



CITY OF CHICAGO



BOARD OF ETHICS

FINDING OF MINOR VIOLATIONS

CONFIDENTIAL
VIA CERTIFIED and U.S. MAIL

June 15, 2023

Re: Case No.: 23014.C

Dear :

As you are the legal representative for [redacted] and his committee for election to [City office] in 2023, Friends [redacted], we are sending you this letter of admonition. As stated in its 10-Day Notice of Potential Probable Cause Determination sent to your client on February 17, 2023, the Board of Ethics (“Board”) had reason to believe that [your client [redacted]] may have violated Chicago’s Governmental Ethics Ordinance (“Ordinance”). Specifically, on [redacted], 2023, [redacted] first reported that [your client’s campaign] had aired a campaign ad that included images of [your client] [redacted] with clearly identifiable uniformed Chicago police officers, with their Chicago Police Department (“CPD”) uniform insignia and their faces visible.¹ Then, on [redacted], [it was reported] [redacted] that [your client’s committee] [redacted] had pulled this ad and replaced it with an edited version.² The edited version does not have the “staged” images of [your client] [redacted] with the uniformed police officers from the original ad, but does include pre-filmed images of CPD officers in the background, as well as Chicago Fire Department (“CFD”) EMTs loading a stretcher onto a clearly marked CFD ambulance. The CPD and CFD insignia are City-property³ and serve as indicia of official CPD and CFD business.

In response to the Board’s February 17 Notice, you sent our Executive Director a letter, received on March 8. At its June 12, 2023, Board Meeting, the Board reviewed all of the information before it, including your March 8 letter and the arguments made in it, and concluded, consistent with prior Board caselaw, that the use of

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² The edited campaign ad can be viewed here:

³ **§2-156-010(e-1) Definitions.** “‘City property’ means: (i) the official corporate seal, as authorized in Chapter 1-8-010 et seq., as amended; (ii) any building or portion thereof owned or exclusively leased by the City or any City agency; or (iii) any intellectual property or personal property, equipment, machinery, or tangible items owned or used by the City for City business purposes...”

identifiable City equipment or property in [your client's] electioneering communications constitute minor violations⁴ of §2-156-060⁵ and §2-156-135(b)⁶ of the Ordinance. This conclusion remains confidential. Therefore, the Board directed staff to issue this confidential admonition to your client, . Please note, however, that any further violations of this nature will not be considered minor.

We appreciate your, and your client's, cooperation. If you have any questions about this or any other matter, please contact us at (312) 744-9660.

Sincerely,

Steven I. Berlin
Executive Director

⁴ **Board Rule 3-11. Advisory opinions regarding past conduct.** ...If the conclusion of the staff is that there has been such a violation, then the staff shall report the matter to the Board at the next possible Board meeting and recommend to the Board as to whether that violation is minor in nature. The Board shall then determine whether the violation was minor. In determining whether any particular violation is minor in nature, the Board shall consider, but not be limited to, the following criteria: (i) whether the Board would still be upholding the spirit of the Ordinance; (ii) whether a reasonable person familiar with all the facts would consider the violation technical and not substantive in nature and extent; and (iii) whether the violation is part of a pattern with respect to the person whose conduct is described in the request. **(1) If the Board determines that a minor violation occurred, the Board shall issue a letter of warning or admonition for the first such violation to the person whose conduct is described in the request, either as part of or separate from any issued advisory opinion to the requestor. Such letter shall be private and subject to the Board's rules on confidentiality...**

⁵ **§2-156-060. Unauthorized use of City property.** No official, employee, or candidate for City office shall engage in or permit the unauthorized use of any City property...

⁶ **§2-256-135(b). Prohibited political activities.** No official, employee, or candidate for City office shall intentionally use any City property or resources of the City in connection with any prohibited political activity...