

MJH



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Room 303
320 North Clark Street
Chicago, Illinois 60610
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October 10, 1991

C O N F I D E N T I A L

[REDACTED]

RE: Gifts and Travel
Case No. 91079.A
ADVISORY OPINION

Dear [REDACTED]

On [REDACTED], 1991 this office received your letter concerning [REDACTED] tickets offered to you [REDACTED] by co. [REDACTED]. You requested a Board ruling on whether, under the provisions of the Governmental Ethics Ordinance, you could accept these tickets. We thank you for consulting with us on this matter.

After carefully reviewing the facts presented, the Board determines that while your acceptance of these tickets is not explicitly prohibited by the Ordinance, such acceptance would be contrary to the purpose of the Ordinance because it creates the appearance of using a public office to obtain a private gain. The Board believes that conduct that creates an appearance of impropriety should be avoided whenever possible. The avoidance of the appearance of impropriety is one of the cornerstones of the Ethics Ordinance as set forth below.

Our analysis of your case is presented for your review and consideration.

FACTS: You hold the position of [REDACTED]. On [REDACTED] 1991, you attended a dinner [REDACTED]. As part of this dinner, each of the [REDACTED] guests [REDACTED] was given a letter offering two [REDACTED] tickets.

[REDACTED]



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[REDACTED]

On [REDACTED] 1991, [REDACTED]
[REDACTED], telephoned this office to ask whether you
could accept this offer. You followed up this conversation
with a letter that the Board received on [REDACTED], 1991.
This letter set forth your duties as follows:

[REDACTED]

As [REDACTED], you were also involved in the [REDACTED]
[REDACTED]

You also stated in your letter to the Board, "I have no
economic interest in Co. [REDACTED], nor am I involved in
any regulatory aspect or decision making that could affect
Co. [REDACTED]."

ORDINANCE AND ANALYSIS: The specific provision of the
Governmental Ethics Ordinance that applies to this case is
section 2-156-040(c). It states:

(c) 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, or to the spouse or minor child
of such official or employee, 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) provided,
however, nothing herein shall be construed to prohibit
such person from accepting gifts from relatives.

Section 2-156-010(i) of the Ethics Ordinance defines the
phrase "economic interest" as "any interest valued or capable
of valuation in monetary terms" Subsection (c)
prohibits a City official or employee from accepting gifts
from persons who have an economic interest in a specific

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business, service, or regulatory transaction with the City if the official or employee is in a position to substantially affect this transaction.

The preamble of the Ethics Ordinance, in relevant part, states:

WHEREAS, it is essential to the function of democratic government that the public have confidence in the fair and honest administration of government; and

WHEREAS, that confidence can best be engendered and preserved by the avoidance of conflicts of interest, impropriety, or the appearance of them;

The preamble clearly sets forth the purposes and goals of the Governmental Ethics Ordinance.

According to the information received from you and your staff, your relationship with Co. [REDACTED]

[REDACTED]

CONCLUSION: The facts presented indicate that you are not in a position to substantially affect any specific business, service, or regulatory transaction of the City in which Co. [REDACTED] has an economic interest. Therefore, based upon the facts presented, section 2-156-040 (c) of the Governmental Ethics Ordinance would not explicitly prohibit you from accepting this offer from Co. [REDACTED]

However, the Board has serious concerns about the appearance of impropriety that may be created by your [REDACTED] acceptance of tickets [REDACTED] from Co. [REDACTED], a company that has a significant financial relationship with the City of Chicago. Therefore, although your acceptance of the gift would not violate any specific provision of the Ordinance, the Board calls your serious


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consideration to this appearance of impropriety.¹

We enclose a copy of our procedural rules, which we include with every advisory opinion. If you have any questions, please feel free to contact us.

Sincerely,


Al Hofeld
Chairman

cc: Kelly Welsh, Corporation Counsel


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¹ The Board's opinion is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts presented in this opinion are incorrect or incomplete, please notify the Board immediately, as any change in the facts may alter our opinion. Other laws or rules may be applicable to this situation.

NOTICE OF RECONSIDERATION AND RELIANCE

Reconsideration: This advisory opinion is based on the facts outlined in this opinion. If there are additional material facts or circumstances that were not available to the Board when it considered this case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances that are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this opinion.

Reliance: This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.