



City of Chicago
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Board of Ethics

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[REDACTED]

C O N F I D E N T I A L

[REDACTED]
[REDACTED]

EMW
Sister agencies
FICB
out emp

Re: Case No. 96022.Q
Outside Business Ownership

Dear [REDACTED],

On [REDACTED], following earlier conversation with staff, you wrote to ask for a written opinion on whether the City's Governmental Ethics Ordinance prohibits you, as a City employee, from operating a concession at Navy Pier. You told staff your City job does not involve Navy Pier.

Under Illinois statute, the Metropolitan Pier and Exposition Authority ("MPEA") has responsibility over Navy Pier: it has the duty "[t]o carry out or otherwise provide for the recreational, cultural, commercial, or residential development of Navy Pier and to construct, equip, and maintain grounds, buildings, and facilities for those purposes." 70 ILCS 210/4(b). The MPEA also has the rights and powers "[t]o enter into agreements with any person with respect to the use and occupancy of the grounds, buildings, and facilities of the [MPEA], including concession, license, and lease agreements on terms and conditions as the [MPEA] determines." 70 ILCS 210/5(h). [REDACTED], the Manager of Leasing for the MPEA, confirmed that the MPEA handles all of its own contracts for concessions. To operate a concession at Navy Pier, therefore, you would enter into a contract with the MPEA.

The MPEA is not a City agency for purposes of the Governmental Ethics Ordinance. See Board of Ethics Case no. 90013.A. Therefore, it is staff's opinion that a concession at Navy Pier is not a contract, work or business of the City, and a contract with the MPEA for a Navy Pier concession is not a prohibited financial interest in a contract, work or business of the City under Section 2-156-110 of the Ordinance.

We remind you that other provisions of the Ordinance contain restrictions relevant to the City employees who have employment or an ownership interest in a business outside of City government,



E N W

Case No. 96022.Q

[REDACTED]

Page 2

as outlined in the summary we sent you on [REDACTED]. However, it is staff's opinion that there is nothing in the Ethics Ordinance that would prohibit you, in the circumstances described here, from entering a contract with MPEA for a concession at Navy Pier.

This staff opinion is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts presented are inaccurate or incomplete, please notify us, as any change in the facts may alter our opinion.

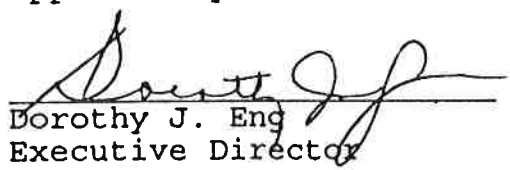
Please be advised that other rules or laws may also apply to this situation, such as Personnel Rule XX, Section 3, which delineates the requirements for secondary employment, and requires you to file a written request with your department head for permission to engage in outside employment; and Rule XVIII, Section 1, no. 43, which provides that you, as a City employee, may be disciplined for failure to comply with Rule XX. Also, a City department may adopt and impose rules stricter than those contained in the Ethics Ordinance.

Thank you for your inquiry. We appreciate your willingness to comply with the ethical standards embodied in the Governmental Ethics Ordinance. If you have any further questions, please contact us.

Sincerely,


Ellen M. W. Sewell
Legal Counsel

Approved by:


Dorothy J. Eng
Executive Director