




BOARD OF ETHICS
CITY OF CHICAGO

REVISED
MEMORANDUM

Date: October 21, 2016

To: All City of Chicago Elected Officials, Other City Invitees

From: 
William F. Conlon, Chair

Re: Case No.16032.A, Purchase of Cubs 2016 World Series Tickets directly from the Chicago Cubs at face value by City of Chicago Officials or Employees

The members of the Board of Ethics met on October 19, 2016, and have fully considered the issues addressed in the Memorandum circulated on October 4, 2016.¹ In this Revised Memorandum, the Board has revised the guidance given in that October 4 Memorandum as follows:

1. The guidance announced in this Revised Memorandum is based on §2-156-142(d)(12) of the City's Governmental Ethics Ordinance, which allows City officials or employee to accept:

“Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with meetings, *appearances or public events or ceremonies related to official city business*, if furnished by the sponsor of such meeting or public event or ceremony, and further provided that such travel and expenses, entertainment, meals or refreshments have been approved in advance by the board and are reported to the board within 10 days of acceptance thereof.” [emphasis added]

¹ In that October 4 Memorandum, the Board's Executive Director advised all 53 City elected officials and others that, under the gift restrictions in the Governmental Ethics Ordinance, these officials could accept the team's offer to purchase up to two (2) tickets per post-season home game at face value (the cost being set by the League itself, not by the team) provided that two (2) conditions were met: (i) that each attendee be announced on the public address system, or otherwise publicly acknowledged by the team to the crowd in some way; (ii) that each official must attend each game for which he or she has purchased tickets – they may not give all tickets purchased for any game to family, friends, supporters, constituents, for example; and (iii) that each attending City official or employee who accepted this offer then report his or her attendance to the Board, as required by the Ordinance. This Memorandum and the guidance announced in it were provisional, or interlocutory, subject to the full Board's modification. The October 4 Memorandum is hereby withdrawn, effective October 21, 2016.

2. It is reasonable to assume, and the Board does assume, that, but for the offer made to City elected City officials and others by the team, these officials and others would have had to pay more than \$50 above the tickets' face value to be able to attend these games (unless they were offered tickets by personal friends or relatives, as allowed per §2-156-142(d)(4) or (6)); therefore this greater-than-\$50-differential *would* constitute a prohibited gift to these officials, unless it falls under the exception to the gift provisions cited above.

3. City elected officials (or other City officials and employees) may accept an offer to purchase face value or even accept free tickets (one for the official and one for a guest, such as a spouse or domestic partner) to a sports or other entertainment event, at which a reasonable person could expect to be required to pay more than \$50 above face value to gain admission, provided that:

(i) the officials' personal attendance is to enable them to perform an official, appropriate, ceremonial duty or action, such as publicly welcoming the crowd or making a speech, throwing out the first pitch, marching with the color guard or standing with other elected officials on the field, or comparable activities appropriate to the particular venue; and

(ii) there is a clear and direct connection between the official's attendance and performance of a such a ceremonial duty or action and the nature and location of the event itself. For example, this could include the Mayor, as the representative of the City itself, and the alderman of the Ward in which the venue is located, as the representative of the citizens and businesses in the vicinity of that venue; and

(iii) each attending City official or employee who accepts such an offer then report his or her attendance to the Board, as required by the Ordinance

4. This Revised Memorandum opinion:

(i) does not impact the ability of City officials or employees to purchase season tickets to professional sports teams and thereby gain the ability to purchase coveted post-season tickets on the same terms as other season ticket-holders, or limit them from procuring tickets to other high-demand events (such as concerts) in the same manner as other members of the general public; and

(ii) does not address whether City elected officials could use funds collected by their political committees to purchase such tickets, as that question goes beyond the purview of the City's Governmental Ethics Ordinance. Elected officials are advised to seek legal advice from either the City's Law Department, the Illinois State Board of Elections, or private counsel as to the applicability of other provisions in the City's Municipal Code, such as §2-8-050, which governs aldermanic expense accounts, or the Illinois Election Code, or other potentially applicable laws; and

(iii) does not affect those City officials who complied in good faith with the provisional, interlocutory advice rendered by the Board's Executive Director on October 4, 2016, up to and including the National League Championship Series; but this Revised Memorandum does apply in the event the Cubs advance to the World Series; and

(iv) supersedes the Board's advisory opinion in Case No. 10021.A,² to the extent that opinion is incompatible with this Revised Memorandum.

5. The Board voted to direct its staff to prepare a draft formal advisory opinion consistent with and expanding upon the holdings described above. That draft formal opinion will be considered by the Board, which intends to issue the opinion at its regularly scheduled November 2016 meeting.

² See https://www.cityofchicago.org/content/dam/city/depts/ethics/general/AO_GiftsTravel/10021A.pdf