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August 17, 1988

[REDACTED]

Case Number 88111.A

CONFIDENTIAL

Dear [REDACTED]

This letter is in response to your request for an advisory opinion concerning the outside employment provisions of the Ethics Ordinance. You recently asked the Board of Ethics to determine whether the Ordinance would prohibit you from accepting employment as a radio talk show host during hours outside of your City job [REDACTED]

In your letter to us you stated that prior to your City employment, you worked as a talk show host on Radio, Chicago. You now wish to resume this work during non-City hours. It is our understanding that the show you would host provides for discussion on a broad spectrum of issues and current events some of which pertain to City government. Under these circumstances we must advise against your proposed employment arrangement with Radio. We believe that in general, the Ordinance provisions pertaining to outside employment would preclude a City employee in your position from accepting work which involves the public discussion of City actions or issues of City politics. This conclusion is largely based on an analysis of Section 26.2-5 of the Ethics Ordinance which states that:

No official or employee... shall solicit or accept any money or other thing of value... in return for advice or assistance on matters concerning the operation or



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business of the City; provided, however, that nothing in this section shall prevent an official or employee... from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-City employment, occupation or profession.

Although this section of the Ordinance would not prohibit you from working on radio per se, it might be interpreted to prohibit you from discussing on radio any information about the City.

A violation of Section 26.2-5 will occur only if all three of the following conditions are met: 1) a City employee gives advice or assistance on matters concerning operations or business of the City; 2) that employee receives compensation or something of value for providing such advice or assistance; and 3) these actions are in some way related to the employee's City duties. Discussing information about the City as the host of a radio talk show, while simultaneously serving as the City's [REDACTED] [REDACTED] would seem to meet all three of these conditions. First, any information or commentary about the City which you might provide on radio for the benefit of guests and listeners could reasonably be construed as advice or assistance concerning operations of the City. Secondly, since this information or commentary would be given as an aspect of your outside employment, whatever compensation you receive for this job in general will in part be compensation for providing information about the City. Third, disseminating information about the City is not wholly unrelated to your duties as the City's [REDACTED] [REDACTED]

Based on this analysis, it would be impermissible for you to engage in discussion on topics which involves disseminating and/or evaluating information about City government during the course of your activities as a radio talk show host. Since discussion of City politics and issues in City government is a central feature of the radio show you propose to host, it does not appear that you could effectively host this radio program without violating Section 26.2-5 of the Ordinance. For this reason, we recommend that you not resume your employment with *the station* in the capacity you have described.

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In addition to this opinion concerning your proposed employment with [REDACTED] as a talk show host, we would call your attention to certain provisions of the Ethics Ordinance which might affect your decisions concerning outside employment in general. Sections 26.2-3 and 26.2-8 of the Ethics Ordinance prohibit City employees from participating in or attempting to influence City decisions concerning matters in which they have private economic interests distinguishable from that of the general public. If you chose to accept employment in addition to your City job, these sections would prohibit you from making determinations concerning the [REDACTED] if such determinations would affect your outside employer or any entity in which that employer maintains an economic interest.

We appreciate your inquiry and hope that this letter has sufficiently answered your questions concerning the Ethics Ordinance.

Sincerely,


S. Brandzel
Chairman

JH/jh [REDACTED]