

HEH



City of Chicago  
Eugene Sawyer, Acting Mayor

April 19, 1988



Board of Ethics  
Harriet McCullough  
Executive Director

Case Number 88046.A

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Chair  
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Vice Chair

**CONFIDENTIAL**

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Dear

Suite 1320  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660

The Board of Ethics has considered your request for an advisory opinion concerning a gift you recently received from *individual A.* It is our understanding that you recently received an item of jewelry worth approximately \$800 from *this individual* during a birthday party held in your honor at a private club. You informed a member of our staff that *individual A.*, who was attending the party as a friend of an invited guest, is a building contractor with the firm of and that this firm has business contracts with the *department where you work.*

After a careful review of these circumstances, we believe that your acceptance of this gift could potentially violate certain provisions of the Ethics Ordinance (Chicago Municipal Code Chapter 26.2). For this reason we would advise that you return this gift to the donor. Our explanation of this decision is as follows:

There are two sections of the Ethics Ordinance which might apply to the circumstances you describe. Sections 26.2-4(c) and 26.2-4(b). Section 26.2-4(c) states that:

No person who has an economic interest in a specific City business, service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, ... and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than an occasional one of nominal value (less than \$50).



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Under this section, a City employee is prohibited from accepting gifts worth \$50 or more if: (1) the donor has an economic interest in a business transaction with the City; and (2) the recipient may substantially influence that transaction. Although your responsibilities in the *department where you work* do not include participating in decisions with respect to building contracts, it is at least theoretically possible for a person in your position to informally influence persons in his or her City agency who do make such decisions. Therefore Section 26.2-4(c) could potentially apply to your situation, since the gift is clearly worth more than \$50; it was given to you by a person who has an economic interest in City business; and you could potentially influence the donor's interest by virtue of your affiliation with a City agency engaged in transactions with the donor. By returning the gift, you would avoid any potential for a violation of this section.

Section 26.2-4(b) of the Ordinance provides an additional basis for declining this gift. This section states that:

No person shall give or offer to give to any official, employee, or City contractor... and none of them shall accept, anything of value... based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments 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.

This section would prohibit an employee from accepting any gift worth \$50 or more based on a mutual understanding that the recipient's governmental actions would be influenced. Although you have made it clear that the gift you received did not involve any mutual understanding between you and the donor concerning your decisions in the *department where you work*, the particular circumstances of this case could reasonably be construed as involving some effort to improperly influence governmental actions. Your acceptance of a personal gift worth \$800 from a

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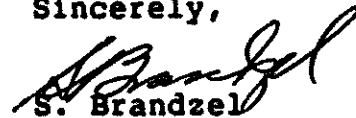
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person who does business with your City agency might be interpreted as involving some implicit understanding between you and the donor, and therefore, might be interpreted as violating Section 26.2-4(b).

In conclusion, we believe that it would be advisable for you to return this gift since doing otherwise creates the potential for a violation of Section 26.2-4(c) of the Ethics Ordinance and in addition, might create the appearance of violating Section 26.2-4(b). At the very least your acceptance of this gift would warrant further investigation and review under these two sections of the Ordinance.

We very much appreciate your inquiry and concern for acting in accord with the provisions of the Ethics Ordinance. Please do not hesitate to contact the Board if you have further questions regarding this matter.

Sincerely,

  
S. Brandzel  
Chairman

JH/jh/ 