

NOTE:
This case is superseded by amendments to §2-156-010(p) made in 2011.

CONFIDENTIAL

March 10, 2008

[Mary Doe]

VP

[D] Museum

Chicago, IL 60611

Re: Case No. 08008.Q

Dear Ms. Doe:

This letter confirms the oral advice I gave you on October 5, 2007 and January 28, 2008. You are, the Vice President of [D] of the [D] Museum, a non-profit organization. You asked whether, under the Lobbyist Registration provisions of the City's Governmental Ethics Ordinance (a copy of which is enclosed), you would be required to register as a lobbyist were you to meet with City employees and/or aldermen as to zoning, real estate or other matters while representing the [D's] interests in your official capacity as its Vice President.

As I advised you orally, and now confirm in writing, I conclude that, when you, as an officer of a non-profit organization, meet with City employees or elected officials and attempt to influence City legislative or administrative action on [D's] behalf, you are not acting as or considered a "lobbyist" for purposes of the Ordinance (this conclusion also obtains for your fellow [D] officers, directors or employees who engage in the same activity). This conclusion is based first on Article 3, § 2-156-210 of the Ordinance, which provides:

Each lobbyist shall register and file reports with the Board of Ethics as provided in this Article. This section shall extend to any person who undertakes to influence any legislative or administrative action as any part of his duties as an employee of another, regardless of whether such person is formally designated as a lobbyist by his employer.

And then, § 2-156-010(p), which defines a "lobbyist," in relevant part, as:

any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or

S 13

Case No. 08008.Q
March 10, 2008
Page 2

administrative action ... further provided that an employee, officer or director of a non-for-profit entity who seeks to influence legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter.

Please note that this conclusion does not necessarily dispose of all issues relevant to your question. It is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If those facts are incorrect or incomplete, please notify my office immediately, as any change may alter the conclusion. Other laws or rules also may apply. I appreciate your sensitivity to the standards embodied in the Ethics Ordinance and eagerness to comply with them. If you have any further questions, please do not hesitate to contact me

Very truly yours,

Steven I. Berlin
Acting Executive Director