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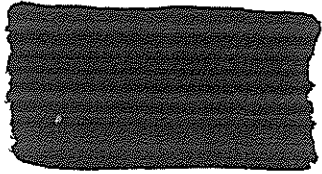
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SIB

July 17, 1998

CONFIDENTIAL



Re: Case No. 98033.Q
Outside Employment

Dear

On July 13, 1998, you called our office and asked whether the City of Chicago Governmental Ethics Ordinance prohibits you from outside employment as the owner of a inspection service for private individuals in and around the city.

You are a safety specialist for Department X and in that capacity you are responsible for ensuring that department employees meet Federal, state, and local regulations. You travel to various job sites throughout the City to conduct these safety inspections. You are not involved in any aspect of the actual construction, maintenance, or repair of the City's

You stated that as a inspector, you would work exclusively for private individuals. You would use specialized equipment to search for problems in your clients' property. If your inspection revealed a problem, the homeowner would have to call a repairman, as such problems with private property are not the responsibility of the City of Chicago. You stated that as a inspector, you would have no occasion to inspect or offer opinions regarding Dept. X's facilities. You further stated that you have no plans to seek any contracts or otherwise attempt to do business with the City of Chicago.

It is staff's opinion, based on the facts presented, that the Ethics Ordinance does not prohibit you from outside employment as a inspector. However, several sections of the Ordinance may restrict your conduct. In an effort to provide some guidance, we summarize these sections as follows:

Section 2-156-020, "Fiduciary Duty," obligates you to use your City position responsibly and make decisions in your City position free from conflicting obligations to other entities, and prohibits you from using City time, resources, or your position or title to obtain a personal benefit or promote a private



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interest. For example, you are prohibited from using your status as a City employee with Department X to assist you in any way with obtaining clients, including in your advertising and client solicitations.

Sections 2-156-030 and 2-156-080 of the Ordinance, entitled "Improper Influence" and "Conflicts of Interest," respectively, prohibit you, as a City employee, from participating in, or trying to use your position to influence, a governmental decision or action in which you have an economic interest. So long as you do not make, participate in, or attempt to influence any City or departmental decision affecting your [redacted] inspection business, these provisions will not restrict your activities.

Section 2-156-050, "Solicitation of Receipt of Money for Advice or Assistance," prohibits you from accepting payment in exchange for giving advice or assistance on matters that involve the operation of City business. For example, you may not accept payment for helping your clients procure services offered by Department X.

Section 2-156-060, "City-Owned Property," prohibits you from engaging in any unauthorized use of City property. For example, you may not use any Department X equipment or supplies for your outside business.

Section 2-156-070, "Use or Disclosure of Confidential Information", prohibits you from using or revealing confidential information that you acquire or have acquired through your city employment. The Ordinance defines "confidential information" as information that may not be obtained under the Illinois Freedom of Information Act. Thus, you may not benefit your [redacted] inspection business by using information available only to City employees and not to the general public.

Finally, Section 2-156-110, "Interest in City Business," prohibits you from having a financial interest in your own name or in the name of any other person in any contract, work, or business of the city, whenever the expense, price, or consideration of the contract is paid for with funds belonging to or administered by the City. To the extent that, as you stated, you do not intend to seek any business or contracts with the City, this section of the Ordinance will not restrict your activities with your inspection business. However, if your plans change with respect to seeking business with the City, we advise you to contact us for further guidance.

We are enclosing a copy of the Governmental Ethics Ordinance so that you may review the provisions cited above. Staff's conclusions are based on the application of the Ordinance to the facts as you presented them. If any of the facts are incomplete or incorrect, please notify us, as a change in the facts may alter our conclusion.

Please be advised that other rules may also apply to this situation, and that a City department may adopt restrictions that are more strict than those imposed by the Ethics Ordinance. For example, Personnel Rule XX, Section 3, requires City employees to file a written request with their

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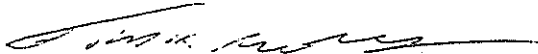
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department head for permission to engage in outside employment. We suggest that you discuss your outside employment plans with your supervisor to determine if any departmental rules would prohibit or restrict such employment.

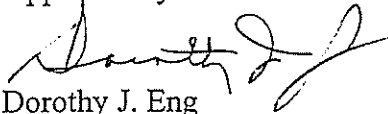
We appreciate your contacting us about this matter, and your willingness to abide by the standards of the Governmental Ethics Ordinance. If, after reading the Ordinance, you have any questions about the law or its application, please do not hesitate to contact us for further guidance.

Very truly yours,



John H. Mathews
Attorney/Investigator

Approved by:



Dorothy J. Eng
Executive Director

enclosure

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