



January 8, 1992

CONFIDENTIAL

City of Chicago
Richard M. Daley, Mayor

[REDACTED]
[REDACTED]
[REDACTED]

Board of Ethics

Dorothy J. Eng
Executive Director

Re: Case No. 91103.A
ADVISORY OPINION

Dear Mr. [REDACTED]:

Angeles L. Eames
Vice Chair

On [REDACTED] 1991, you telephoned to ask whether the Governmental Ethics Ordinance prohibits you from accepting outside employment as a lecturer on the topic of [REDACTED] procedures. Based on the facts presented, the Board determines that the Ethics Ordinance does not prohibit you from accepting the employment in question.

Darryl L. DePriest
Fr. Martin E. O'Donovan
Marlene O. Rankin
Catherine M. Ryan

Room 303
320 North Clark Street
Chicago, Illinois 60610
(312) 744-9660

FACTS: You stated that as an [REDACTED] inspector in the [REDACTED] Department [REDACTED] you spend 99% of your time doing actual inspection work. The inspections you conduct are not for the purposes of levying fines or granting licenses. According to a job description you provided, you inspect [REDACTED] [REDACTED] [REDACTED] [REDACTED]. The job description also stated: "Included with each inspection is [REDACTED] [REDACTED] [REDACTED] [REDACTED]." However, you also perform a variety of administrative tasks as requested by your supervisor, such as, keeping records, analyzing reports, and responding to [REDACTED] [REDACTED].

and advise how to improve conditions

On one occasion, you were asked by your supervisor to attend a seminar on [REDACTED], which was sponsored by [REDACTED] Group A [REDACTED], a non-profit organization affiliated with [REDACTED] Group B and Group C. [REDACTED] Though you went as a student, you ended up answering questions and giving an impromptu presentation based on your experience as a City inspector. As a result of your participation in that seminar, you were contacted by Group B [REDACTED]



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[redacted] and asked to give a presentation to a class on [redacted] inspection techniques used by the City. You received permission from your supervisor to give the presentation, which you delivered on City time. You were not compensated for this presentation.

Group A recently asked you to give 5-6 lectures on the same subject as part of a course on [redacted]. The course will be administered by Group B [redacted] in conjunction with Group C. [redacted] Your lectures would cover the techniques and procedures used by the City to inspect [redacted].

The lectures would be given on your non-City time, and you would not use City resources. Group A offered compensation at the rate of \$75-125 per hour.

The course is open to all, but you stated that the students will probably be [redacted] companies and their employees, employees of other government agencies, community members, and students in the [redacted] program. You also stated that, in your City job as an [redacted] inspector, you would never be in a position to make decisions that would have a binding effect on any of the students who attend these lectures. This is because the City inspections you conduct are not for the purposes of levying fines or of granting any license, but for the purpose of [redacted].

improving conditions
LAW AND ANALYSIS: The section of the Ordinance that applies to your situation is 2-156-050, entitled "Solicitation or Receipt of Money for Advice or Assistance," which states:

No official or employee ... shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this section shall prevent an official or employee ... from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-City employment, occupation or profession.

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This section prohibits a City employee from accepting money in return for advice or assistance on matters concerning the City's operation or business, unless the services provided are wholly unrelated to the employee's City duties and are rendered as part of his or her non-City employment.

After reviewing the facts presented, the Board determines that your lecturing on the subject matter described does not constitute "advice or assistance on matters concerning the operation or business of the City," within the intent of the Ordinance. Therefore, you may accept the employment position offered. In coming to its determination, the Board gave considerable weight to the following: 1) the information regarding the City that you would provide in your lectures would not give someone taking the class an unfair advantage over another in any dealing with the City; 2) there is no possibility that, in your role as a City employee, you will make decisions that have a binding effect on any individuals who take your classes in regard to City matters. Given these facts, the Board concludes that section 2-156-050 does not prohibit you from teaching the proposed classes.

However, in your dual employment please be advised that the Ordinance explicitly prohibits you from: using City time for your non-City employment, section 2-156-020; using City-owned property without authorization, section 2-156-060; and disclosing confidential information gained in the course of or by reason of your City job, section 2-156-070.

CONCLUSION: Based on the facts presented, the Board determines that the Ethics Ordinance does not prohibit you from accepting compensation from Group A to teach the sessions on [REDACTED] inspection techniques at [REDACTED] Group B [REDACTED], as long as the conditions outlined above are met.¹

The Board appreciates your willingness to comply with the ethical standards embodied in the Ethics Ordinance. We enclose the Board's procedural rules that apply after it

¹Our determination in this case is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts presented in this opinion are incorrect or incomplete, please notify the Board immediately, as any change in the facts may alter our opinion.

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renders a decision. If you have any further questions,
please do not hesitate to contact us.

Sincerely,



Angeles L. Eames
Vice Chair

enclosures

cc: Kelly Welsh, Corporation Counsel

91103.L2

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.