November 20, 2001

**CONFIDENTIAL**

**VIA FAX AND FIRST CLASS MAIL**

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**Re: Case No. 01049.Q**

**Travel - [Company Product] Demonstrations and Fact Finding Tour**

Dear [John]:

This letter is in response to your request of November 5, 2001 for an opinion from the Board of Ethics on the issue of whether a team of six City employees from [ Departments 1, 2 and 3 ] may accept an offer from [ the Company ] to pay each employee’s expenses (round-trip transportation via corporate aircraft, one night’s lodging, local transportation and meals) to attend demonstrations and a fact finding tour involving a [ ] and [ ] on December 18 and 19, 2001 at [the Company’s] facilities in [ ]. The six City employees are: 1) [ Michael ] [of Department 1]; 2) [ James ] [of Department 1]; 3) [ Bill ] [of Department 1]; 4) [ Bob ] [of Department 1]; 5) [ David ] [of Department 2]; and 6) [ Tom ] [ of Department 3 ]. The demonstrations will consist of, generally, three technologies that are of interest to the City of Chicago as they relate to [ ]: [ ]. Based on the information you and your department presented, and on prior Board cases, Board staff’s opinion is that the Governmental Ethics Ordinance does not prohibit acceptance of the offer from [the Company] to pay the aforementioned expenses.

In your November 5th letter, you stated that "[Department 1] is in the process of developing an initiative with [the Company] to prove a [ ] in Chicago. The project goal is the development of a [ ] that will provide both [Departments 2 and 3] with [ ]." Another initiative may involve an additional capability that includes [ ] for [Departments 2 and 3]. You said that [Michael] is the City’s Project Manager for these initiatives, and that he and the other five employees identified above comprise of the City team that has been assembled to evaluate these new technologies.

In Board staff’s conversation with [ Michael ] on November 13th, [ Michael ] stated that [ the Company ] is a current vendor to [ Departments 1, 2 and 3 ]. He also stated that the City’s current contract with [the Company] would include the new initiatives being developed by [Department 1]. He also acknowledged that, as the evaluator of how [the Company’s] new technology may be used by the City, the team is in a position to affect [the Company’s] City business. [Michael] further stated that attendance at the two-day demonstration and fact finding tour would assist the team in carrying out its City responsibilities for these initiatives and would allow the team members to gain a better understanding of the capabilities of these new technologies in order to plan more effectively for their use by the City. [Michael] said that the demonstrations and fact finding tour cannot be held at [Department 1's] offices or at [the Company’s] [ ], Illinois facility because the [ ] is currently deployed and the [ ] is being designed and tested at [the Company’s] [ ] facilities.

Based on the information you and your department provided, it is Board staff’s opinion that nothing in the Ethics Ordinance prohibits the City from accepting [the Company’s] offer, as long as neither [the Company’s] offer, nor the City’s acceptance, is based upon any mutual understanding that any of the team members’ City decisions or actions concerning [the Company] would be influenced by the offer, and as long as the expenses accepted are reasonable and reasonably related to the purposes and functioning of the demonstrations and the fact finding tour, and serve to benefit the City, rather than benefit any of the members of the team personally.

Staff’s conclusion is consistent with past Board cases, in which manufacturers and suppliers have provided expenses of travel and accommodations for City employees to attend educational seminars and demonstrations relating to advances in technology in the products the companies offer, and the department has said that attendance at the demonstrations or seminars will assist it in carrying out its City responsibilities. (*See, e.g.,* Case Nos. 98039.Q, 97014.Q, 96020.Q, 94010.Q and 91075.Q.) Please note, however, that determining whether a specific City department or City employee’s acceptance of such expenses is prohibited by the Ordinance must be made on a case-by-base basis.

Staff’s opinion is not necessarily dispositive of all issues relevant to this situation, but it is based solely on the application of the City’s Governmental Ethics Ordinance to the facts stated in this opinion. If the facts stated are incorrect or incomplete, please notify the Board immediately, as any change may alter our determination. Other laws or rules also may apply to this situation. Be advised that City departments have the authority to adopt and enforce rules of conduct that may be more restrictive than the limitations imposed by the Ethics Ordinance.

We appreciate your sensitivity to the standards embodied in the Ethics Ordinance and your willingness to comply with them. If you have any further questions, please do not hesitate to contact us.

Very truly yours,

[signature]

Mary Rose D. Silva

Attorney/Investigator

Approved:

[signature]

Dorothy J. Eng

Executive Director

cc: [Michael] 01049‑Q‑L‑redacted.wpd