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City of Chicago
Eugene Sawyer, Acting Mayor

June 1, 1988

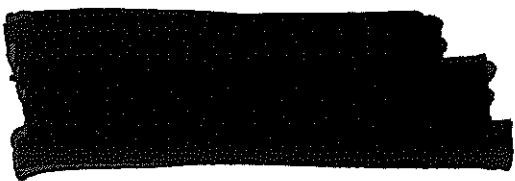
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CONFIDENTIAL

CASE NUMBER 88080.A

Dear

This letter is in response to your request for an advisory opinion from the Board of Ethics concerning the regulations of the Governmental Ethics Ordinance and the Campaign Finance Ordinance as they relate to the activities of an Alderman seeking or accepting political contributions from actual or potential City contractors. You asked whether it is permissible for an Alderman to use the Directory of Minority and Women Businesses for fundraising purposes.

The Board has considered your question and held that an Alderman may use such information provided: 1) the Alderman does not perform these political activities during City time or with the use of City property or other City resources; 2) there is no mutual understanding, implicit or explicit, between the Alderman and the City contractor that the Alderman's actions concerning the business of the City would be influenced thereby; and 3) that the Alderman shall not solicit or accept a political contribution in return for advice or assistance concerning the business of the City.

- I. WHILE AN OFFICIAL CAN SEEK OR ACCEPT POLITICAL CONTRIBUTIONS FROM CITY CONTRACTORS ON HIS OR HER OWN TIME, THERE ARE RESTRICTIONS ON THE CONDITIONS OF SUCH SOLICITATIONS AND CONTRIBUTIONS

There are several sections in the Ordinance which regulate the political activities of officials.



Specifically, there are sections which prohibit officials or from doing such activities on City time and with City property or services. In addition there are sections of the Ordinance which regulate the political contact between both those covered by the Ordinance and those who are not.

A. POLITICAL CONTRIBUTIONS IN RETURN
FOR ADVICE OR ASSISTANCE ARE
PROHIBITED

There is a section of the ordinance which would prohibit an official or employee from soliciting or receiving a political contribution in exchange for advice or assistance. Section 26.2-5 states that:

No official or employee or the spouse or minor child of any of them shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this section shall prevent an official or employee or the spouse of an official or employee from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-City employment, occupation or profession.

This section (26.2-5) would prohibit an official or employee from soliciting or accepting any monetary benefit or service of any kind, including contributions such as fundraiser tickets, campaign funds or voluntary fundraising services, in return for advice or assistance given to persons seeking City contracts. In addition this prohibition applies whether the thing of value was received prior to or subsequent to the advice or assistance.

2. POLITICAL CONTRIBUTIONS GIVEN OR
RECEIVED BASED UPON A MUTUAL
UNDERSTANDING THAT AN OFFICIAL OR
EMPLOYEE'S ACTIVITIES WILL BE
INFLUENCED THEREBY ARE PROHIBITED


A final section of the ordinance which would apply here is Section 26.2-4(b), which states that:

No person shall give or offer to give to any official, employee, or City contractor, or to the spouse or minor child of any of them, and none of them shall accept, anything of value, including, but not limited to, a gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any official, employee or City contractor concerning the business of the City would be influenced thereby. It shall be presumed that a non-monetary gift having a value of less than \$50 does not involve such an understanding. (Emphasis added.)

This section prohibits an official from accepting, or a City contractor from offering, anything of value, including a political contribution, based on a mutual understanding, explicit or implicit, that the official's or employee's activities would be influenced thereby.

Should you have any questions, please do not hesitate to contact the Board of Ethics at 744-9660.

Sincerely,


S. Brandzel
Chairman