

88124. A MEH



MEMORANDUM

City of Chicago
Eugene Sawyer, Mayor

Board of Ethics
Harriet McCullough
Executive Director

Sol Brandzel
Chair

Mary Milano
Vice Chair

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

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

To:

[REDACTED]

From:

Ertharin Cousin S.H.
Ertharin Cousin
Deputy Director

Re:

[REDACTED]

Date: September 22, 1988

Pursuant to requests from the Corporation Counsel's Office and Individual A, the Board of Ethics issued an advisory opinion regarding [REDACTED] participation in the joint venture on the construction of a project [REDACTED]. [REDACTED] is an appointed member of the [REDACTED] Commission. Individual A is also [REDACTED] a member of an architectural firm. As a member of the joint venture, the firm [REDACTED] entered into contract negotiations with the City for construction of the [REDACTED] project. [REDACTED]

Section 26.2-8(c) of the Governmental Ethics Ordinance requires a City official, who has a financial interest in any matter pending before any city agency, to disclose the value of such interest to the Board of Ethics. In compliance with this section of the Ordinance, Individual A notified the Board, in writing of his interest in the joint venture seeking to contract with the City.

Section 26.2-9(c) of the Ordinance, permits an appointed official to represent any person or entity before a City agency so long as the matter is wholly unrelated to official's City duties and responsibilities. Individual A's participation, as a member of the joint venture, requires his representation of the joint venture members before several City agencies, including the City council.



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However, the Board reasoned that the no property involved in the [redacted] construction or adjacent thereto required review by the [redacted] Commission now or in the foreseeable future. Therefore, [redacted] position as a member of the joint venture is wholly unrelated to his official City duties and responsibilities. For these reasons, the Board informed [redacted] and the Corporation Counsel's Office, that [redacted] interest in the joint venture would not violate the Ethics Ordinance.

EC/sh, [redacted]

M&H



City of Chicago
Eugene Sawyer, Mayor

September 5, 1988

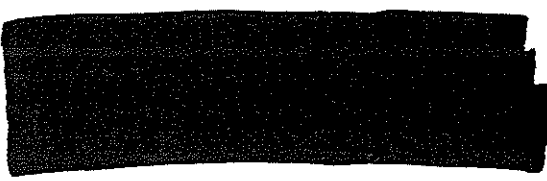
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Re: Case Number: 88124.A

Dear [Redacted]

This staff letter is in response to your request for an immediate advisory opinion requesting a "ruling and or waiver on contract language regarding conflict of interest". The provisions of the proposed public works contract, for construction of a project [Redacted], and the Governmental Ethics Ordinance prohibit conflicts of interests between the City of Chicago and specifically identified city officials and employees. In your letter to us you quote the particular relevant contract sections. You, a member of the [Redacted] Commission presently hold the position of [Redacted] with Company A as a member of a joint venture seeks project [Redacted] work.

The Conflict of Interests provisions in the Contract prohibit any officials with City responsibilities related to the Project, from maintaining any personal interest in the Agreement. The [Redacted] Commission presently has no matters pending regarding or related to Construction of the project [Redacted]. Therefore as a member of [Redacted] Commission your city responsibilities do not relate to the performance of this project, as such you maintain no City duties related to the agreement.

Further, Section 26 7-11 of the Municipal Code of Chicago, the Governmental Ethics Ordinance, prohibits appointed or an elected official or employee from maintaining a Financial Interest in City Business or unpaid appointed officials, are excluded from this prohibition. Therefore as a member of the [Redacted] Commission this section of the Ordinance would not preclude your participation in the City contract.



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[REDACTED]

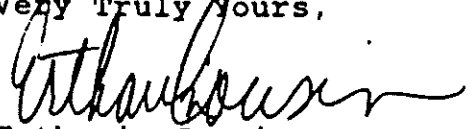
Section 26.2-8(a) of the Ordinance, entitled Conflicts of Interests prohibits an official or employee from participating in any government decision with respect to any matters in which he has an economic interest. For the reasons previously discussed, your present City position would not appear to violate this section of the Ethics Ordinance.

Section 26.2-8(c) of the Ordinance, requires a city official to disclose any interest pending before a city agency. A Disclosure of Pending Interests form is attached. Please complete and return same to the Board of Ethics as soon as possible.

In conclusion your company's participation in the joint venture contract with the City, for construction of the [REDACTED] project [REDACTED] would not violate either the Governmental Ethics Ordinance or the terms of constructions agreement. However you must return the Disclosure form to the Board as soon as possible. Further, you should be aware of your continuing fidiuciary responsibilités to the City and the need for confidentiality regarding any information attained through your City appointed position.

Upon review of this decision by the full Board on September 14, 1988, you will receive a Board letter confirming this staff opinion. If you have any questions regarding this matter, please contact my office at 744-9660.

Very Truly Yours,


Ertharin Cousin
Deputy Director

[REDACTED]