

SIB



CONFIDENTIAL

December 12, 1997

[REDACTED]
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[REDACTED]

City of Chicago
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Re: **Outside Employment**
Case No. 97057.Q

Dear [REDACTED]:

You are an employee relations supervisor for the City's [REDACTED] and an attorney licensed to practice in Illinois. On December 8, 1997, you requested, at the direction of your office's Executive Director, that our office advise you in writing whether, under the City's Governmental Ethics Ordinance, you may maintain a part-time law practice as an attorney while you continue to work for the City. You indicated that you might handle legal matters such as wills, real estate closings and other small matters that would not involve City departments or transactions, and would handle them outside work hours, either on evenings, weekends, or, if necessary, on a requested vacation day.

From the facts you presented, staff concludes that the Ethics Ordinance does not prohibit you from conducting this outside law practice while remaining employed in your City position, but it does impose certain restrictions, about which you should be aware. In this letter, we summarize these restrictions.

First, § 2-156-090, "Representation of Other Persons," contains several restrictions. Section -090 (a) prohibits you, as a City employee, from representing or having an economic interest¹ in the representation of any person other than the City in any formal or informal transaction before your own or any other City agency where the agency's action or non-action is non-ministerial (i.e. involves discretion), except in the performance of your City employment duties. Section -090 (b) prohibits you from having an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or

¹ An economic interest, as defined in § 2-156-010 (i), is any interest valued or capable of valuation in monetary terms. "An economic interest in the representation" thus includes, e.g. compensation in any manner by the client. Case No. 90035.A. Please note also that a City employee who is employed and compensated by another person, e.g. a client or outside law firm, thereby has an economic interest in that person. Case No. 89103.A.



court in which the City is a party and the person's interest is adverse to the City's. The Board has construed the terms "represent" and "representation" to apply to a broad range of activities in which one person acts as a spokesperson for another, including making personal appearances before, telephone contact with, or submitting written documents to any City personnel or agencies.

Second, § 2-156-050, "Solicitation or Receipt of Money for Advice or Assistance," prohibits you, as a City employee, from accepting payment or anything of value in exchange for giving advice or assistance on the operation or business of the City, but does not prohibit receiving compensation for rendering services that are wholly unrelated to your City duties and rendered as part of your non-City occupation.

Third, §§ 2-156-030, "Improper Influence," and -080, "Conflict of Interest," prohibit you, as a City employee, from participating in or in any way attempting to use your City position to influence a City governmental decision or action in a matter in which you have an economic interest different from the general public's. Under prior Board precedent, you would have an economic interest in your paying clients. Case No. 89103.A. Thus, provided you do not make, participate in or attempt to influence any City decisions affecting your clients, your outside law practice would not be affected by these provisions.

Fourth, as a City employee, you owe your primary loyalty to the City, under § 2-156-020, "Fiduciary Duty." This section obligates you to use your City position responsibly and in the best interests of the public, and to exercise your professional judgments and City responsibilities free from conflicting duties to outside entities or clients. It also prohibits you from using your City position obtain private benefits, e.g. to benefit your outside practice or your clients' interests. Case No. 92014.A.

Fifth, § 2-156-060, "City-Owned Property," prohibits you from using any City property or resources in your non-City position, or for any private benefit, without authorization. Finally, § 2-156-070, "Use or Disclosure of Confidential Information," prohibits you from using or revealing, other than in the performance of your City duties, confidential information you have acquired through your City employment. Confidential information, for purposes of this section, means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

Our conclusion is based only on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts presented are incorrect or incomplete, or if the nature of your outside law practice changes so that the statements made about it in this letter are no longer applicable, please notify the Board, as such a change may alter our conclusions. Also, you should also be aware that other rules, laws, or executive orders, such as Mayoral Executive Order 97-1 and Personnel Rules XVIII, Section 1, no. 43, and XX, Section 3, may impose

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additional restrictions concerning your outside law practice, and we advise you to seek guidance to be sure you are in compliance with them. Finally, we note that any City department may impose restrictions that are more stringent than those imposed by the Ethics Ordinance.

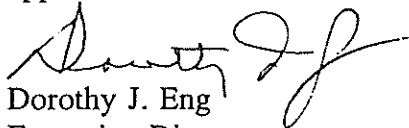
We appreciate your contacting us about this matter, and your willingness to abide by the standards of the City's Governmental Ethics Ordinance. Please contact us if you have any further questions.

Yours very truly,



Steven I. Berlin
Deputy Director

approved:



Dorothy J. Eng
Executive Director

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