

M E M O R A N D U M

To: Board Members

From: [REDACTED]
Paralegal

Re: Case Number 87044.A
[REDACTED]

Date: July 22, 1987

City of Chicago
Harold Washington, Mayor

Board of Ethics
Harriet McCullough
Executive Director

Robert C. Howard
Chair

Janet Malone Morrow
Vice-Chair

Sol Brandzel
Rev. Harry Gibson
Nola Hicks
Vennie Lyons
Beatrice Pizana

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205 West Randolph Street
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FACTS: [REDACTED] a former alderman and current *member* of the [REDACTED] Commission, has agreed to represent [REDACTED] a [REDACTED] corporation, in two matters: 1) the corporation's response to a request for proposals by the City's Department of Aviation for an ice cream concession at [REDACTED] Airport and; 2) the corporation's application to be certified as a Women Business Enterprise in Chicago.

ISSUE: Whether representation of this corporation violates the provisions in Section 10 of the Executive Order and/or Section 26.2-9(a) and (c) or 26.2-10 of the Ordinance.

ANALYSIS: (A) Since [REDACTED] is currently a *member* of the [REDACTED] Commission, his conduct is governed by Section 10(a) of Executive Order 86-1. Section 10(a) prohibits appointed officials from representing any person other than the City, for compensation, in any formal or informal proceeding before any City agency unless the agency's action or non-action is ministerial. Under the unconditional language of the Executive Order, [REDACTED] proposed representation of the corporation would be prohibited. However, it has been determined that as a matter of fairness, cases involving representation of other persons before City agencies should be judged in light of Section 26.2-9(a) and (c) of the Governmental Ethics Ordinance.

Section 26.2-9(a) and (c) of the Ordinance (effective August 1), states that no appointed official may represent, or have an economic interest in the representation of any person other than the City in a non-ministerial proceeding or



July 22, 1987

transaction before a City agency "unless the matter is wholly unrelated to the official's City duties and responsibilities".

(B) As a former alderman, [REDACTED] conduct will be governed by Section 26.2-10 of the Ordinance. Section 26.2-10 of the Ordinance prohibits former employees and officials from assisting any individual other than the City, in business transactions involving the City if: (1) the official participated personally and substantially in the subject matter of the transaction during government service; and (2) the official renders such assistance within one year after leaving government service.

STAFF CONCLUSIONS & RECOMMENDATIONS: (A) It is the opinion of the staff that [REDACTED] representation of [REDACTED] does not constitute a violation of Section 26.2-9(a) of the Ordinance since his duties as [REDACTED] of the [REDACTED] Commission are wholly unrelated to his proposed representation of [REDACTED]

(B) The post-employment restrictions of the Ethics Ordinance do not present a barrier to [REDACTED] representation of [REDACTED] in regards to the matters mentioned above since as an alderman, he was not personally and substantially involved in matters regarding [REDACTED] concessions at [REDACTED] Airport, and/or the certification of Women Business Enterprises.