

[REDACTED] The company indicated that this offer was part of a broader promotional campaign directed towards corporate travel managers generally. Your name was on a list of corporate travel managers/potential clients purchased by [REDACTED] from a company that compiles lists of this sort.

**Ethics Ordinance:** The provision of the Ethics Ordinance (Chapter 26.2 of the Municipal Code of Chicago) which is relevant to this situation is 26.2-5 (Advice and assistance). The section states:

No official or employee, or the spouse or minor child of any of them, shall solicit or accept any money or other thing of value, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City....



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Analysis: Section 26.2-5's restrictions are directed towards the acceptance of gifts by City officials and employees for their personal use, not towards discount offers which will accrue to the benefit of the City. Therefore, the co.'s 10% travel discount offer is clearly proper under the Ethics Ordinance. (Also, see Section 26.2-4(f) of the Ordinance which explicitly allows officials and employees to accept gifts on behalf of the City.)

The chances to win a day in the co.'s skybox at Wrigley Field or a trip to Tahiti are more problematic, since they are intrinsically gifts that can be used only by individuals for their personal enjoyment, not by the City. Because eligibility for gifts or incentives is contingent on providing information regarding the City's travel business, these offers fall within the scope of Section 26.2-5's prohibition. Therefore, you or anyone else providing the requested information--the corporate travel survey and the corporate travel needs analysis--are prohibited by Section 26.2-5 from participating in its drawing.

Our decision in this matter is based on the facts as presented. Should you have any further questions, or should the facts vary from those described in this letter, please contact the Board of Ethics at 744-9660.

Sincerely,

  
Albert Hofeld  
Chairman

  
MA: 90036.A