

88065.A

City of Chicago  
Judge Sawyer, Acting Mayor

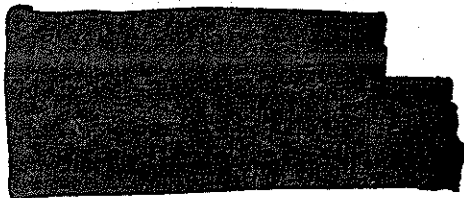
Board of Ethics  
Harriet McCullough  
Executive Director

John Brandzel  
Chair

Mary Milano  
Vice Chair

Rev. Don Benedict  
Margaret Carter  
Angela Eames  
Rev. A. Patterson Jackson  
Marlene Rankin

Suite 1320  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660



**CONFIDENTIAL**

Dear 


the Board reconsidered its previous opinion regarding your appointment to the Commission. requested the review because of the membership and overlapping subject matter jurisdiction of several specifically identified agencies; Illinois State law regarding recusal by appointed officials; and a previous decision on the subject of representation by appointed officials.

After consideration of all the areas of concern, the Board reaffirms its previous decision, with the following qualifications. First, neither you or your firm may represent a client before the Commission. Second, you must complete a Disclosure Form for each new client your firm represents before a City agency. Third, if you or your firm represent a client before a City agency not wholly unrelated to your duties and responsibilities on the Commission you must either terminate your representation of the client or resign your position on the Commission.

The Board plans to send a letter with disclosure forms to all appointed members of the City's Boards and Commissions. A review of every appointed official shall be performed by the staff.

Should you have any questions, please do not hesitate to contact the Board of Ethics at 744-9660.

Sincerely,

  
John Brandzel  
Chairman



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City of Chicago  
Eugene Sawyer, Acting Mayor

Board of Ethics  
Harriet McCullough  
Executive Director

Sol Brandzel  
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Case Number 88065.A

The Board of Ethics has been asked to render an advisory opinion as to whether your appointment to a Commission might violate any provision of the Governmental Ethics Act.

The Board has considered the matter and holds that with a certain condition, your appointment would not violate the Ordinance. Those conditions would be that as a member of the Commission you recuse yourself from any matters in which you or your law firm have an economic interest. This recusal condition would apply both when a matter is only before the Commission and when it is before the Commission and another cooperating department or agency.

One of the provisions of the Governmental Ethics Act which regulates the private interests of appointed officials is section 26.2-9 which states:

(a) No official . . . may represent or have an economic interest in the representation of any person other than the City in any formal or informal proceeding or transaction before any City agency in which the agency's action or non-action is of a non-ministerial nature . . . [.]  
\* \* \*

(c) No appointed official may represent any person in the circumstances described in (a) . . . unless the matter is wholly unrelated to the official's duties and responsibilities.



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As a member of the Commission this provision would prohibited you from representing anyone in any matter before any City agency unless the matter is "wholly unrelated the official's duties and responsibilities."

The Commission is a seven-member commission appointed by the Mayor and confirmed by City Council.

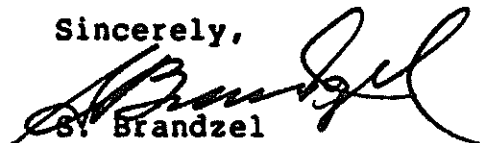
It is a City agency vested with the authority to recommend that the City Council and has authority to act as the City's agent in the management and disposition of departments and agencies to implement the stated objective. It may work with other City

In a conversation with staff you said that you are a attorney and as such you and your firm have represented clients before a related Commission and a related Board. You also said that your firm has in place a procedure to detect and avoid conflicts of interests, and that at time the firm has no clients before the Commission.

It is clear that neither you nor your firm can represent a client before the Commission while you are a voting member. In addition, in those situations where the Commission is cooperating with another City agency (e.g., a related Commission or a related Board) and a client of yours or your firm has an interest in that matter, you will have to recuse yourself from considering the matter.

Should you have any questions, please do not hesitate to contact the Board of Ethics at 744-9660.

Sincerely,

  
S. Brandzel  
Chairman

cc:

/88065.A