



EMWS

CONFIDENTIAL

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[REDACTED]
[REDACTED]

City of Chicago
Richard M. Daley, Mayor

Board of Ethics

Dorothy J. Eng
Executive Director

Angeles L. Eames
Vice Chair

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Darryl L. DePriest
Emily Nicklin
Martin E. O'Donovan
Michael F. Quirk

Room 303
320 North Clark Street
Chicago, Illinois 60610
(312) 744-9660
(312) 744-2793 (FAX)
(312) 744-5996 (TTY)
<http://www.ci.chi.il.us>

Re: Case No. 96054.Q
Representation

Dear Mr. [REDACTED]:

You are an attorney licensed to practice law in Illinois. You said that you are not employed by and do not have any contracts with the City of Chicago, but have served and will continue to serve as a hearing officer for the Chicago Board of Election Commissioners ("CBEC") under specific contracts between it and your firm, and that you are a CBEC contractor, not a CBEC employee. CBEC hearing officers preside over challenges to candidacies of those running for City elected office. On [REDACTED], you contacted our office and asked whether the City's Governmental Ethics Ordinance prohibits you from representing City employees in proceedings before the Illinois Industrial Commission. You said that, in these Industrial Commission proceedings (in which the City would be the adverse party), you would be compensated by contingency for your work.

As we informed you on [REDACTED], though you are a contractor of the CBEC, you are not a City employee or official (or a City contractor) subject to the Ordinance.¹ Thus staff concludes, based on previous Board opinions, that nothing in the City's Ethics Ordinance prohibits you from representing City employees in proceedings before the Illinois Industrial Commission.²

Our conclusion is based solely upon application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts are incomplete or incorrect, please notify us, as a change in the facts may alter our conclusions.



Please Recycle!



EMW5

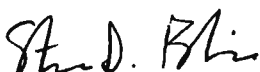
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[REDACTED]

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We appreciate your calling us about this matter, and your willingness to abide by the standards of the City's Governmental Ethics Ordinance. We enclose a copy of the Ordinance for your review. Please contact us if you have any other questions.

Yours very truly,



Steven I. Berlin
Deputy Director

Approved:



Dorothy J. Eng
Executive Director

1. Section 2-156-090(b) of the Ordinance, "Representation of Other Persons," prohibits any elected official or employee of the City from having an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before an administrative agency or court, if the City is a party and the person's interest is adverse to the City's.

2. In Case No. 88047.Q, the Board determined that the CBEC is not a City agency. In Case No. 94031.A, the Board concluded that CBEC employees are not City employees and therefore not subject to the provisions of the City's Ethics Ordinance. It determined that the Ordinance did not prohibit a full-time CBEC employee, also an attorney, from representing a City employee before the Illinois Industrial Commission. While you are not a CBEC employee, you are likewise not a City employee or official.