

August 19, 1992

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

[REDACTED]
[REDACTED]
[REDACTED]

Re: Case No. 92019.I
ADVISORY OPINION

Dear Mr. [REDACTED]:

After receiving information alleging that you may have violated the Governmental Ethics Ordinance, the Board of Ethics initiated an investigation into those allegations. After reviewing your written response, the Board completed its investigation. Based on the facts presented, the Board determines that you have violated subsection 2-156-040(g) of the Ethics Ordinance. However, given the circumstances of your situation and your willingness to immediately bring yourself into compliance, it is the Board's opinion that no sanctions are warranted. We set forth our analysis below.

The information provided to us alleged that you accepted a \$400 honorarium for your participation as a panel speaker at the [REDACTED] Forum held at the [REDACTED] Hotel on [REDACTED] 1992. Subsection 2-156-040(g) of the Governmental Ethics Ordinance requires an employee to report the acceptance of any honoraria. The relevant section states:

Any official or employee who receives any gift or money for participating in the course of his public employment in speaking engagements, lectures, debates or organized discussion forums shall report it to the Board of Ethics within five business days.

As of [REDACTED], 1992, the date on which the investigation was initiated, the Board of Ethics had received no report from you that you had accepted an honorarium.

After being notified by the Board of Ethics of the allegations, you confirmed, in a letter dated [REDACTED], 1992, that you did participate in the Forum and did accept the honorarium, which totalled \$400. You stated that you were unaware of the provision requiring you to report



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acceptance of honoraria. You also stated that had you known of the requirement, you would have complied without difficulty.

The Board recognizes that you did not knowingly violate the Ethics Ordinance and that, once you were notified of the reporting requirement, you brought yourself into compliance with the law. Therefore, although you have violated subsection 2-156-040(g) of the Ethics Ordinance by your failure to report the receipt of your honorarium in a timely manner; it is the Board's opinion that no sanctions are warranted.

Our determination in this case is based upon the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts presented are incorrect or incomplete, please notify the Board immediately, as any change in the facts may alter our opinion. Other rules or laws may apply to this situation. We note that a City department may adopt restrictions that are more stringent than those imposed by the Ethics Ordinance.

We enclose a copy of the Governmental Ethics Ordinance for your convenience. We also enclose the Board's procedural rules that apply after it renders a decision. If you have any further questions, please do not hesitate to contact us.

Very truly yours,



Catherine M. Ryan
Chair

enclosures

cc: Kelly Welsh, Corporation Counsel

mk:92019.AO

NOTICE OF RECONSIDERATION AND RELIANCE

Reconsideration: This advisory opinion is based on the facts outlined in this opinion. If there are additional material facts or circumstances that were not available to the Board when it considered this case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances that are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this opinion.

Reliance: This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.