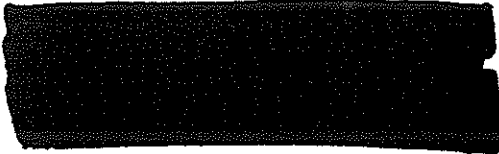


MEH



October 1, 1987



City of Chicago
Harold Washington, Mayor

Board of Ethics

Harriet McCullough
Executive Director

Sol Brandzel
Chair

Rev. Don Benedict
Margaret Carter
Angeles Eames
Rev. A. Patterson Jackson
Mary Milano
Marlene Rankin

Suite 1320
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

CONFIDENTIAL

Case Number 87078.A

Dear

The Board of Ethics has reviewed your request for an advisory opinion on a matter concerning your acceptance of baseball tickets for distribution to Little League teams in your ward. There are two restrictions in the Ethics Ordinance which are potentially relevant to your circumstances. The first concerns the acceptance of gifts from persons who do business with the City. Under section 26.2-4(c) of the Ordinance, no official may accept money of any amount, or any item having a value of \$50 or more if 1) the person giving the gift has an economic interest in City business, and 2) the official is in a position to influence governmental decisions with respect to that person's interest. This restriction would not apply to you unless the baseball club has business contracts with the City, and you are in a position to influence governmental decisions with respect to those contracts. However, if these circumstances are applicable, then section 26.2-4(c) would prohibit you from accepting tickets the total worth of which is \$50 or more.

In addition to this restriction, Section 26.2-4(b) of the Ethics Ordinance prohibits officials from accepting any thing of value "based upon any mutual understanding, either explicit or implicit, that the votes, or judgments of the official or employee would be influenced thereby." Under this section, it is presumed that non-monetary items having a value of less than \$50 do not involve such an understanding. This section would not prohibit an official from accepting a gift unless there existed some understanding between that official and the donor that the gift would influence his (the official's) actions in City government. It is clear that the tickets are not being offered to you on the basis of some understanding that your official actions would favor the club. Therefore, this provision would not apply to you or restrict



Page 2

██████████
October 1, 1987


you from accepting the tickets. However, a factor any official should consider before accepting a gift concerns the public's perceptions and the possibility that accepting gifts of significant value will give rise to the appearance of impropriety even if no actual impropriety has occurred.

Unless you are in a position to influence decisions concerning the ~~Club~~ interest in City business there is no provision which would prohibit you from accepting any quantity of baseball tickets. However, the Board would suggest that in order to avoid the appearance of impropriety, you limit the number of tickets you receive such that the value of those tickets taken together is less than \$50. By doing this you will avoid any perception of wrong doing and you will clearly be within the bounds of the Ordinance regardless of whether or not you are in a decisionmaking position with respect to any economic interest of the ██████████

In the future you may want to consider having the tickets distributed by a ~~club~~ representative directly to the Little League players, with attribution given to you for suggesting these donations. There is no provision in the Ordinance prohibiting you from suggesting this practice to the ~~club~~ nor in this case, would the donations be subject to a \$50 limit.

We very much appreciate your inquiry. Should you have further questions on this or other matters please do not hesitate to contact us.

Sincerely,


S. Brandzel
Chairman

JH/jh-██████████