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Board of Ethics

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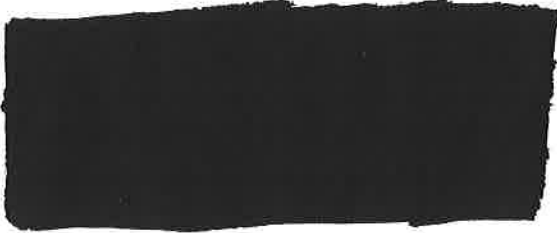
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EMUS

**CONFIDENTIAL**

September 3, 1998



Re: Case No. 98040.Q  
Travel

Dear Commissioner [redacted]

On August 12, 1998, staff members of the Department of "M" asked whether the City of Chicago Governmental Ethics Ordinance prohibits the Department from accepting an offer by Company "A", a [redacted]-based manufacturer of [redacted] trucks, for two employees to attend a factory training course on a fleet of trucks the City has contracted to purchase. The City is buying a fleet of [redacted] "trucks", a new model truck, priced at \$[redacted],000 apiece, for a total contract price of \$[redacted],000.

In a letter of July 29, 1998, "A" invited Assistant to the Commissioner [redacted] and General Superintendent [redacted] to attend the week-long course on the "trucks" to be held in [redacted] in [redacted], 1999. The cost of transportation and lodging will be partially subsidized by "A".

"A" charges \$750 per attendee to the City and all the other municipalities and customers attending the course. Therefore for each of the two employees attending, the City will pay \$750.00 to "A", which will make the travel and lodging arrangements and pay the remaining costs. All other expenses, including meals and entertainment, are the responsibility of the individual employees and are neither provided through the training course nor paid by the City.

There is no clause in the contract between the City and "A" regarding this course. However, in its letter, the company strongly recommends that a customer with a "truck" fleet the size of Chicago's attend the training course. The Department of "M"



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will be responsible for the operation and management of the entire "truck" fleet. "A" offers this course on a regular basis throughout the year. The course is attended by representatives of various municipalities and private contractors and always runs from Saturday through Friday. During this period Messrs. [redacted] and [redacted] will take a factory tour that will allow them to see the entire assembly process of the "trucks". The training they will receive will enable them to more efficiently fulfill their specific duties pertaining to the management and operation of a "truck" fleet. Mr. [redacted]'s focus will be primarily on the management of a "truck" fleet. Mr. [redacted]'s focus will be on hands-on training in all aspects of fault diagnosis and repairs. Your staff said that the skills they will learn in this course should enable the City to minimize service and maintenance costs. It is our understanding that the benefit of the training course will go to the City, and not to the individual employees, and that the offer is not being extended in exchange for the employee's willingness to influence City decisions concerning "A".

It is Board staff's opinion that the Ethics Ordinance does not prohibit the department from accepting "A's" offer to subsidize the cost of transportation and lodging for two City employees to attend the factory training course in [redacted]. However, your staff explained, Messrs. [redacted] and [redacted] are personally responsible for their own meals and entertainment; in that situation, any expenses for meals and entertainment paid for by others would be a gift to them personally. Because Messrs. [redacted] and [redacted] will be managing and operating the "truck" fleet and their decisions can substantially affect any transaction between the City and "A", they are prohibited by § 2-156-040(c) of the Ethics Ordinance from accepting any gift valued at over \$50.00 from "A" or its agents. Therefore, Messrs. [redacted] and [redacted] should be advised that under this restriction, neither can accept more than \$50.00 in gifts -- such as meals and entertainment expenses -- from "A" or its agents, and that any failure to abide by this restriction will subject not only the employees but "A" to sanctions and/or formal action by the City.

Staff's conclusion is consistent with previous opinions and is based solely upon the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts presented are inaccurate, please notify us, as any change in the facts may alter our opinion. For your convenience, we attach the Ethics Ordinance provisions on gifts.

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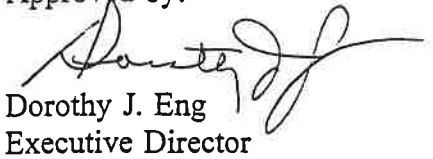
We appreciate your inquiry and your willingness to comply with the standards embodied in the Governmental Ethics Ordinance. If you have any further questions, please contact us.

Very truly yours,



John H. Mathews  
Attorney/Investigator

Approved by:



Dorothy J. Eng  
Executive Director

enclosure

cc: [REDACTED]

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