



June 15, 1989

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City of Chicago  
Richard M. Daley, Mayor

[REDACTED]

Board of Ethics  
Harriet McCullough  
Executive Director

CONFIDENTIAL Case No. 89107.A

Sol Brandzel  
Chair

Dear [REDACTED],

Mary Milano  
Vice Chair

This letter is in response to your request for an advisory opinion concerning the potential application of the Ethics Ordinance to your current employment activities.

Margaret Carter  
Angeles Eames  
Russell Hardin  
Rev. A. Patterson Jackson  
Marlene O. Rankin

It is our understanding that you have resigned your position as [REDACTED] Aviation and have accepted employment with an aviation consulting company. You have informed us that this consulting company provides services to airline companies that have lease arrangements with the City, but that your work would be limited to marketing services to airports outside of the Chicago area. You state that you will not be involved in any negotiations or matters involving any of *this consulting* *company's* airline clients and the City.

Suite 530  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660


It is the Board's opinion that no provision of the Ethics Ordinance would prohibit you from employment with *this company* provided that you observe the following three restrictions. First, for one year subsequent to your resignation as [REDACTED] you are prohibited from any work related to a transaction with the City if the subject matter of that transaction involves the operation or development of Chicago airports or involves some other subject matter in which you participated personally and substantially while employed by the City. Second, you are permanently prohibited from assisting *this company* or any of its clients on any matter related to a contract in which your were personally involved while employed by the City. Third, you are prohibited permanently from disclosing information about the City to *this company* or any clients, if such information would be considered confidential under the Illinois Freedom of Information Act.



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These restrictions are based on sections 26.2-10(b) and 26.2-7 of the Ethics Ordinance. Section 26.2-10(b) 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.

The implications of this section for your post-employment activities in general were discussed in our letter to you dated June of a previous year. With respect to your current activities as an officer of <sup>this</sup> company, we would stress that this section prohibits you, for one year, from assisting <sup>this</sup> company or any of its clients where the matter involved touches on aviation operations in Chicago or some other subject matter or area of City business in which you participated personally and substantially. And, it prohibits you permanently from assisting  or any of its clients where the matter involved concerns a contract you helped to negotiate, formulate, monitor or supervise while employed by the City. The rationale for these conclusions is set forth in the aforementioned letter and we refer you to this letter (enclosed) for any further explanation of Section 26.2-10(b) of the Ordinance. If, as you have stated, you will not be engaged in any work with <sup>this</sup> company that is related to any transaction with the City, your present employment would not violate this section.

As a former City employee you are also subject to Section 26.2-7 of the Ethics Ordinance which states:

No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended. (emphasis added)

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Recognizing that your former employment as [REDACTED] gave you access to a broad range of information concerning the City and its efforts through contractual arrangements to develop Chicago airports, we wish to call this section to your attention and have enclosed a copy of the Illinois Freedom of Information Act which defines what types of information are confidential.

We appreciate your inquiry and hope that this letter sufficiently addresses your concerns. If you have further questions, please contact our office at 744-9660.

Sincerely,

  
E. Brandzel  
Chairman

JH\sh-bc\[REDACTED]