

**BOARD OF ETHICS**  
**OPEN SESSION MINUTES**

March 19, 2014 - 3:14 p.m.  
740 North Sedgwick, Suite 500

**BOARD MEMBERS PRESENT**

Stephen W. Beard, Chair  
Russell F. Carlson  
Mary T. Carr  
Hon. Michael J. Gallagher  
Frances R. Grossman  
Dr. Daisy S. Lezama  
Hon. Julia M. Nowicki

**STAFF PRESENT**

Steven I. Berlin, Executive Director  
Lisa S. Eilers, Deputy Director  
Richard J. Superfine, Legal Counsel  
Ana Collazo, Attorney Investigator  
Edward Primer, Program Director  
Pauilly Casillas, Staff Assistant

**I. APPROVAL OF MINUTES**

The Board VOTED 7-0 to approve the Open Session Minutes of the February 19, 2014 meeting, as amended.

**II. CHAIR'S REPORT**

The Chair reported that, on the morning of March 27, 2014, he will be a panelist in a discussion regarding government reform, to be held at the Union League Club. The program is sponsored by the Committee for Economic Development. Among the other panelists will include a former Chicago Inspector General. There will be a focus on campaign finance reform.

**III EXECUTIVE DIRECTOR'S REPORT**

**A. EDUCATION-CLASSES**

Since the last Board meeting, we have held 2 classes in our offices, on February 20 and March 6—27 attended. There are 29 persons scheduled for classes March 20 and April 3.

On March 10 staff conducted the first of two classes for Commissioners and service providers of Special Service Areas (SSAs), continuing the process by which all SSA Commissioners and Executive Directors of Service Providers will be trained. 57 persons attended. There are 60 scheduled to attend the second session, on March 20.

On March 27, staff will conduct a class for senior management of the Department of Transportation.

Between April 21 and May 2, staff will conduct a series of training for General Laborers from the Department of Streets & Sanitation. Approximately 200 employees will attend.

**B. LOBBYISTS**

As of today, we have processed registrations of 604 lobbyists for 2014, and collected \$294,800 in 2014 registration fees. 84 lobbyists were notified that they violated the Ordinance because they filed lobbying documents late, but did file before the date the Executive Director could assess a fine. 16 lobbyists were notified that they were assessed fines for not timely filing a registration or a termination report. 4 of those 16 also separately are late in filing their activity reports; they have been separately notified. Fines were assessed as follows: (i) for registrations or terminations that were filed late, \$52,000 (of which \$24,000 has been paid); (ii) activity reports that were filed late, \$4,000 (unpaid); and (iii) two lobbyists have not filed either a registration (or termination) nor an activity report: they have been fined \$1,000 per day for each violation, which continues to accrue (unpaid).

Quarterly activity reports will be due from all registered lobbyists on April 20. Our Electronic Lobbyist Filing System (ELF) will send our courtesy reminders to all registered lobbyists on April 1.

**C. ON-LINE TRAINING**

At this writing, 71 lobbyists have completed their required ethics training. They have until July 1, 2014 to complete the program.

Staff is working on the 2014 programs for employees and officials, and intends to have them go live in early April.

**D. STATEMENTS OF FINANCIAL INTERESTS**

On February 28, 3,163 employees and officials were notified of their requirement to file 2014 Statements of Financial Interests. To date, 899 have filed, and their forms posted on our website for public inspection (where they reside for seven years). The deadline for filing is June 1, 2014.

**E. PROPOSED AMENDMENTS TO THE ORDINANCE**

The Ordinances introduced in October 2013 by Alderman Patrick O'Connor regarding enforcement of campaign contribution violations by the Legislative Inspector General are still pending in the City Council's Rules Committee. The Board's open letter to elected City officials was delivered to the Mayor and aldermen on March 7, 2014, and posted on our website that day.

**F. INFORMAL ADVISORY OPINIONS**

In February 2014, the agency issued 335 confidential advisory opinions. The leading categories were lobbying, travel, and employment of relatives.

Staff has met with the staff of the Department of Innovation & Technology regarding installing a secure, searchable database for all such informal advisory opinions, and we

expect that this project will be completed in June 2014. This will enable the staff to receive instantaneous reports of opinions issued by topic, department, title, date, etc.

**G. UPDATED WEBSITE**

We we posted on our website the names of those employees found to have violated the Ordinance for failure to complete 2013 ethics training as required, as well as updated educational brochures on campaign contributions and a guide for City vendors, and the updated text of the Ordinance, showing amendments that took effect on March 5, 2014.

**H. RULES & REGULATIONS**

Staff received comments on its latest draft of its Rules & Regulations from the Law Department and Department of Administrative Hearings. Once they are submitted to the City Council they become effective after 45 days, unless the City Council votes (by majority vote) to disapprove them. There will be more discussion on this in Executive Session.

**I. FREEDOM OF INFORMATION ACT**

Since the last regularly scheduled Board meeting, the office has received no new requests under the Freedom of Information Act.

**IV. DEPUTY DIRECTOR'S REPORT**

None

**V. OLD BUSINESS**

1. Status: Case No. 13014.OLIG, Probable Cause Procedures Pursuant to §2-156-385(3)
2. Status: Case No. 13009.OLIG, Probable Cause Procedures Pursuant to §2-156-385(3)
3. Status: Case No. 12031.OLIG, Probable Cause Procedures Pursuant to §2-156-385(3)

The Board deferred consideration of the status of the cases until executive session.

**VI. NEW BUSINESS**

None

The Board VOTED 7-0 to adjourn into Executive Session at 3:22 p.m. under 5 ILCS 120/2(c)(1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. And, in addition, the Board voted to adjourn into Executive Session under 5 ILCS 120/2(c)(4) to hear and discuss evidence or testimony in closed hearing as specifically authorized pursuant to Governmental Ethics

Ordinance Section 2-156-395 (the Ordinance applicable to this matter) and the Board's Rules and Regulations, 4A-2, "Hearings on Complaints Against Aldermen" as amended, effective February 26, 2010, presented to a quasi-adjudicative body, as defined in the Illinois Open Meetings, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

At 5:19 p.m., the Board VOTED 7-0 to reconvene into open session.

## **VII. MATTERS CONSIDERED BY THE BOARD IN EXECUTIVE SESSION**

### **I. APPROVAL OF EXECUTIVE SESSION MINUTES**

The Board confirmed its approval of the Executive Session minutes of the February 19, 2014 meeting by its 7-0 vote made in Executive Session.

### **II. CASES**

#### **A. QUERY/CONSULT SUMMARY**

1. Case No. 14008.CNS; Case No. 13039.OLIG, Case No. 12032.OLIG

By a 5-2 VOTE, the Board authorized the release of confidential information it may have in its possession that was requested by the Legislative Inspector General, after receipt of a proper written release of confidentiality from the subjects of these investigations, or their attorneys.

2. Case No. 14011.Q, Prohibited Political Activity, §2-156-135

Staff reported that it received a written request from a City employee for an opinion addressing whether his office's acceptance and delivery of mail that appears political in nature and is addressed to City employees and officials at their City addresses would violate the Ethics Ordinance's prohibition on performing political activity on City property and while on City-compensated time. Staff advised the employee in writing that the Ordinance specifically exempts from this prohibition activity that a City employee or official performs as part of his or her official City duties, and thus that this mail delivery does not violate the Ordinance.

#### **B. ADVISORY OPINIONS**

3. Case No.13053.A, Outside Employment §2-156-142(f)

The Board approved, by a 7-0 VOTE, the draft advisory opinion in which the Board determined that a sworn law enforcement officer employed by the City can own, operate, and derive income from a private security business that has a contract with a City "sister agency" without violating the Ordinance's "money for advice" provision, §2-156-142(f), because the services provided are wholly unrelated to the officer's City responsibilities.

4. Case No. 14006.A, Reverse Revolving Door, §2-156-111(d)

By a VOTE of 7-0, subject to modifications, the Board approved the publication and distribution of staff's draft of a redacted summary of the case.

**C. PAST VIOLATIONS**

5. Case No. 14012.CNS, Conflict of Interest

The Board VOTED 4-3 to determine that: (i) an alderman violated the Ordinance by failing to recuse from voting before the full City Council on a matter involving a permit for a business that the alderman owns (the alderman was not a member of the City Council Committee through which the matter passed and thus did not vote on it in committee, although the alderman introduced the matter as the business is located in the alderman's ward); but that (ii) following the criteria already established by the Board, this constituted a minor violation of the Ordinance; and (iii) the alderman be sent a private letter of admonition, pursuant to §2-156-070(b), explaining why there was a violation, and also putting the alderman on notice that, if this conduct is repeated, it will be considered a non-minor violation and the alderman will be required to self-report to the Legislative Inspector General.

**D. DISMISSED/REFERRED COMPLAINT**

6. Case No. 14007.OLIG

The Chair made note that this matter had been referred to the Legislative Inspector General, but there was no discussion regarding the matter.

**E. OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL**

7. Case No. 14009.OLIG, Petition to Approve Initiation of Investigation (2014OLIG0014)
8. Case No. 14010.OLIG, Petition to Approve Initiation of Investigation (2014OLIG0013)

By a VOTE of 7-0, the Board approved commencement of an investigation by the Legislative Inspector General in both of the above cases.

At 5:29 p.m., the Board VOTED 7-0 to adjourn the meeting.