



City of Chicago
Eugene Sawyer, Mayor

CONFIDENTIAL

January 17, 1989

Board of Ethics
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Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

[REDACTED]

Case Number 88125.A

Dear [REDACTED]

This letter is in response to your request for an advisory opinion concerning your work as President of the [REDACTED]

It is our understanding that you are employed as a secretary for the [REDACTED] of the City Department [REDACTED]

You also serve as President of [REDACTED] a not-for-profit organization which sponsors various programs aimed at neighborhood improvement. You receive no pay for your work with this organization but occasionally receive reimbursement for cab fares.

We were also informed that your community organization currently has no business involvement with the City and receives no funds administered by the City, but anticipates applying to the City for a Community Development Block Grant (CDBG).

Based on the information we have received, the Ethics Ordinance would not prohibit you from serving as President of the [REDACTED] or occasionally receiving cab fare from this organization, but the Ordinance would restrict your activities as president in some important ways.

Section 26.2-9(a) of the Ethics Ordinance states that:

No elected official or employee may represent or have an economic interest in the representation of any person other than the City in any formal or informal proceeding



[REDACTED]

or transaction before any City agency in which the agency's action or non-action is of a non-ministerial nature;. . . .

The term "representation" used in this section covers any of a broad range of activities in which one person acts as the spokesperson for another person or group. Such activities would include making appearances before City agencies on behalf of non-City parties, contacting City officials by phone or by letter on behalf of other persons, and signing petitions and proposals which are submitted to City agencies for review.

As a City employee, this section of the Ordinance would prohibit you from engaging in any of these activities on behalf of the [REDACTED]. Specifically, you would be prohibited from contacting City officials or employees, either in person, in writing or by phone, to promote the interests of your organization as the President or representative of that organization. You would also be prohibited from signing proposals such as CDBG proposals which are submitted to City agencies. These restrictions apply only to your efforts as a spokesperson for the [REDACTED]. The Ordinance does not restrict your right as a private citizen to contact City officials on your own behalf to discuss City actions which may affect you or your community. It does prohibit you from using your title as President of a community organization in efforts to influence City decisions and actions which might affect this organization or any of its initiatives.

In addition to these restrictions on representation, the Ordinance contains provisions which prohibit City employees from using their position or powers in the City to influence matters in which they have a personal or private interest.

Section 26.2-2 of the Ethics Ordinance states that "officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City." This section establishes an obligation never to use City employment as a means of obtaining some special or undeserved advantage for any person or group. This section would therefore prohibit you from attempting to use your position or powers as a City employee to influence City decisions affecting the [REDACTED] Organization.

[REDACTED]

Section 26.2-6 of the Ordinance prohibits City employees and officials from disclosing or using confidential information they may have obtained during the course of their City work. This section would prohibit you from using in your work with the [REDACTED] any knowledge about City operations not available to the general public.

In summary, based on a review of the information you have provided, the Board concludes that the Ethics Ordinance would allow you to voluntarily serve as President of the [REDACTED] while maintaining your City job (and to accept reimbursement from this organization for cab fare) provided that you avoid any efforts to influence or shape City actions which might affect this organization. The specific activities you should avoid are (i) appearing before City agencies on behalf of your organization; (ii) contacting City officials or employees whether in person, by phone, or in writing, to seek their support for initiatives of your organization; (iii) signing proposals or written material submitted to the City by the organization; (iv) using your City relationships to influence City decisions affecting your organization; and (v) using any knowledge of City operations not available to the general public to assist your organization in obtaining City funds.

We appreciate your inquiry and hope that we have sufficiently addressed your questions. If you have further questions concerning this matter, please do not hesitate to contact us.

Sincerely,


S. Brandzel
Chairman