



CITY OF CHICAGO

BOARD OF ETHICS

FINDING OF A MINOR VIOLATION

CONFIDENTIAL
VIA CERTIFIED and U.S. MAIL

June 15, 2023

Re: Case No.: 23013.C

Dear :

As you are the legal representative for _____, we are sending you this letter of admonition. As stated in its 10-Day Notice of Potential Probable Cause Determination sent to your client on February 22, 2023, the Board of Ethics (“Board”) had reason to believe that [your client _____] may have violated Chicago’s Governmental Ethics Ordinance (“Ordinance”). Specifically, on January 30, and February 2, 2023, multiple citizens filed complaints with the Board, and included electioneering communications paid for and distributed by her political committee, _____, regarding her re-election campaign for _____ Alderperson. They alleged they received this material via U.S. mail. The mailers included images of her walking together with an identifiable individual in a Chicago Police Department (“CPD”) uniform, with his CPD shoulder patch clearly visible. Another image showed various individuals in front of an identifiable Chicago Fire Department (“CFD”) facility. The individuals appeared to be dressed in CFD apparel (not uniforms). A second mailer showed a clearly identifiable CPD squad car in the background. The CPD insignia, the CPD squad car, and the CFD facility are all City-property¹ and serve as indicia of official CPD business.² Photos of these mailers and images were attached.

In response to the Board’s February 17 Notice, you sent our Executive Director a letter, received on March 7. At its meeting on June 12th, the Board reviewed all of the information before it, including your March 7 letter, and concluded, consistent with prior Board caselaw, that the use of identifiable City equipment or property in

¹ **§2-156-010(e-1) Definitions.** “City property” means: (i) the official corporate seal, as authorized in Chapter 1-8-010 et seq., as amended; (ii) any building or portion thereof owned or exclusively leased by the City or any City agency; or (iii) any intellectual property or personal property, equipment, machinery, or tangible items owned or used by the City for City business purposes...”

² Note, too, that CPD Rule 42 prohibits CPD members from “participating in any partisan political campaign or activity,” and CPD Reference Number 290748 provides that: “The Department will not prohibit a sworn member from, or discriminate against, his or her engaging in political activities or campaigning while off duty, provided that the sworn member does not: 1) wear a uniform or any part thereof which would identify the individual as a Chicago Police Officer, or use property (including facilities, vehicles, equipment, records, documents, video recordings, audio recordings, or photographs) of the Chicago Police Department; 2) display or otherwise lead others to believe he or she is carrying a badge, baton, or gun; 3) hold himself/herself out as a Chicago Police Officer.

[your client's _____] electioneering communications constitutes a minor violation³ of §2-156-060⁴ and §2-156-135(b)⁵ of the Ordinance. This conclusion remains confidential. Therefore, the Board directed staff to issue this confidential admonition to your client _____. Please note, however, that any further violations of this nature will not be considered minor.

We appreciate your, and your client's, cooperation. If you have any questions about this or any other matter, please contact us at (312) 744-9660/

Sincerely,

Steven I. Berlin
Executive Director

Attachments

³ **Board Rule 3-11. Advisory opinions regarding past conduct.** ...If the conclusion of the staff is that there has been such a violation, then the staff shall report the matter to the Board at the next possible Board meeting and recommend to the Board as to whether that violation is minor in nature. The Board shall then determine whether the violation was minor. In determining whether any particular violation is minor in nature, the Board shall consider, but not be limited to, the following criteria: (i) whether the Board would still be upholding the spirit of the Ordinance; (ii) whether a reasonable person familiar with all the facts would consider the violation technical and not substantive in nature and extent; and (iii) whether the violation is part of a pattern with respect to the person whose conduct is described in the request. **(1) If the Board determines that a minor violation occurred, the Board shall issue a letter of warning or admonition for the first such violation to the person whose conduct is described in the request, either as part of or separate from any issued advisory opinion to the requestor. Such letter shall be private and subject to the Board's rules on confidentiality...**

⁴ **§2-156-060. Unauthorized use of City property.** No official, employee, or candidate for City office shall engage in or permit the unauthorized use of any City property...

⁵ **§2-256-135(b). Prohibited political activities.** No official, employee, or candidate for City office shall intentionally use any City property or resources of the City in connection with any prohibited political activity...