

*EMUS*



City of Chicago  
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Board of Ethics

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[REDACTED]

**C O N F I D E N T I A L**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Case No. 95050.Q  
Representation

Dear Mr. [REDACTED]:

On [REDACTED] 1995, you telephoned the Board of Ethics to ask if you, as a City employee, are prohibited by the Governmental Ethics Ordinance from serving as a non-compensated member of the Board of Directors of the [REDACTED] Organization.

Under the facts you presented, the Ethics Ordinance does not prohibit your proposed involvement with the group. However, it does impose certain restrictions on your activities, of which you should be aware. This letter summarizes the Ordinance provisions that are relevant to your situation.

**FACTS:** You are the [REDACTED] in the [REDACTED] division of the Department of [REDACTED]. In this position, you disseminate information to community groups and others about dept. activities and resources, compile ward-by-ward [REDACTED] information, track state and federal [REDACTED] legislation, and help to compile legislative agendas.

You are also dept's liaison to the [REDACTED] Committee [REDACTED]. Committee is composed of representatives of various community groups, appointed by the Mayor, who advise the City on the distribution of [REDACTED] Grants. You have been assigned by [dept] to serve as the Department's liaison to [Committee]'s [REDACTED] Committee, taking notes at the meetings and reporting back to [dept]. You are not a voting member of [Committee] or of its [REDACTED] Committee.

You have been asked to serve on the Board of Directors of the [REDACTED] Organization



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("O"). You would be serving on a voluntary basis and without compensation. O supports and engages in various activities concerning [redacted] rights, such as organizing [redacted] to get repairs made in their buildings, or working with other groups on issues like lead poisoning. O also runs a [redacted] Hotline, for which you currently volunteer without compensation.

Funding for O's activities comes from a variety of sources, including private contributions and grants from private foundations. In 1995, O was a delegate agency of Committee, receiving [redacted] Grant money from the City. You said that O will not be a Committee delegate agency in 1996, and will not receive any [redacted] Grant money from the City.

O also has a professional services contract with (dept), receiving funds from the Department to run the [redacted] Hotline. This contract will continue through 1996. You informed us that the money from this contract will be the only money that O will receive from the City in 1996. You also told us that you are not involved in decisions concerning this or any other (dept) contract.

You said that you have spoken with your supervisor in (dept), First Deputy Commissioner [redacted], and that she had no objections to your serving on O's Board of Directors, pending notice from our office.

**LAW AND ANALYSIS:** After reviewing the information you presented, staff concludes that the Ethics Ordinance does not prohibit you from serving on O's Board of Directors. However, several provisions of the Ordinance impose restrictions on your conduct both as a City employee and as a member of the Board.

First, your conduct is restricted by § 2-156-090(a), "Representation of Other Persons," which states in relevant part:

(a) No elected official or employee 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; provided that nothing in this subsection shall preclude any employee from performing the duties of his employment...

Under this section, you are prohibited from undertaking any action that would constitute "representation" of O or any of its members or participants before any City agency, including (dept) or Committee (in the event, for example, that O is required to appear before (dept) or Committee with respect to its current professional services contract

or other contracts or matters). As the Board has interpreted it, the term "representation" applies to a broad range of activities in which one person acts as a spokesperson for another person or seeks to communicate and promote the interests of one party to another. It includes actions such as making personal appearances before City agencies on behalf of others, making telephone contact with City employees and officials on behalf of others, and submitting written requests and proposals to City agencies, employees or officials on behalf of others. This provision also prohibits you from signing any proposals, contracts, or other documents that are submitted to any City agency on [REDACTED]'s behalf.

Second, we draw your attention to § 2-156-070, "Use or Disclosure of Confidential Information," which states:

**No current or former official or employee shall use or disclose other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or 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 using or revealing confidential information you have acquired during the course of your City job.

Next, § 2-156-020, "Fiduciary Duty," states:

**Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City.**

This section places an obligation upon you, as a City employee, to give undivided loyalty to the City in the discharge of your public duties, and to use your City position and City time responsibly and in the best interests of the public. It does not prohibit you from serving on the Board of Directors of a not-for-profit organization, but it does require that, in performing your public duties, you put the City's interests before any obligations you may owe to the outside organization. If, in your good faith judgment, you cannot exercise your professional judgments in the City's best interests, free from obligations you owe [REDACTED], then you must be able, without impairing your own capacity to perform your responsibilities to the City, to excuse yourself from involvement in any situation or decision in your City position that would affect [REDACTED]'s interests.

We also draw your attention to § 2-156-060, entitled "City-Owned Property," which states:

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**No official or employee shall engage in or permit the unauthorized use of City-owned property.**

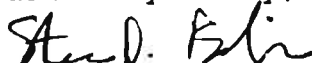
This section prohibits you from unauthorized use of City property or resources in your position with [Redacted] or for any private benefit.

Finally, you informed us that your service on [Redacted]'s Board of Directors, as well as on [Redacted]'s [Redacted] Hotline, would be voluntary and uncompensated. If this changes, and you are offered compensation for your position on [Redacted]'s Board or Hotline, please advise us, as additional Ordinance provisions and restrictions would apply.

Our conclusions are based solely upon the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts are incomplete or incorrect, please notify us, as a change in the facts may alter our conclusions. Please note that other rules or laws may apply to this situation, and that a City department may adopt and impose rules stricter than those contained in the Ethics Ordinance.

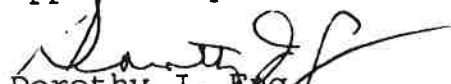
We appreciate your calling us about this matter, and your willingness to abide by the standards of the Governmental Ethics Ordinance. We enclose a copy of the Ordinance for your review. Please do not hesitate to contact us if you have any further questions or need further guidance.

Yours very truly,



Steven I. Berlin  
Deputy Director

Approved by:



Dorothy J. Eng  
Executive Director

Enclosure

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