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Suite 1320
205 West Randolph Street
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[REDACTED]

Re: Financial Interests Statements

Case No. 88040.E

Dear [REDACTED]

The Board of Ethics has reviewed your request for an exemption from the requirement to file a Financial Interests Statement (FIS). Based upon a review of the enabling act of the Commission on Animal Care and Control and discussions with [REDACTED], we have determined that it is required to file under Section 26.2-15 of the Governmental Ethics Ordinance (Chapter 26.2 of the Municipal Code).

Section 26.2-15 of the Ethics Ordinance states that appointed officials who serve on an agency that is "solely advisory in nature" are not required to file annual Statements of Financial Interests. For an agency to be classified as "solely advisory in nature," it cannot have any authority to (1) make binding decisions, (2) enter into contracts or (3) make expenditures except those incurred for research purposes.

Chapter 98 of the Municipal Code establishes the Commission on Animal Care and Control with broad powers to make binding decisions, enter into contracts and make expenditures other than expenditures incurred for research purposes. From discussions with [REDACTED]

[REDACTED] the Board of Ethics understands that, in practice, the nine-member appointed "Commission" referred to in Section 98-1 of the Animal Care and Control Commission Ordinance and the "Commission" whose non-advisory powers are enumerated in subsequent sections of the Ordinance are treated as separate entities. However, [REDACTED] has been unable to provide the Board of Ethics with any documentation to show that the present division of functions is more than simply an accepted practice (as opposed to a legal requirement).




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The exemption for "solely advisory" agencies in Section 26.2-15 of the Ethics Ordinance states that a "solely advisory" agency can have "no authority to make binding decisions", etc. There is no reference made to the exercise or non-exercise of that authority. Thus the authority itself is sufficient to prevent classification as a "solely advisory" agency. Under the Animal Care and Control Ordinance, the Commission possesses such authority.

We therefore conclude that the Commission on Animal Care and Control does not meet the requirements for classification as "solely advisory in nature." [REDACTED] appointed officials serving on the Commission are required to file annual Financial Interests Statements under Section 26.2-15 of the Ethics Ordinance.

Should you have any questions, please contact the Board of Ethics at 744-9660.

Sincerely,


S. Brandzel
Chairman

cc: [REDACTED]
[REDACTED]
[REDACTED]

MA/ma: [REDACTED]