



CITY OF CHICAGO

BOARD OF ETHICS

FINDING OF A MINOR VIOLATION

CONFIDENTIAL
VIA CERTIFIED and U.S. MAIL

June 15, 2023

Chicago, IL 606

Re: Case No.: 23021.C,

Dear :

As you are the legal representative for _____, we are sending you this letter of admonition. As stated in its 10-Day Notice of Potential Probable Cause Determination sent to your client on February 22, 2023, and the Notice of Probable Cause Determination sent to your client on March 20, 2023, the Board of Ethics (“Board”) determined that [your client _____] violated Chicago’s Governmental Ethics Ordinance (“Ordinance”). Specifically, on February 5, the Board received a citizen complaint that included an electioneering communication paid for and distributed by [your client’s _____] authorized candidate committee, Friends of _____, regarding his re-election campaign for _____ Ward Alderperson. The mailer contained an identifiable image of what appears to be the City seal, printed within a “POLICE OFFICER CHICAGO POLICE” badge.

The governing law is the provision of the Ordinance that became effective on October 1, 2022, new §2-156-050. It provides in full:

Incidental use of the City seal – Authorized when. It shall not be deemed a violation of this Chapter or of Chapter 1-8 of this Code for any official, employee, or candidate for City office to include in a photograph, video or other visual media that is not related to official City business an image of the City seal is all of the following are met: (i) the image of the City seal in such display is incidental to the visual media viewed as a whole, as opposed to an element of primary focus, and (ii) the visual media includes a clear written disclaimer that it is not related to City business.

In response to the Board’s January 24 Notice, you sent our Executive Director a letter, received on February 7. At its June 12, 2023 Board Meeting, the Board reviewed all of the information before it, including your February 7 letter and the arguments made in it, and concluded, consistent with prior Board caselaw, that the use of the City seal in [your client’s _____] electioneering communications constitutes a minor violation¹ of §2-

¹ **Board Rule 3-11. Advisory opinions regarding past conduct.** ...If the conclusion of the staff is that there has been such a violation, then the staff shall report the matter to the Board at the next possible Board meeting and recommend to the Board as to whether that violation is minor in nature. The Board shall then determine whether the violation was minor. In determining whether any

156-135² and §2-156-050 of the Ordinance. This conclusion remains confidential. Therefore, the Board directed staff to issue this confidential admonition to your client, . Please note, however, that any further violations of this nature will not be considered minor.

We appreciate your, and your client's, cooperation. If you have any questions about this or any other matter, please contact us at (312) 744-9660.

Sincerely,

William F. Conlon
Chair

particular violation is minor in nature, the Board shall consider, but not be limited to, the following criteria: (i) whether the Board would still be upholding the spirit of the Ordinance; (ii) whether a reasonable person familiar with all the facts would consider the violation technical and not substantive in nature and extent; and (iii) whether the violation is part of a pattern with respect to the person whose conduct is described in the request. **(1) If the Board determines that a minor violation occurred, the Board shall issue a letter of warning or admonition for the first such violation to the person whose conduct is described in the request, either as part of or separate from any issued advisory opinion to the requestor. Such letter shall be private and subject to the Board's rules on confidentiality...**

² §2-156-135(b). **Prohibited political activities.** No official, employee, or candidate for City office shall intentionally use any City property or resources of the City in connection with any prohibited political activity...