



June 6, 1989

[Redacted]

City of Chicago
Richard M. Daley, Mayor

Board of Ethics
Harriet McCullough
Executive Director

Sol Brandzel
Chair
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

Re: Outside Employment and Post-Employment
Restrictions

89095

Dear [Redacted]

This is in response to your questions concerning what restrictions the Ethics Ordinance places upon your ability to bid for City contracts now and once you have left City employment. The Board of Ethics understands that you are currently an employee of the *City of Chicago*.

In your private capacity, you are President and CEO of a public relations agency.

Bidding on City contracts while employed by the City: Section 26.2-11 of the Ethics Ordinance (Chapter 26.2 of the Municipal Code) explicitly prohibits City employees from having a financial interest in City business:

No elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work, or business of the City or in the sale of any article, whenever the expense, price or consideration of the contract, work business or sale is paid with by funds belonging to or administered by the City (Section 26.2-11).

Therefore, for as long as you are employed by the City, you may not bid on a City contract or otherwise acquire a financial interest in any business of the City of Chicago. Please note that this prohibition does not apply to the business of non-City governmental entities such as the CTA, CHA, Board of Education, or the Metropolitan Sanitary District.

Post-employment restrictions: Section 26.2-10 restricts former employees in their dealings with the City. The severity of the restrictions depends upon how involved the former employee was in the matter at issue before he or she left the City:




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 with 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.

Accordingly, the Ethics Ordinance will prohibit you, for a period of one year after termination of your City employment, from assisting or representing any person (including yourself) in any transaction with the City, if you participated personally and substantially in the subject matter of the transaction during your term of employment. "Subject matter" in this context means the general subject matter or concern of the transaction, as opposed to the specific contents of a particular transaction or contract. If you exercise contract management authority with respect to a particular contract, the post-employment prohibition will be permanent as to that contract.

This advisory opinion is based upon the facts which are outlined in this letter. If there are additional material facts or circumstances that were not available to the Board when it considered your case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances which are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this letter.

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

Sincerely,


S. Brandzel
Chairman