



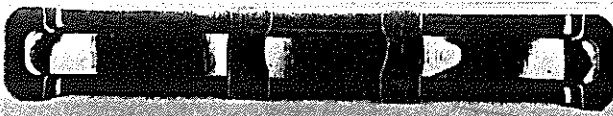
City of Chicago  
Richard M. Daley, Mayor

Board of Ethics

Mary Milano  
Vice Chair

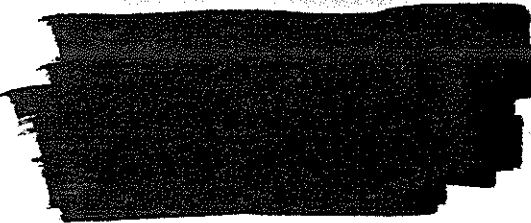
Margaret Carter  
Angeles Eames  
Russell Hardin  
Rev. A. Patterson Jackson  
Marlene O. Rankin

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



MBJ

September 20, 1989



Re: Filing of Statements of  
Financial Interests by  
Nominees for Positions  
Subject to City Council  
Confirmation, Case No.  
89143.A

Dear 

It recently came to the attention of the Board of Ethics that there may be some confusion about when nominees for positions which are subject to confirmation by City Council must file the Statement of Financial Interests required by the Governmental Ethics Ordinance. Specifically, the Board was asked whether the thirty-day extension of time for filing referred to in Section 26.2-19 (c) of the Governmental Ethics Ordinance applied to such nominees.

At its meeting on September 14, 1989, the Board determined that:

1. Nominees for positions subject to City Council confirmation must file their Statements of Financial Interests ("FIS") with the Board no later than the time when their names are submitted to City Council for consideration; and
2. The thirty-day extension of time to file the FIS referred to in Section 26.2-19 (c) does not apply to nominees for positions which are subject to confirmation by City Council.

DISCUSSION:

The FIS requirement of the Governmental Ethics Ordinance for nominees whose appointments to positions are subject to City Council approval are stated in Section 26.2-15 (c)(ii) and (d):

"(c) Statements of financial interests shall also be filed by the following:....(ii) a person whose



Page 2  
89143L  
September 20, 1989

appointment to office is subject to confirmation by the City Council at the time when his name is submitted to the Council for consideration....

"(d) No appointed official or employee shall be allowed to take the oath of office or enter or continue his duties, nor shall receive compensation from the City, unless he has filed a statement of financial interests with the Board of Ethics as required by this chapter."

The context of Section 26.2-15(c) should be noted. It is preceded by two subsections. Subsection (a) defines "reporting individuals" as certain employees and appointed officials and all elected officials. Subsection (b) states that each reporting individual must file a FIS by May 1 each year, unless he has already filed a FIS in that calendar year.

Section 26.2-15(c) states that the FIS shall also be filed by other persons, including nominees for offices subject to City Council confirmation, at specified times linked to particular events, not to a date on the calendar each year.<sup>1</sup> Thus, subsection (c) sets up a second category of filing deadlines for these other reporting individuals.

The provision for a 30-day extension for filing the FIS is contained in Section 26.2-19 (c):

"(c) Any person who is required to file a statement of financial interests may effect one thirty-day extension of time for filing the statement by filing with the Board of Ethics, not less than 10 days before the date on which the statement is due, a declaration of his intention to defer the filing of the statement."

Again, the context of this provision must be noted. Section 26.2-19 deals with the failure to file the FIS by the annual deadline. The provision for a thirty-day extension follows subsections (a) and (b) which deal only with persons who are required to file a FIS by May 1 and persons who first become subject to the ordinance within the thirty days prior to May 1, thus, persons whose filing deadline is linked to a specified date on the calendar. From the context, the Board

---

<sup>1</sup> Section 26.2-15 (c) also requires that the FIS be filed by an elected official no later than at the time of filing his oath of office and by any other person at the time he becomes a reporting individual (e.g., when a person is hired as a City employee at a rate of \$40,000 per year or more).

Page 3  
89143L  
September 20, 1989

concludes that the extension of Section 26.2-19(c) is available only to the reporting individuals specifically referred to in Sections 26.2-19 (a) and (b).

Moreover, the Board determined that the application of the thirty-day extension to nominees for positions subject to City Council approval would ignore the clear requirement and intent of Section 26.2-15(c) to make a nominee's financial disclosures available to City Council as part of the confirmation process carried out in public hearings. Disclosure of a nominee's actual or potential conflicts of interest after confirmation would rob the disclosure provision of its intended effect.

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

Should you have any questions, please contact the Board of Ethics at 744-9660.

Sincerely,

*M. Milano*

Mary Milano  
Vice Chair

