



ADVISORY OPINION  
CASE NUMBER 92010.A  
Post Employment

March 24, 1992

City of Chicago  
Richard M. Daley, Mayor

Board of Ethics

Dorothy J. Eng  
Executive Director

Angeles L. Eames  
Vice Chair

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

To [REDACTED]

On [REDACTED], 1992, you called the Board of Ethics explaining that you are a former City employee and asking whether your work as an [REDACTED] consultant violates the post-employment prohibitions of the City's Governmental Ethics Ordinance. After reviewing all of the facts presented, the Board determines that your work as a [REDACTED] consultant, as described below, is not prohibited by the post-employment provisions of the Ordinance, as long as you do not consult on projects that were before your department while you were a supervisor of that department.

**FACTS:** On [REDACTED], 1991, you resigned from your position as the [REDACTED] for the Division of [REDACTED], Department of [REDACTED]. During your [REDACTED] tenure with the City, you worked [REDACTED] as a supervisor of the [REDACTED] division. This division reviews documents submitted on behalf of private individuals and companies that are seeking City approval [REDACTED]. You stated that your duties as supervisor were to manage the employees in the [REDACTED] division, interpret the City's Rules, review submitted documents [REDACTED] in light of the Rules and issue approval [REDACTED].

You explained the [REDACTED] review process of the [REDACTED] division as follows. Documents are submitted to the City and reviewed by various [REDACTED] employees.

[REDACTED] If the documents meet the City's [REDACTED] requirements, employees sign off on them. If the documents do not meet the requirements, employees draft written requests for changes necessary to correct the problems, and make suggestions of how the [REDACTED] can comply with the Rules. The [REDACTED] assistant to the supervisor actually gives final approval [REDACTED] based upon the employees' reviews. During the time that you were the supervisor, you were involved in the review of certain documents. [REDACTED] In addition, you would meet with [REDACTED] or their representatives to discuss interpretations of the [REDACTED] Rules when they

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disagreed with the change requests of the <sup>employees</sup> [REDACTED]. You explained that the [REDACTED] review process typically takes two to three weeks, but can take up to six months for [REDACTED].

When you left City employment, you began a business, working as a [REDACTED] consultant. As a consultant, you are contacted by [REDACTED] who are planning to submit their documents for approval to your former [REDACTED] division. Specifically, you review the documents in light of the City's [REDACTED] Rules, make suggestions of how the [REDACTED] can comply with the Rules, and explain what he or she needs to do to obtain the necessary approval [REDACTED] from the City. Although you are willing to submit the documents to the [REDACTED] division, to date the [REDACTED] have done so. After the documents are submitted to the [REDACTED] division and reviewed by the employees, you meet with any City employees who [REDACTED] [REDACTED] raised issues or questions with regard to the documents; on behalf of the [REDACTED], you discuss the issues, answer any questions raised, and sign off on changes to the documents.

**LAW:** The applicable section of the Governmental Ethics Ordinance, section 2-156-100(b), states:

No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

Section 2-156-010(g) defines "contract management authority:"

"Contract management authority" means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

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These sections impose both a one-year and permanent prohibition on certain activities of former City employees after they leave City service.

**DISCUSSION AND CONCLUSION:**

**ONE YEAR PROHIBITION:** As stated above, the City's Governmental Ethics Ordinance prohibits a former City employee from assisting or representing any person in a business transaction involving the City for one year after his or her termination of City employment if while a City employee he or she participated personally and substantially in the subject matter of that transaction.

Applying the facts of this particular case to the Ordinance's one year prohibition, the Board determines that you are prohibited for one year after leaving City employment from assisting or representing any person on any project with which you personally and substantially were involved while you were a City employee. Your involvement in the projects while a City employee included your review of documents and discussion of the [REDACTED] <sup>City's Rules</sup> as they applied to the project. [REDACTED] Thus, if documents were submitted to the [REDACTED] division while you were employed there, and you reviewed the [REDACTED] project or discussed issues with the [REDACTED] regarding the project, then you would be prohibited from representing or assisting [REDACTED] on that project in your consulting business for one year from your retirement from the City.

**PERMANENT PROHIBITION:** The Ordinance also prohibits a former City employee from assisting or representing a person in a contract if the former City employee exercised "contract management authority" with respect to the contract while working for the City. The Board previously determined that this prohibition applies not only to contracts but also to transactions involving the City. Case No. 90024.A (citing Case Nos. 90012.A, 89142.A, 89108.A., 88107.Q, and 88086.A). As defined above, the term "contract management authority" includes not only personal involvement in the City transaction, but also direct supervisory responsibility for the formulation and execution of the City transaction.

As the <sup>supervisor</sup> of the [REDACTED] division, you had direct supervisory responsibility over all of the <sup>employees</sup> [REDACTED] in their review of all <sup>documents</sup> [REDACTED] and their <sup>approval</sup>. [REDACTED]. Therefore, applying the definition of the term contract management authority and the permanent prohibition to the particular facts in this case, you are permanently prohibited from assisting or representing any person on a project that was submitted to the [REDACTED] division for approval while you were the division's <sup>supervisor</sup> [REDACTED].

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The Board notes that you specifically stated that since leaving City employment, you have not worked on any projects that were before the [REDACTED] division when you were with the City. Therefore, based upon the information you provided, you have not acted in violation of the post-employment provisions of the Ordinance.

The 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.

Catherine M. Ryan MEH  
Catherine M. Ryan  
Chair

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