

BOARD OF ETHICS

OPEN SESSION MINUTES

MEETING OF JUNE 12, 2023, MONDAY-3:09 P.M.

740 NORTH SEDGWICK, SUITE 500

BOARD MEMBERS PRESENT

William F. Conlon, Chair
David L. Daskal
Norma Manjarrez
Hon. Barbara McDonald

STAFF PRESENT

Steven I. Berlin, Executive Director
Lisa S. Eilers, Deputy Director
Richard J. Superfine, Legal Counsel
Lauren Maniatis, Attorney/Investigator
Pally Casillas, Staff Assistant

BOARD MEMBER ABSENT

Ryan Cortazar

GUESTS ATTENDING

"BJK"
Heather Cherone, WTTW
Pete Czosnyka, Citizen
"Jo"
Brad Snyder, Office of Inspector General

The meeting was convened and conducted in person and through the use of the Zoom remote video and audio meeting platform.

I. APPROVAL OF MINUTES

The Board VOTED 4-0 (Ryan Cortazar, absent) to approve the Open Session Minutes of the May 22, 2023 meeting.

II. CHAIR'S REPORT

The Chair again thanked the staff for its work in the aftermath of the elections, and during the transition of administrations.

III. MEMBERS' REPORTS

None

IV. EXECUTIVE DIRECTOR'S REPORT

The Executive Director highlighted a few items from his Report (which was posted here: <https://www.chicago.gov/content/dam/city/depts/ethics/general/DirectorReports/2023/ED%20Report%20June%202023.pdf>):

First, in light of a recent media report about a proposal re-submitted to City Council that would curtail City Council members' ability to earn income from outside jobs or business ownership, that the staff has completed its research into how Chicago's peer cities (New York City, Philadelphia, Washington, D.C., Atlanta, San Diego, Los Angeles, San Francisco, and Seattle) each address the issue, and will share that research with the City Council's Committee on Ethics and Government Oversight, and assist the Committee and the Johnson Administration in addressing the proposal. That research is not confidential.

Second, he pointed out that all 53 elected officials' (other than those elected to the Community Councils for Public Safety and Accountability, or "CCPSA") 2023 Statements of Financial Interests are posted on the Board's website. We are working with CCPSA to ensure its newly elected members are entered into the City's CHIPPS system so their forms—all of which the Board has—can also be posted.

Third, he pointed out that approximately 12,275 City employees and two City Council members have completed their 2023 mandatory online ethics training—and that the Chicago Police Department is already at 85% completion.

A. Matters Relating to the New Administration and City Council

In the next few months, we will again present to the Mayor and City Council our recommendations for amendments to the Governmental Ethics Ordinance, pursuant to our responsibility under §2-156-380(f) of the Governmental Ethics Ordinance. Among other things, we will consider clarifying various aspects of the Ordinance's regulation of City Council independent contractors, in light of a media story earlier this week. We are also following the latest proposal to make the position of Alderperson full-time, and restrict or prohibit City Council members' secondary employment or outside business ownership. We have researched how our peer cities handle this issue (New York City, Philadelphia, Washington DC, Atlanta, San Diego, Los Angeles, San Francisco, and Seattle).

B. 2023 Statements of Financial Interests

On February 28/March 1, as required by law, we notified 3,925 City employees and officials required to file 2023 Statements of Financial Interests ("FIS forms") of their requirement to file before Tuesday, May 2, with the link to file electronically. We were in regular contact with our ethics liaisons in all departments, ward offices, and City Council committees, sending them the names of those who've not yet filed. As provided by law, we sent all non-filers regular reminders to file by the deadline. On May 15, we found 70 officials and employees in violation of the Ethics Ordinance, though that number has been reduced to 62, given additional facts we subsequently learned. We assessed a total of \$1,250 in fines, though there is still one (1) appointed official who has not filed, and that individual's fines continue to accrue at \$250 per day until they file. All of this is posted on our website, here: <https://www.chicago.gov/content/dam/city/depts/ethics/general/FIS/2023/2023%20FIS%20Violations%20Posting%20May%2015.pdf>

All filed forms are posted and viewable here, where they stay for seven (7) years after they are filed: <https://webapps1.chicago.gov/efis/search>

Finally, all newly elected officials filed before they took their oath of office, and we posted their forms on our website as well.

C. Education

On-line Training

For all employees and officials

To date, approximately 15,275 employees (and two alderpersons) have completed the all-new 2023 mandatory online training (about 53% of the expected total). In particular, we want to call out the Chicago Police Department for singular mention—it is already at 85% completion! We are still collecting training plans for all departments and ward offices. The deadline for completing the training is before January 1, 2024.

We are grateful to our colleagues at the Department of Human Resources for their invaluable assistance in migrating the training programs to the City's e-learning management platform, as well as assisting us with the sexual harassment portions of each year's training program. The migration enables users to take the training from any computer, including their home computers, and also saves the City \$5,000 in annual software licensing fees. Previous training programs were intentionally designed to be taken only from City computers, for security reasons.

For all appointed officials.

To date, 137 appointed officials (approximately 28% of the expected total) completed the all-new appointed official version of the training; their deadline is also before January 1, 2024.

For lobbyists

585 lobbyists have completed this training (about 72% of the total). This training must be completed before July 1, 2023. We are sending out regular email reminders to all those who have not trained. Those who do not complete the training by the deadline are also subject to fines of \$250 per day until they complete it.

Classes and Other Presentations

We cancelled all in-person classes from March 2020 on, given the course of the pandemic. We have extended all training deadlines accordingly. All Board classes and educational programs cover sexual harassment. We will resume these classes as soon as it's feasible to do so, likely in August.

On June 6, we presented a class for all incoming Law Clerks in the Law Department. On June 8, we presented a class to all new employees in the Mayor's Office. On June 9, we presented a class to new 30th Ward Ald. Cruz and her staff. On June 12, we presented a class to all Mayoral Fellows. On June 16, we provided a training for laborers from the Department of Streets and Sanitation.

We are in the process of scheduling in-person classes for all other new City Council members, as well as for Mayor Johnson and key members of his team.

D. Advisory Opinions

Since the Board's last meeting, we have issued 231 informal advisory opinions—another extremely busy period. The leading categories for informal opinions were, in descending order: Travel; Gifts;

Post-employment/revolving door; Statements of Financial Interests; City property; Lobbying; and Outside employment.

The leading City departments from which requesters came in this period were, in descending order: Police Department/Civilian Office of Police Accountability (COPA)/Community Commission for Public Safety and Accountability (CCPSA); Mayor's Office; City Council; Department of Public Health; Department of Planning & Development; and Chicago Public Library. 75% of all inquiries came from City employees or elected officials, the remainder from attorneys, vendors, lobbyists, or potential lobbyists.

Informal opinions are confidential and not made public, but are logged, kept, and used for training and future advisory purposes. This same practice occurs with our colleagues at the New York City Conflicts of Interest Board, who issue roughly the same number of informal opinions. They form the basis for much of our annual and periodic educational programs. Formal opinions are made public, in full text, with names and other identifying information redacted out.

In the past five (5) years, the Board has issued 67 formal opinions. There are no formal opinions on today's agenda for consideration.

E. Summary Index of Formal Advisory Opinions/Text of all Formal Advisory Opinions

The full text of every formal Board opinion issued since 1986 is posted on the Board's website (more than 920), redacted in accordance with the Ordinance's confidentiality provisions, here: https://www.chicago.gov/city/en/depts/ethics/auto_generated/reg_archives.html.

Redacted formal opinions are posted once issued or approved by the Board. Summaries and keywords for each of these opinions—and a link to each opinion's text, which we added since the August Board meeting—are available on the Board's searchable index of opinions, here: <https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/AOindex.docx>.

Only a few other ethics agencies have comparable research tools. We are unaware of jurisdictions that make their informal opinions public—though others issue them confidentially and enable requesters to rely on them in the event of an investigation or enforcement.

F. Lobbying Law Revisions

In late January and then in early May we met with representatives from the Mayor's Office and the philanthropic and public charity communities to discuss potential amendments to the lobbying laws as to registration by individuals who lobby on behalf of non-profit organizations. The current thinking is to include activity and/or compensation thresholds, such that individuals would be required to register once they lobby a specified number of hours in a calendar quarter and/or are compensated a specified amount or more for lobbying in a calendar quarter. Note that: 1) this is precisely how peer cities like New York, Philadelphia, and Los Angeles regulate lobbying on behalf of non-profits and others; and 2) as in those cities, it will require personnel who lobby to keep time records, and make reasonable calculations as to their hours and compensation (as many are not compensated explicitly for lobbying, unlike for-profit contract lobbyists). With the impending change in administrations, however, we are doubtful that the law will be clarified soon. We pledge to work with the new administration to achieve a lobbying law that respects the needs of the non-profit community while ensuring the public knows of their lobbying activities.

G. Sister Agencies

At the request of the Ethics Officer of the Chicago Public Schools (CPS), we reviewed and provided comments on draft revisions to CPS's ethics policy, and are in the process of reviewing and commenting on the ethics policy of the Chicago Park District. We will next meet with our fellow ethics officers from all the sister agencies, as well as the Cook County Board of Ethics and Cook County Assessor's Office on June 15.

H. Update of Vendor Database

As required by law, the City's Department of Assets, Information and Services ("AIS") maintains a database of persons/entities that are doing and have done business with the City (as that term is defined in the Ordinance) going back about eight (8) years, to aid political committees and candidates who receive political contributions in excess of \$1,500. That database was first developed in 1998. For the past few months, we have worked closely with the Mayor's Office, AIS, the Department of Finance, and the Department of Procurement Services to improve that database, and have met with the City's sister agencies to assist them in making their lists of persons that have done business with them available and easy-to-use. The Ordinance provides that any person who relies on this list is not in violation of the Ordinance's contribution restrictions if the purported violation relates to the identity of the contributor.

A new, improved database of persons who have done business with the City was posted in late January, here: https://www.chicago.gov/city/en/depts/ethics/supp_info/list-of-contractors.html and several sister agencies have updated their databases as well.

I. Chicago Casino

As to the development of the Casino, we issued guidance on lobbying to all elected officials, at the Mayor's request, and we issued guidance on the restrictions in the Ordinance for the ~80 City employees and officials who worked on the process of selecting the Casino operator, also at the Mayor's request. We have worked closely with the Law Department, Mayor's Office, and the City's outside counsel (Taft, Stettinius and Hollister) to ensure that City personnel are informed of all reporting (and eventually, substantive ethics) requirements and prohibitions under the Illinois Gambling Act, 230 ILCS 10/1 et seq. Penalties for violating this law are severe: it is a Class 4 Felony under Illinois law, subjecting violators to fines up to \$25,000 and 1-3 years in prison. Note that the Gambling Act's reporting requirements are in addition to the restrictions in the Ethics Ordinance that would apply to those "applicants" who "communicate" with City officials or employees, such as the Ordinance's gifts restrictions and lobbyist registration requirements.

J. Waivers

Since July 1, 2013, the Board has had authority to grant waivers from certain provisions in the Ethics Ordinance. The Board has granted seven (8) and denied two (2). By law, we make all granted waivers public on our website, here: https://www.chicago.gov/city/en/depts/ethics/supp_info/Waivers.html.

K. Summary Index of Board-Initiated Regulatory Actions/Adjudications/Pre-2013 Investigations

We post a summary index of all investigations, enforcement and regulatory actions undertaken by the Board since its inception in 1986 (other than those for violations of filing or training requirements or campaign financing matters). It includes an ongoing summary of all regulatory actions the Board undertook without an IG investigation, based on probable cause findings the Board makes as a result of its review of publicly available information, where no factual investigation by the IG is necessary. See <https://www.chicago.gov/content/dam/city/depts/ethics/general/EnforcementMatters/Invest-Index.pdf>

The Board makes public the names of all violators and penalties it assesses when authorized by law to do so. But only in those that occurred after July 1, 2013, can the Board release the names of those found to have violated the Ordinance. Since July 1, 2013, there have been 86 such matters.

L. Summary Index of Ongoing/Past IG/LIG Investigations/Adjudications

There are currently three (3) completed IG ethics investigations awaiting adjudication, including one matter on today's agenda for a probable cause finding. That matter was delivered to us on June 6. We are in the process of scheduling subject meetings in the first two matters, in which the Board has already found probable cause.

We post on our website and continually update an ongoing investigative record showing the status of every completed investigation brought to the Board by both the Office of Inspector General (17 since July 1, 2013) and the former Office of the Legislative Inspector General ("LIG"), since January 1, 2012, and the status of all 50 petitions to commence investigations presented to the Board by the LIG. We update it as appropriate, consistent with the Ordinance's confidentiality provisions. See <https://www.chicago.gov/content/dam/city/depts/ethics/general/EnforcementMatters/PulbicS corecard.pdf>

Whenever the IG presents the Board with a completed ethics investigation in which the IG believes there have been violations of the Governmental Ethics Ordinance, the procedure that follows is governed by §2-156-385(3) and (4) of the Ordinance: the Board reviews the IG's report, recommendations, and the entirety of the evidence submitted in its completed ethics investigation, including a review to ensure that the IG conformed with the requirement that it complete ethics investigations within two (2) years of commencing them (unless there is evidence that the subject took affirmative action to conceal evidence or delay the investigation), and that ethics investigations were commenced within five (5) years of the last alleged act of misconduct.

Then, if the Board finds that the evidence presented warrants a *prima facie* finding of probable cause to believe the subject violated the Ordinance, it notifies the subject of the allegations and affords the subject the opportunity to present written submissions and meet with the Board, together with an attorney or other representative present. The Ordinance provides that this meeting is *ex parte* – no one from the City's Law Department or IG is present. Note that the Board may request clarification from the IG as to any evidence found in its investigation before making a probable cause finding (and has done so). The Board cannot administer oaths at this meeting but can and does assess the subject's credibility and the validity and weight of any evidence the subject provides.

If the subject does not rebut the Board's *prima facie* probable cause finding, the Board may enter into a public settlement agreement—or the Board or subject may decide to proceed to a hearing on the merits that is not open to the public. That hearing is held before an administrative law judge (ALJ) appointed by the Department of Administrative Hearings. The City would be represented by the Law Department (or a specially hired Assistant Corporation Counsel for that purpose), and the subject by their attorney. At the conclusion of the hearing, the ALJ submits their findings of fact and law to the Board, which can accept or reject them, based solely on the written record of the hearing. The Board will then issue a public opinion in which it may find violations of the Ethics Ordinance and impose appropriate fines, or find none and dismiss the matter.

The process may seem cumbersome. However, it was added to the Ordinance on July 1, 2013, based on specific recommendations of then-Mayor Emanuel's Ethics Reform Task Force in Part II of its 2012 Report—the primary purposes being to: (i) guarantee due process for all those investigated by the IG (or former LIG); (ii) ensure that only the Board of Ethics could make determinations as to whether a person investigated by the IG violated the Ordinance, given the Board's extensive jurisprudence and unique expertise in ethics matters; and (iii) balance due process for those investigated by the IG with an accurate adjudication by the Board and the public's right to know of ethics violations.

On our website, we have a publication describing this process in detail: <https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/EnforceProcedures.pdf>

Note: fines range from \$500-\$2,000 per violation for non-lobbying or non-campaign financing violations that occurred before September 29, 2019, and \$1,000-\$5,000 per violation for such violations occurring between September 29, 2019, and September 30, 2022. For violations occurring on or after October 1, 2022, the fine range is between \$500 and \$20,000 per violation, and the Board may also assess a fine equal to any ill-gotten financial gains as a result of any Ordinance violation. Fines for unregistered lobbying violations remain at \$1,000 per day beginning on the fifth day after the individual first engaged in lobbying and continuing until the individual registers as a lobbyist.

Please note finally that, in all matters adjudicated or settled on or after July 1, 2013, the Board makes public the names of all violators and penalties assessed, or a complete copy of the settlement agreement. All settlement agreements are posted here: <https://www.chicago.gov/city/en/depts/ethics/provdrs/reg/svcs/SettlementAgreements.html>

M. Disclosures of Past Violations

July 2013 amendments to the Ordinance provide that, when a person seeks advice from the Board about past conduct and discloses to the Board facts leading it to conclude that they committed a past violation of the Ordinance, the Board must determine whether that violation was minor or non-minor. If it was minor, the Board, by law, sends the person a confidential letter of admonition. If it was non-minor, then, under current law, the person is advised that they may self-report to the IG or, if he or she fails to do so within two (2) weeks, the Board must make that report. In 11 matters, the Board has determined that minor violations occurred, and the Board sent confidential letters of admonition, as required by the Ordinance. These letters are posted on the Board's website, with confidential information redacted out.

N. Litigation

Lee v. City of Chicago. In June 2020, the City was sued in Cook County Circuit Court, Chancery Division, by a former City employee of the Civilian Office of Police Accountability (COPA). The case is *Jason W. Lee v. City of Chicago*, 2020 CH 04524. The plaintiff left City employment on February 28, 2020, and works as an attorney for the Policemen's Benevolent and Protective Association ("PBPA"). His suit alleges that the post-employment provisions of the Ordinance are unconstitutionally vague, and that the City is improperly attempting to regulate the practice of law by Illinois attorneys. It asked for a declaratory judgment and permanent injunction prohibiting the City from enforcing these restrictions against him. After the matter was briefed by both sides, on July 31, 2020, the Honorable Anna Demacopoulos denied the plaintiff's request for a temporary restraining order. The plaintiff was granted leave to file an amended complaint, and filed one, adding an as-applied constitutional challenge. The City moved to dismiss the entire matter. On February 25, 2021, Judge Demacopoulos granted the City's motion to dismiss as to the facial challenge to sections 100(a) and (b) and also the as-applied challenge to section 100(a). The court, however, denied the motion concerning the as-applied challenge to section 100(b), but expressed concern that this claim may be moot. Count III was also dismissed; it asked for a declaratory judgment that, by enforcing the Ordinance, the City is violating PBPA members' right to "counsel of their choice." However, the court granted plaintiff leave to amend the complaint for all of the dismissed counts, but he never did. Instead, he decided to move forward on the as-applied vagueness challenge to section 100(b) of the Ordinance. This is the only claim that survived the motion to dismiss. Judge Demacopoulos questioned whether this claim was moot in light of the expiration of the one year ban that applied to the plaintiff but left it up to the plaintiff whether he wanted to pursue the claim. Plaintiff may seek compensatory damages if he can prove that he suffered damage. The City filed its answer and affirmative defenses to the amended complaint on April 26, 2021. The plaintiff filed discovery requests. Board legal staff met with our attorneys in the Law Department and forwarded materials necessary to respond to these requests. The Judge seems to have gotten both parties to agree on a settlement amount that plaintiff would pay to the Board, pending approval from the parties. We are close to settlement, but opposing Counsel has withdrawn, so Mr. Lee is now representing himself pro se. The settlement has not been finalized. The next status hearing is on June 14.

Note: several PBPA members filed grievances under their collective bargaining agreement, alleging that their right "to counsel of their choice" was violated by COPA. These were settled on terms that do not affect the Ordinance's post-employment provisions.

Brookins v. Board of Ethics, et al. The Honorable David Atkins in the Chancery Division of Cook County Circuit Court issued a ruling on October 18, 2022. The Judge dismissed every count in former Alderman Brookins's lawsuit against the Board and me personally except Count I; this includes dismissing the Count in which Alderman Brookins accused me of defamation per se. The surviving Count asks for a writ of certiorari to review the Board's decision to find him in violation of the Ordinance's Fiduciary Duty provision, alleging that the Board did not have jurisdiction or authority to find probable cause, nor to have a hearing, nor to find him in violation, nor to fine him, and that the Board did not provide him proper notice because we sent our findings to an attorney, who, he alleges, was hired solely for the purpose of sending a letter to the Inspector General to request an investigation of me, not to represent him in this Board matter. The Law Department represents the Board. Howard Brookins did not run for re-election. There was a status hearing on the matter on May 31, and Brookins put forth a proposed settlement agreement, which our counsel in the Law Department is reviewing.

Czosnyka et al. v. Gardiner et al., docket number is 21-cv-3240. We and the City of Chicago are now dismissed out of this case. On June 17, 2021, six (6) individuals residing in the 45th Ward filed a lawsuit in United States District Court against 45th Ward Ald. James Gardiner and the City, alleging that their 1st Amendment rights were violated by the Ald.'s improper blocking of them on his "official" City social media accounts. The plaintiffs sought certification of a class of all those improperly blocked by the Ald. The suit also alleged that more than 20 complaints of improper blocking were filed with the Board and the IG, but the City "failed to take any action to reprimand Alderman Gardiner, although it has the power to do so," and thus "acquiesced in [the Alderman's] constitutional violations." It seeks to have the plaintiffs reinstated as full participants in these social media accounts and unspecified damages. The case is before the Honorable Judge Sharon J. Coleman.

On June 1, 2022, both the Board and IG received subpoenas from the plaintiff for internal records on this matter. We coordinated our response with the Law Department.

O. Open Meetings Act Challenges

The Board is involved in three (3) challenges recently filed with the Illinois Attorney General by the same objector regarding its discussions in Executive Session. The Board is working with the Law Department and responded to each.

P. Freedom of Information Act Challenge

The Board was involved in one (1) challenge recently filed with the Illinois Attorney General by the same objector listed above. The Board worked with the Law Department and responded to this challenge. The challenge was for withholding documents relating to Board Case 22033.Q, concerning an advisory opinion the Board approved at the November 2022 meeting. This matter was also pending before the Public Access Counselor at the Illinois Attorney General's Office and was closed after we released documents to the requestor.

Q. Freedom of Information Act

Since the last Board meeting, the Board has received two (2) request(s).

The first request was for a list of our employees, all FOIA requests in 2023 and FOIA training certificates; we provided all records.

The second was for information about the Board; training certificates of the FOIA Officer; and that officer's personnel file; we sent all located records and advised that we are the wrong public body to maintain a personnel file.

R. Employee Vaccination Status

I'm pleased to report that all seven (7) staff members are fully vaccinated for Covid-19, and in compliance with the City's policy on vaccinations.

V. PUBLIC COMMENTS

Pete Czosnyka stated as follows:

“Training the untrainable.

At the last meeting, I did not mention the 05/02/23 Chicago Tribune story "FBI searched Ald. Jim Gardiner's text messages amid probe into alleged \$5,000 cash payment from developer, court", the FBI unsealed affidavit is available on-line. Not many Alderpersons would count out a \$5,000 bribe in front of a witness and then hand the cash over to his landlord to help cover the cost of new office windows that Gardiner wanted. The landlord has let Gardiner's lease come to an end and there is a "For Lease" sign on the building that has been Gardiner's Aldermanic office for the last four years. The landlord said he wants to deal with "normal people, nothing with the City" any longer.

I've been posting comments on Gardiner's official Facebook page about the \$5,000 bribe story and Nick Sposato has for the last week or so has also been commenting on Gardiner's official Facebook page, trolling me and other 45th Ward Constituents from his Nick Sposato once personal Facebook page (www.facebook.com/nick.sposato.3) violating his City of Chicago Code of Conduct pledge via name calling, 'cuz, you know, rules don't apply to people like Sposato, who jokes about if he's had the greatest number of ethics complaints in the past year.

Board of Ethics Guidance letter 18038.A.1 says "Elected officials whose "personal" social media accounts include political content, such as political endorsements and/or opinion pieces on topics related to official City business, or include no political content but include postings commenting on public affairs or matters involving City government, SHOULD NOT block or delete followers from accessing such pages or delete critical or negative comments, unless the comments are obscene, profane, libelous or defamatory, or are commercial and posted to sell goods or services."

Sposato has converted his personal Facebook page into a de facto official Facebook page.

It seems that despite the Board of Ethics personal intervention with Sposato and despite the Board of Ethics 18038 Guidance letters, Sposato has converted his once personal Facebook page into a de facto official Facebook page. Sposato has included on his once personal Facebook page:

--his weekly Ward newsletters, including links to his "38th Ward Public Service Office" address, telephone numbers, office hours and a link to his <https://www.aldermansposato.com/> website

--he's commenting on public affairs via the announcement of his May 23, 2023 meeting at Wright College about the migrants

--he's commenting on public affairs via a recap of his May 23, 2023 meeting at Wright College, including a FAQ sheet prepared by the City

--he's endorsed a candidate via encouraging people to vote for Jim Gardiner for 45th Ward Alder.

--and has blocked me from commenting on his now de facto official Facebook page

Sposato is trying an end-around of the Ethics ordinance and violating my First Amendment rights in the process.

Guys, like Gardiner and Sposato, who have had decades of Board of Ethics ethics training don't seem to be able to act ethically, they seem untrainable, they don't take their ethical obligations seriously. They are among the recidivists employed by the City.”

VI. OLD BUSINESS

Settlement Status Report re *Brookins v. Board of Ethics et al.*

The Executive Director reported that former Ald. Brookins's attorney sent a brief proposed settlement to our attorneys in the Law Department, who are reviewing it and will discuss it with us soon.

VII. NEW BUSINESS

None

VIII. PRIOR BOARD MEETING'S EXECUTIVE SESSION MINUTES

This matter shall be discussed in Executive Session.

At 3:20 p.m., the Board VOTED 4-0 (Ryan Cortazar, absent) to adjourn into Executive Session under: (i) 5 ILCS 120/2(c)(1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act; (ii) 5 ILCS 120/2(c)(4) to hear and discuss evidence or testimony in closed hearing as specifically authorized pursuant to Governmental Ethics Ordinance Sections 2-156-385 and -392, and the Board's Rules and Regulations, as amended, effective January 5, 2017, presented to a quasi-adjudicative body, as defined in the Illinois Open Meetings Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning; and (iii) 5 ILCS 120/2(c)(21) to discuss minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

At 4:32 p.m. the Board VOTED 4-0 (Ryan Cortazar, absent) to reconvene in Open Session.

IX. MATTERS CONSIDERED BY THE BOARD IN EXECUTIVE SESSION

I. APPROVAL OF THE EXECUTIVE SESSION MINUTES

The Board confirmed its discussion in Executive Session, and VOTED 4-0 (Ryan Cortazar, absent) in Open Session, to approve the Executive Session Minutes of the May 22, 2023 meeting.

II. OLD BUSINESS

Settlement Status Report re *Brookins v. Board of Ethics et al.*

III. NEW BUSINESS

None

IV. CASEWORK

A. Continued Case Report

1. Case No. 23015.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to continue this matter to the July meeting.

2. Case No. 23022.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to continue this matter to the July meeting.

3. Case No. 23026.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to issue a 10-day Notice of a Potential Finding of a Minor Violation to a candidate for City elected office who included an image of City-owned property in their campaign materials.

4. Case No. 23030.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to issue a 10-day Notice of a Potential Finding of a Minor Violation to a City official who included an image of City-owned property in their campaign materials.

5. Case No. 23013.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to determine the City official committed a minor violation of the Ordinance by including an image of City-owned property in their campaign materials and directed staff to issue them a letter of admonition.

6. Case No. 23014.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to determine the City official committed a minor violation of the Ordinance by including an image of City-owned property in their campaign materials and directed staff to issue them a letter of admonition.

7. Case No. 23017.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to determine the City official committed a minor violation of the Ordinance by including an image of City-owned property in their campaign materials and directed staff to issue them a letter of admonition.

8. Case No. 23018.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to determine the candidate for elected City office committed a minor violation of the Ordinance by including an image of City-owned property in their campaign materials and directed staff to issue them a letter of admonition.

9. Case No. 23019.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to determine the candidate for City elected office committed a minor violation of the Ordinance by including an image of City-owned property in their campaign materials and directed staff to issue them a letter of admonition.

The Board VOTED 4-0 (Ryan Cortazar, absent) to amend its vote on Item Nos. 5 – 9 of the agenda to result in the voting as set forth, above, in these minutes.

10. Case No. 23020.C.6, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to determine that the City official committed a minor violation of the Ordinance by posting a photo of City-owned property on the official's "political" social media page (although the official took the photo down), and directed staff to issue them a letter of admonition.

B. Status Report after Issuance of Notice of Probable Cause Determination

11. Case No. 23021.C, Prohibited Political Activity, Incidental Use of the City seal—
Authorized when

The Board VOTED 4-0 (Ryan Cortazar, absent) to determine the City official committed a minor violation of the Ordinance by including an image of the City seal in their campaign material and directed staff to issue them a letter of admonition.

12. Case No. 23008.C, Prohibited Political Activity, Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to determine the City official committed a minor violation of the Ordinance by including an image of City-owned property in their campaign material and directed staff to issue them a letter of admonition.

C. Lobbying

13. Case No. 23042.L, Failure to Register

The Board VOTED 4-0 (Ryan Cortazar, absent) to enter into a conciliation agreement with the person involved in the matter.

D. Consideration of Finding of Probable Cause Pursuant to §§2-156-385(1)-(3) of the Governmental Ethics Ordinance

14. Case No. 23041.IG, Fiduciary Duty, Unauthorized Use of City Property, Solicitation or acceptance of political contributions and membership on political fundraising committees

The Board VOTED 4-0 (Ryan Cortazar, absent) to continue this matter to the July Board meeting.

15. Case No. 23043.IG, Offering, receiving and soliciting of gifts or favors

The Board VOTED 4-0 (Ryan Cortazar, absent) to continue this matter to the July meeting.

E. Consideration of Probable Cause Finding Pursuant to §§2-156-385(1)-(3) of the Governmental Ethics Ordinance

16. Case No. 23045.IG, Fiduciary Duty; Unauthorized Use of City Property

The Board VOTED 4-0 (Ryan Cortazar, absent) to issue a notice of probable cause for unauthorized uses of City property and breaches of fiduciary duty.

At 4:27 p.m., the Board VOTED 5-0 to adjourn the meeting.