



8/18

**ADVISORY OPINION**  
**Case No. 97023.A, Post-Employment**

To: [REDACTED]  
Date: [REDACTED]

City of Chicago  
Richard M. Daley, Mayor

**Board of Ethics**

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Executive Director

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You are Coordinator of Contract Compliance in the Department of B [REDACTED]. On [REDACTED], you wrote our office to request a written advisory opinion. You said that you have recently made inquiries concerning possible post-City employment with [REDACTED] ("D"), a computer consulting firm and a contractor to your City department. You have asked us to address how the Governmental Ethics Ordinance would apply to such employment. The post-employment provisions of the Ethics Ordinance do not prohibit you from accepting employment with D, though they do place certain restrictions on the work you may perform in such employment. This opinion sets forth those restrictions and their application to the situation you have described.

**FACTS:** From [REDACTED] to [REDACTED], you were [REDACTED] Contract Compliance Officer in the [REDACTED] Unit of the Department of A [REDACTED]. You processed, evaluated and negotiated contracts for the Department of B [REDACTED] in areas including professional services, maintenance and construction, and performed other related tasks. From [REDACTED] to the present, you have worked in the [REDACTED] Office of the Department of B [REDACTED] as Coordinator of Contract Compliance. You provided us with a letter and résumé detailing your responsibilities in each of these departments.

You have recently made inquiries concerning possible employment as a project manager with [REDACTED] ("D"), an integrated-technology firm specializing in computer systems for tracking geographic information and assisting in work-order management. You would be responsible for the scheduling of time and resources for specific work-order system development projects; however, you do not yet know what specific projects you would be managing.

You said that D has worked on a number of projects for the Department of B [REDACTED], including the creation of a computerized map of the area surrounding the City's [REDACTED] for use by your [REDACTED] Office in monitoring complaints and reports [REDACTED]. The task order for this project was issued in [REDACTED], while you were still in the Department of A [REDACTED]. You explained that you did not take part in preparing or



negotiating the task order under which this project has taken place, and have not supervised project performance; your only involvement with the project has been processing invoices already approved for payment by your department--a task in which you had no decision-making authority--and use of the resultant computerized map as a member of the [REDACTED] Office. You said that you have had no other involvement with D contracts during your City employment. We confirmed this with your supervisor in the Department of B [REDACTED], [REDACTED], and your former supervisor in the Department of A [REDACTED], [REDACTED]. You said that if you are employed by D, you will voluntarily refrain from participating in any matters or projects that involve the Department of B [REDACTED] for a period of one year, "in order to avoid any actual or perceived impropriety."

**LAW AND ANALYSIS:** The provision of the Ethics Ordinance most relevant to your situation is Section 2-156-100(b), entitled "Post-Employment Restrictions." It states:

No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

"Assisting" and "representing" a person in a business transaction involving the City encompasses helping a person to seek a contract as well as to perform a contract. (See Case No. 89119.A, p. 8.) Section 2-156-010(g) defines "contract management authority":

"Contract management authority" means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

Under these sections, a former City employee is subject to two restrictions on employment after leaving City service: a one-year prohibition and a permanent prohibition. For one year after leaving City service, you are prohibited from assisting or representing any person, including D, in a business transaction involving the City if, while a City employee, you participated

personally and substantially in the subject matter of that transaction. Given the nature of your City work, such transactions to which the one-year prohibition might apply include, for example, projects in connection with monitoring [REDACTED] at the City's [REDACTED], or projects that involve [REDACTED] for the Department of B [REDACTED]. Because, you said, you would refrain for one year from participating in matters or projects involving the Department of B [REDACTED], such transactions are not at issue here. However, if you are asked to work on projects not involving the Department of B [REDACTED], but that are otherwise related to the work you did as a City employee, we advise you to contact us for further guidance. Please note that the one-year period begins on the date your City employment terminates, not on the date you stop performing particular tasks.

Next, as a former City employee you would be permanently prohibited from assisting or representing any person in any contract over which, as a City employee, you exercised "contract management authority," as defined above. This prohibition applies to contracts with which you were personally involved or which you had direct supervisory responsibility for formulating or executing -- by preparing specifications, reviewing proposals, selecting vendors, negotiating terms, or supervising performance -- whether in the Department of B [REDACTED] or in the Department of A [REDACTED]. From the facts you presented, it appears that you exercised management authority over a number of contracts during your City employment; the permanent provision would therefore prohibit you as a former City employee from assisting or representing any person in connection with those contracts. However, the only project you worked on as a City employee that involved D [REDACTED] was the computerized map project described above. You had no decision-making authority in that project, your participation having been limited to using the finished map and processing invoices which had already been approved. This does not constitute management authority over the project's contract, and § 2-156-100(b) would therefore not permanently prohibit you from assisting or representing D [REDACTED] in connection with that project.

We also advise you that § 2-156-070 of the Ordinance, "Use or Disclosure of Confidential Information," prohibits you, as a current or former City employee, from using or disclosing any confidential information you acquired in the course of your City employment. "Confidential information" is defined as any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

**CONCLUSION:** The post-employment provisions of the Ethics Ordinance do not prohibit you from accepting employment with D [REDACTED], although they do place certain restrictions on the work you may perform. Because you have said you will refrain for one year from assisting

or representing D, in any projects involving the City's Department of B, this opinion does not address the one-year prohibition in relation to projects involving that department. Based on the facts you have presented, the Board determines that you did not exercise contract management authority over the contract under which D created the computerized map for the Office of the department, and you are therefore not permanently prohibited from assisting or representing D in connection with that project. Please be advised, though, that the post-employment provisions do prohibit you for one year after terminating City employment from assisting or representing anyone in any business transaction involving the City if you participated personally and substantially in the transaction's subject matter while a City employee; and that this prohibition is permanent for any contract over which you exercised contract management authority. Therefore, if you are asked to assist D on any contract or project on which you worked as a City employee, or that is related to the work you did as a City employee, we advise you to contact us for further guidance.

Our determination and advice are based on an application of the City's Governmental Ethics Ordinance to the facts stated in this opinion, including your refraining from assisting or representing D on projects that involve the City's Department of B. If the facts stated are incorrect or incomplete, please notify the Board immediately, as any change may alter our conclusions. Please note that other laws or rules also may apply to this situation.

**RELIANCE:** This opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

  
Darryl L. DePriest  
Chair