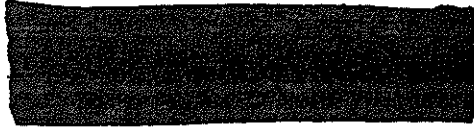




This letter with HEH
mailed to S. Brandze
for his signature.

September 26, 1988



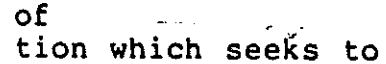

Case Number 88122.A

CONFIDENTIAL

Dear 

This letter is in response to your request for an advisory opinion concerning the provisions of the Ethics Ordinance and their possible application to a situation involving your relationship as a City employee to the organization

This situation that you have presented to us is as follows: you are an employee of a City department in charge of the job training program.

You are also a member of  a not-for-profit organization which seeks to provide a support network for  This organization recently named you as its government employee of a given time period and would like to include your name and title in a letter to *people* employed on a professional level with the City, inviting them to a social function. You have asked the Board of Ethics to determine whether it would be permissible under the Ethics Ordinance for this organization to use your name and title in its letter to City employees.

In explaining this situation further, you informed our staff that: 1) no City stationary or any other City resources would be used for inviting City employees to the *organization* meeting; 2) this meeting would not be scheduled during working hours; 3) you receive no compensation for your participation as a member of this not-for-profit organization and would receive no benefits for the use of your name on this organization's publicity; and 4) none of the *people* invited to this promotional social event are under your supervision in the City.



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

September 26, 1988

If this information is accurate, the Board believes that the use of your name, title, and/or signature on material promoting ^{this} ~~the~~ *Organization* to City employees would not violate any provision of the Ethics Ordinance. Our opinion is based on an analysis of four sections of the Ethics Ordinance and their potential application to the circumstances you have described. These are sections 26.2-2, 26.2-5, 26.2-6 and 26.2-14.

Section 26.2-2 of the Ordinance states that City employees owe a Fiduciary duty to the City at all times in the performance of their public duties. This section would prohibit the use of City time to obtain a personal benefit or to promote a purely private interest. The use of your name and title on materials promoting ^{this} ~~the~~ *organization* would not violate this section if, as you have stated, there is no use of City time in the preparation of these materials or in the activities advertised in these materials.

Section 26.2-5 prohibits the acceptance of money or anything of value in exchange for advice or assistance concerning the operation or business of the City. Provided that you receive no compensation for your participation in this ~~the~~ *organization*, and do not receive an economic benefit in exchange for the use of your name on promotional material, this section would not apply to your circumstances.

Section 26.2-6 prohibits the unauthorized use of City property. This section would not be violated if, as you have stated, there is no use of City materials or resources in the promotional activities of this organization. (However, this section might prohibit the use of a City personnel list to benefit non-City groups. See page 3 of this letter for a discussion of this issue.)

Section 26.2-14 prohibits the use of coercion or intimidation to obtain political contributions from City employees. The use of your name on material promoting ^{this} ~~the~~ *organization* to ^{people} ~~the~~ in City government could not reasonably be construed as a violation of this section since, (1) the purposes of this organization are not political; and (2) none of the ^{people} ~~the~~ invited to the function hosted by ^{this} ~~the~~ *organization* are in a position to be placed at any disadvantage by you should they decline membership.

On the basis of this analysis the Board has concluded that it would be permissible under the Ordinance for you to allow the use of your name, title and signature on promotional materials to professional ^{people} ~~the~~ in City government provided there is no change in the circumstances described above.

Page Three

September 26, 1988

In considering your situation, there arose a concern about the means of obtaining the names and addresses of persons who would be contacted by ~~the~~ *organization*. The Board believes that it would not be permissible under the Ethics Ordinance for you or any other City employee to assist a non-City organization such as ~~this~~ *organization* in obtaining a list of names and addresses of City personnel. Any such list obtained through City agencies would be considered property of the City. And, any use of this property by City employees or officials to further the interests of those outside the City could be interpreted as unauthorized use of City property prohibited under Section 26.2-6 of the Ethics Ordinance.

For this reason and in order to respect the privacy rights of City personnel, we believe that City employees should not attempt to supply a list of City employees obtained through the office of personnel or some other City agency. It would be allowable for you to suggest to your organization, the names of individual City employees who you think would be interested in membership.

We appreciate your inquiry and hope that we have sufficiently answered your questions regarding the provisions of the Ethics Ordinance. If you have further questions about this matter, please do not hesitate to contact us.

Sincerely,

S. Brandzel 24
S. Brandzel
Chairman

JH/jh/ 