

January 31, 2017

**Confidential**

Via email: [redacted]

[redacted]

Re: Case No.: 17008.Q - [redacted], Post-Employment Restrictions

Dear [redacted]:

On January 17, 2017, you emailed a letter to the Board of Ethics (“Board”) and requested an advisory opinion regarding the applicability of the post-employment restrictions in the City’s Governmental Ethics Ordinance (“Ordinance”) to your proposed post-City employment activities. In your letter, you posed two potential post-employment activities you are considering and included some information about the work you performed in your last City position.

Following our discussion for additional information, and after carefully analyzing the facts presented, Board staff has concluded that none of the post-employment restrictions applies to the work you contemplate. A brief summary of the facts and our reasoning follow:

Summary of Your City Employment

You said that you began working as an [employee] in the City’s [redacted] Department on [redacted]. You stated that you worked in the [redacted] for the [redacted] division. In that position, you stated that you answered questions for employees regarding their City benefits [redacted].

In [redacted], you left the Department [redacted] and began working as a [an employee] [in a ward office]. You said your job was to manage constituent services (*e.g.*, calls for City services or information about City programs) and that you also served as the Alderman’s liaison for local businesses. In your role as a liaison, you explained that local businesses must apply for and obtain approvals for alterations that would infringe over the public-way, such as installing a sign, awning, or an outdoor eating area, and that your responsibility was to manage the process between the local businesses and the City, which included directing the application through the proper channels, beginning with obtaining Aldermanic and the applicable Department’s approvals before the applications introduction to the City Council for its deliberation.

In addition, you said that you did not participate, assist, or represent anyone in any judicial or administrative proceeding involving the City, although [several years ago], you attended a proceeding at the City’s Department of Administrative Hearings at the direction of and with specific instruction from the Alderman. You stated that, at that hearing, you were not in a position to exercise any discretion, but did speak on behalf of the Alderman. You also stated that you did not have any contract management authority and never helped draft, review, or oversee the performance of a contract.

You left City employment on [nearly two years ago].

Your Contemplated Post-Employment Activities

You specifically asked whether the Ordinance would prohibit you from either registering as a lobbyist and lobbying City of Chicago officials, or performing the acts and functions of a permit expediter.

Your work as a permit expediter would be with commercial or business clients, and would entail managing the building permit process from filing the application to seeing it through City Council.

### Law and Analysis

Based on the information you provided, the following is an application of the Ordinance's three post-employment restrictions to your contemplated activities.

1. Permanent Restrictions, §2-156-100(a)(b). These provisions prohibit you, as a former City employee, from: (i) assisting or representing any person other than the City in any judicial or administrative proceeding involving the city or any of its agencies, if you were counsel of record or participated personally and substantially in the proceeding during your employment; or (ii) assisting or representing any person (such as a new client or employer) with respect to any contract over which you exercised contract management authority during your City service.

Based on our review of your City career, we conclude that you did not have or exercise contract management authority, because you did not help draft, review, or oversee the performance of any City contract.

However, we conclude that the one administrative hearing you did attend [several years ago], at the direction of the Alderman, constituted your personal or substantial involvement in it because you actually participated in the proceeding. Therefore, you are permanently restricted from handling that matter or proceeding for anyone other than the City, should it ever arise again.

For the reasons above, staff concludes that, with the exception of the administrative hearing you participated in, the permanent restrictions do not otherwise apply to the work you contemplate as a lobbyist and permit expediter.

2. Two-Year Lobbying Restriction, §2-156-105 prohibits certain former City officials and employees from lobbying the City, or their former City department, for two years after their effective termination date from City service. The term "lobbyist" or "lobbying" is defined in §2-156-010(p). However, aldermanic or City Council employees are not subject to this two-year post-employment lobbying ban. Therefore, Board staff concludes that this provision is inapplicable and does not restrict you from registering or working as a lobbyist and lobbying City of Chicago officials.
3. One-Year Restriction, §2-156-100(b) of the Ordinance prohibits any former City employee or official, for one year after they leave City service, from assisting or representing any person, such as a new employer or client, in any business transaction involving the City, if the employee or official participated personally and substantially in the "subject matter" of that transaction with the City. This prohibition begins on the employee's or officials last day of City service.

The subject matter of your proposed post-City employment and work would be managing the City permit process for businesses. Your duties as a business liaison when you were a [ward employee] included managing the permit application process, which is what you said you would also do as a permit expediter. Although you were personally and substantially involved in the City's permit processing, which subjected you to a one-year prohibition regarding your proposed activity as a permit expediter, this one-year prohibition has expired because your last

day of City employment was [nearly two years ago]. Thus, this prohibition no longer restricts you from working as a permit expediter.

### Confidential Information and Sanctions

As a former City employee, you would be prohibited from using or revealing confidential or non-public information you acquired through your City employment, pursuant to §2-156-070. Confidential information means any information that may not be obtained pursuant to the Illinois Freedom of Information Act.

### Conclusions

Board staff's advice and conclusions are based on the facts you provided and address only the restrictions in the City's Governmental Ethics Ordinance. Other laws or regulations may apply. If the information you provided is incorrect or incomplete, please notify our office immediately, as any change may alter our conclusions and advice. Should your post-City employment plans change or are not addressed in this letter, we recommend that you contact us for additional advice.

We appreciate your conscientiousness in seeking our opinion. Please contact us at (312) 744-9660 if you have any questions.