

88114.A MEH

August 16, 1988

[REDACTED]

CONFIDENTIAL

Dear [REDACTED]

At a meeting on August 9, 1988 the Board of Ethics issued an advisory opinion concerning your appointment to the advisory board of [REDACTED]. The circumstances were described to us as follows. You are currently employed as the District Library Chief for [REDACTED] the Chicago Public Library System. You are responsible for the budgets of all libraries in your district. You maintain no authority over the selection of books by the libraries in your district as each branch selects their own books.

Organization X.

Organization X

[REDACTED] is an information and access center for materials in Asian languages and is located in California. They currently have an \$85,000 contract with the City to furnish books to the new Chinatown library branch. If you decide to accept the unpaid advisory position you would travel approximately four times a year to California for the board meetings at the expense of [REDACTED]. Your responsibilities would include preparing project goals and directives, as well as developing programs for the solicitation of funds for [REDACTED] from libraries around the nation. The Board of Ethics has determined that it would be allowable for you, as City District Library Chief, to accept the position of advisory board member with [REDACTED]. However, you would be precluded from giving any advice or assistance to [REDACTED] on City business that concerns the Chicago Public Library System. Also, you would not be allowed to accept in excess of \$5000 in travel reimbursement or any other thing of value from [REDACTED]. Organization X

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There are four sections of the Ethics Ordinance that are applicable to your case. Section 26.2-3 states:

No... employee shall make, participate

City of Chicago  
George Sawyer, Acting Mayor  
Board of Ethics  
Marriet McCallough  
Executive Director  
Brandzel  
Chair  
Mary Milano  
Chair  
v. Don Benedetto  
Margaret Carter  
Angela Eames  
v. A. Patterson  
Barbara Rankin  
1320  
5 West Randolph  
Chicago, Illinois  
744-9660



in making or in any way attempt to influence any City governmental decision or action in which he knows or has reason to know that he has an economic interest distinguishable from its effect on the public generally.

Section 26.2-1(h) defines an economic interest as "Any interest valued or capable of valuation in monetary terms...". [redacted] reimbursement of your travel expenses would constitute an economic interest, giving you an economic interest in [redacted]. Further, by virtue of your position as District Library Chief you maintain direct authority over your district and the potential for influencing libraries outside your district. This would prohibit you from participating in any discussion, paperwork or other business concerning [redacted] dealings with the City.

Organization X's  
organization X

Organization X's

Section 26.2-5 and 26.2-11 of the Ethics Ordinance restricts your participation in [redacted] business with the City.

Organization X's

Section 26.2-5 states:

No... employee, or the spouse or minor child of any of them, shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this Section shall prevent an... employee from accepting compensation for services wholly unrelated to the.. employee's City duties and responsibilities and rendered as part of his non-City employment, occupation or profession.

This Section applies if you offer advice or assistance on matters concerning the Chicago Library System in the course of fulfilling your advisory board responsibilities and also accept reimbursement from [redacted] for travel expenses. Nothing in this Section precludes you from receiving compensation for services wholly unrelated to your City duties and responsibilities. Because the advisory board position does not involve any matters related to City business, it appears wholly unrelated to your position as a City employee. However, if ever you are called upon to offer advice or assistance on the subject of the Chicago Public Library System you must preclude yourself.

Organization X

Section 26.2-11 states:

No... employee shall have a financial interest in his

name or in the name of any other person in any contract, work or business of the City,... whenever the expense, price or consideration of the contract, work, business... is paid with funds belonging to or administered by the City, or is authorized by Ordinance.

A financial interest as applied to this case is defined in Section 26.2-1(k)(ii) as " any interest with a cost or present value of \$5000 or more." This Section prohibits a City employee from maintaining a financial interest in City business.

*Organization X* [redacted] \$85,000 contract with the City is considered City business. If you were to accept reimbursement of travel expenses, or any other thing of value exceeding \$5000 a year from *Organization X* [redacted] you would have a financial interest in City business. For your information, a "year" generally begins with the first trip or reimbursement. Should you exceed the \$5000 limit any contract between *Organization X* [redacted] and the City would be voidable or you would be required to terminate your employment with the City. *Organization X*

The next applicable Section is 26.2-7 which states:

No current or former... employee shall use or disclose, other than in the performance of his official duties or responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

This section prohibits you from revealing confidential information. This means you would be restricted from giving information regarding City business in the form of advice or assistance unavailable to the general public through the Freedom of Information Act.

Based on these Ordinances the Board of Ethics advises you to take the following course of action. Accept the position and the travel reimbursement to California but preclude yourself from giving any advice or assistance to *Organization X* [redacted] on City business that concerns the Chicago Public Library System. The value of the travel reimbursement may never exceed \$5000 per year as long as *Organization X* [redacted] maintains a contract with the City. Further, you are always prohibited from revealing information you have acquired in the course of your employment which is unavailable through the Freedom of Information Act. *Organization X*

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Thank you for your attention to the Ethics Ordinance. If we may be of further assistance on this or any other matter, please do not hesitate to call us at 744-9660.

Sincerely yours,

  
S. Brandzel

