

JIM



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March 26, 2003

CONFIDENTIAL

VIA FAX AND FIRST CLASS MAIL

[John]
[]
[]
Chicago, Illinois []

Re: Case No. 03008.Q
Travel - [] Conference

Dear [John]:

This letter is in response to your request of January 27, 2003 for an opinion from the Board of Ethics on whether the [] Department may accept offers from [Company A] and [Company B] to pay for hotel rooms for a group of Department employees to attend the [] Conference (the Conference) on April 3-5, 2003 at the [] Convention Center. In your letter of January 27th, you provided the Board with documentation indicating that [Company A] and [Company B] are among the numerous sponsors of the Conference. In conversation with Board staff, you said that, due to cutbacks in the City's budget, no City funds are available to send these employees to the Conference. On January 29, 2003, Board staff requested more information regarding the Conference, the companies, and the attendees.

In a letter dated March 20, 2003, you state that "[Company A] and [Company B] have each offered two rooms for two nights" for Department personnel to attend the Conference. You further state that [Company A] and [Company B] are vendors that "... hold long-term, open-bid contracts with the City..." and that the attendees from the Department "... deal with these vendors on a regular basis..." You have selected to the following Department personnel to attend: 1) [Employee1]; 2) [Employee2]; 3)[Employee3]; 4) [Employee4]; and 5) [Employee 5]. In addition, you said that you, also, may attend the Conference, which is "educational and enables attendees to see what other departments are doing to improve emergency services and what the market is presenting in products designed to address highly technical issues."



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Based on previous Board cases, it is Board staff's conclusion that nothing in the City's Governmental Ethics Ordinance prohibits the [] Department from accepting [Company A] and [Company B]'s offers, as long as the offers, as well as the Department's acceptance, are not based upon any mutual understanding that any of the attendees' City decisions or actions concerning [Company A] and [Company B] would be influenced by the offer, and as long as the expenses accepted are reasonable and reasonably related to the purposes and functioning of the Conference, and serve to benefit the City, rather than benefit any of the members of the group personally. (See, e.g., Case Nos. 01007.Q, 01002.Q, 98039.Q, and 98040.Q.) Based on the information you provided, it is Board staff's conclusion that these conditions are satisfied.

However, please note that, under § 2-156-040(c) of the Ordinance, employees whose City decisions can substantially affect either [Company A] and [Company B]'s City business—such as the five Department employees you have selected to attend the Conference—are prohibited from accepting any gift or item valued at \$50 or more from either of the above-referenced companies. (This prohibition does not apply to the hotel expenses listed above.)

Staff's conclusion is not necessarily dispositive of all issues relevant to this situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts stated are incorrect or incomplete, please notify the Board immediately, as any change may alter our determination. Other laws or rules also may apply to this situation. Please be advised that City departments have the authority to adopt and enforce rules of conduct that may be more restrictive than the limitations imposed by the Ordinance.

We appreciate your sensitivity to the standards embodied in the Ordinance and your willingness to comply with them. If you have any further questions, please do not hesitate to contact us.

Very truly yours,

[Signature]

Mary Rose D. Silva
Attorney/Investigator

Approved:

[Signature]

Dorothy J. Eng
Executive Director