



BOARD OF ETHICS
CITY OF CHICAGO

WAIVER GRANT FROM THE CITY'S REVERSE REVOLVING DOOR RESTRICTIONS

At its January 13, 2020 meeting, the Board granted a waiver,¹ by a vote of 5-0 (Nancy C. Andrade and Dr. Stephanie Cox-Batson, absent) from the Governmental Ethics Ordinance's (Ordinance) "reverse revolving door" restrictions² to Robert Hoxie. He will fill a position with the City's Department of Aviation (CDA) as a Managing Deputy Commissioner/Chief Development Officer to oversee its planning, environmental, design and construction divisions. In accordance with §2-156-402(b) of the Ordinance and Board Rule 9 we present the following summary of the granted waiver.³

¹ 2-156-402. Waivers.

(a) When requested by a city official or employee, the Board may grant a waiver from compliance with any of the following ...

(4) The restrictions pertaining to matters related to a city official's or employee's immediate former employer or client as provided in Section 2-156-111 (d).

² 2-156-111. Prohibited conduct.

(d) (1) No city employee or official shall make or participate in the making of any governmental decision for a period of two years from the date of employment or becoming a city official, in a matter that benefits his or her immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist prior to commencing his or her city employment or prior to becoming a city official, unless such employee or official has completely severed any ties with that former employer or client that would confer, or have the potential to confer, a monetary benefit on the employee or official. For purposes of this subsection, publicly traded securities or income therefrom, and vested benefits in a retirement plan, shall not be considered a monetary benefit.

(2) No City employee or official shall personally participate in any capacity in a matter on behalf of the City if the official or employee participated personally and substantially in that matter for his or her immediate former business or immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist, prior to commencing his or her City employment or prior to becoming a City official.

³ Board of Ethics Rule 9, entitled **Waivers**, states:

(1) Pursuant to §2-156-402 of the Ordinance, the Board may grant any current or former City employee or official waiver from compliance with respect to the following provisions of the Ordinance: (i) §2-156-142(a) (gifts) to the extent the waivers apply to material or travel expense for meetings; (ii) §§2-156-100 and 2-156-105 (post-employment restrictions); (iii) §2-156-110 (financial interest in City business); and (iv) §2-156-111(d) (the reverse revolving door restrictions) as to matters related to a city official's or employee's immediate former employer or client.

The waiver request, which was submitted by CDA Commissioner Jamie Rhee, asked that Hoxie, who, as an employee of the aviation consulting firm Ricondo & Associates, has worked extensively on CDA matters, be permitted to work on those same matters, as well as additional matters, as a Managing Deputy Commissioner at CDA. Most notably, Hoxie was involved as a consultant to CDA in the negotiation of a new Airline Use and Lease Agreement (AULA) between the City and airlines serving O'Hare International Airport (O'Hare). That agreement, signed in Spring 2018, will be in place until 2033 and includes more than \$8 billion in capital funding for passenger terminal facility expansion and modernization at O'Hare. The capitalization project is referred to as "O'Hare 21."

As explained in the waiver request, Commissioner Rhee believes Hoxie is uniquely qualified to oversee O'Hare 21 and that he is instrumental to its success. She highlights his background in architecture and engineering, as well as extensive aviation experience.

In granting this waiver, the Board reasoned that: (i) his significant background in and knowledge of the O'Hare 21 capital program is unique, not likely imitated and extremely important to successfully implementing the program and doing so in a timely manner; (ii) he will not benefit monetarily from the waiver; (iii) his knowledge of O'Hare's facilities and the regulatory requirements demanded by multiple Federal, State and local agencies would add considerable expertise and insight to ongoing initiatives and policy decisions at O'Hare; and (iv) CDA will benefit from his expertise in a more cost effective manner by directly employing him than by retaining his services through a consulting services contract; and (v) the City and its citizens will benefit considerably if he is allowed to work as CDA's Managing Deputy Commissioner/Chief

(2) In order for the Board to grant a waiver, a current or former city employee or official must request it in writing. The request must include: (i) the name of the requestor; (ii) the requestor's agency and where the requestor works; (iii) the requestor's title; (iv) the requestor's responsibilities; (v) a detailed description of the situation; and (vi) permission for the Board or its staff to communicate with third parties as necessary and appropriate for the Board to determine whether to grant or deny the waiver.

(3) The Board may grant a waiver with conditions, restrictions or limitations, including that the waiver may be withdrawn or modified upon contingencies set forth in the waiver grant from the Board.

(4) The waiver itself, if granted, shall be made public in a manner prescribed by the Board. However, the request and any information or documents related to the request or the Board's determination shall not be made public and shall be and remain subject to the Ordinance's and Board's rules on confidentiality.

(5) If the waiver request discloses a past or existing violation of the Ordinance that is not minor, the Board shall share that information with the appropriate investigating authority pursuant to Rule 3-11. 1 See Miss. Code Ann. §5-8-17 and Illinois Administrative Code Title 2, Subtitle C, c. III, §560.390 (b). 29 (6) Upon receiving the waiver request, obtaining all necessary additional information, and considering the request, the Executive Director shall recommend that the Board grant or deny a complete or limited written waiver to the city employee or official. The Executive Director shall retain a copy of the grant or denial in the Board's files; report on the matter to the Board pursuant to the Open Meetings Act; and make the waiver public in a manner prescribed by the Board.

(6) Upon receiving the waiver request, obtaining all necessary additional information, and considering the request, the Executive Director shall recommend that the Board grant or deny a complete or limited written waiver to the city employee or official. The Executive Director shall retain a copy of the grant or denial in the Board's files; report on the matter to the Board pursuant to the Open Meetings Act; and make the waiver public in a manner prescribed by the Board.

Development Officer. In short, Hoxie is uniquely qualified to oversee O'Hare 21, as he will bring to CDA and the City an unparalleled understanding of the project as Managing Deputy Commissioner/Chief Development Officer. The Board placed one condition on this waiver: that Hoxie ensure that in any approvals he would grant in reviewing the work of his former employer, Ricondo & Associates, he ensure that another CDA official at his level or above serve as a co-signor or approver.