



March 21, 1989

City of Chicago
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Board of Ethics
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Executive Director

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

Re: [REDACTED]
Case No. 88142.A

CONFIDENTIAL

Dear [REDACTED]

The Board of Ethics has considered your department's request for an advisory opinion concerning *individual A*, a former member of the Head Start Health Services Advisory Committee (HSAC). While *individual A* was on the HSAC, his firm, *firm B*, was awarded a Special Services contract [REDACTED]. In order to accept the contract, the DHS advised *individual A* to resign his position on the HSAC, which he subsequently did.

The Board of Ethics was asked to determine what effect the Governmental Ethics Ordinance (Chapter 26.2 of the Municipal Code of Chicago) would have upon this situation. At its March 14, 1989 meeting the Board concluded that, despite *individual A's* resignation from the HSAC, the DHS would be prohibited from awarding him the contract in question.

The Board bases its decision upon Section 26.2-9 of the Ethics Ordinance. This section states that no appointed 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, unless the matter is wholly unrelated to the official's City duties and responsibilities (See paragraphs (a), and (c), Section 26.2-9).

Individual A violated this provision when he assisted in the development of the *firm B*



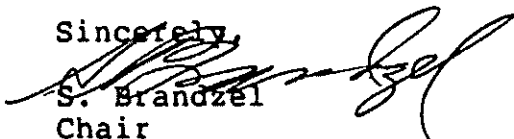
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proposal and presented it to the DHS. The Special Services contract was certainly not "wholly unrelated" to his position on the HSAC. Please note, however, that he would have violated Section 26.2-9 even if he had abstained from actually representing *firm B* before the DHS. It is enough under this section for an appointee to have an economic interest in representations made by other persons.

The intent of this section is to prevent City personnel from using their special access to the City for their private benefit. It is the Board's conclusion that this harm would not be avoided by awarding *individual A*, now resigned, a contract which was itself the result of a process into which he had improper access. Under those circumstances, he would still derive an unfair advantage as a result of his previous association with the City.

Accordingly, the Board of Ethics advises the DHS that, under the Governmental Ethics Ordinance, *individual A* (and the firm of *B*) should not be awarded the Special Services contract in question. Should you have any questions, please contact the Board of Ethics at 744-9660.

Sincerely,


S. Brandzel
Chair

cc:

MA: 88142-