

M&L

January 11, 1991

City of Chicago  
Richard M. Daley, Mayor

CONFIDENTIAL

Board of Ethics

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Suite 530  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660

Re: 90089.Q

You submitted a request to the Board of Ethics asking if your solicitation of financial sponsorship to attend a delegation to the Soviet Union is in compliance with the Governmental Ethics Ordinance.

Based on the facts you presented, it has been determined that the Ordinance does not prohibit you from seeking funding from Chicago area organizations for this purpose. However, we ask that you give careful attention to certain provisions of the Ordinance regarding issues which have the potential to arise in the situation you have described. These provisions are outlined in this letter.

**FACTS:** You explained to us that you are AN EMPLOYEE with A CITY DEPARTMENT. You have been invited to participate in a Program

to go to the Soviet Union and Europe. The Program is a private, non-profit organization designed to promote scientific, technical, and professional exchanges internationally. This particular delegation is intended to facilitate an exchange of information relating to pre-hospital emergency medical care, and will be comprised of 50 medical personnel from across the United States.

This delegation is a voluntary citizen effort and individuals are responsible for their own expenses. You estimate the cost of your participation to be \$5,956. To raise this money, you are seeking financial sponsorship from Chicago area organizations and corporations, and have



already received partial funding from FOUNDATION X  
and CORPORATION Y. Those organizations which  
provide funding will receive a written report from you regarding  
your activities in the delegation.

You stated that these activities have been approved by your  
department, and that your vacation period has been scheduled  
during the time of the trip itself. You also explained in your  
letter that you will pursue all activities regarding the project  
as a non-City government participant. All correspondence with  
prospective sponsors is being made on your personal letterhead,  
and you are seeking the funding on your non-City time.

**APPLICATION OF THE ETHICS ORDINANCE:** There is nothing in the  
Ethics Ordinance which prohibits you from participating in the  
delegation or from soliciting corporate contributions. We set  
forth below sections of the Ordinance which may apply to some of  
your activities.

In the course of pursuing grants for your trip, we advise you to  
give particular attention to four provisions of the Ordinance.

**GIFTS:** The first is § 2-156-040 (prior code § 26.2-4), which is  
applicable to any sponsorship funding you may receive. This  
provision prohibits a City employee from:

- (a) accepting gifts from anonymous donors;
- (b) accepting gifts or benefits of any kind on the basis of  
a mutual understanding, either explicit or implicit, that  
such gifts will influence an employee's actions in  
government; and
- (c) accepting gifts from persons who have an economic  
interest in a specific business, service or regulatory  
transaction with the City if the employee is in a position  
to substantially affect this transaction.

As long as you know the identity of your sponsor(s), subsection  
(a) does not come into play. Subsection (b) prohibits employees  
from accepting anything of value if there is any evidence that a  
mutual understanding exists, even implicitly, that the gift will  
influence an employee's governmental decisions. Subsection (c)  
prohibits employees from accepting gifts if (1) the donor has an  
economic interest in a business transaction with the City, and  
(2) the recipient may substantially influence that transaction.

You stated in your letter that <sup>in</sup> your City position you "do not hold decision-making authority to purchase for the City." Please be advised, however, that the Board of Ethics makes every attempt to avoid potential violations. Even though your position may not include contract management authority, you may be able to informally influence persons in City government who do make decisions involving the economic interest of present or prospective City contractors. By avoiding contributions from persons who have an economic interest in business with your department, you would avoid any potential for a violation of this section. (See Case No. 88046.A.)

Please also keep in mind that one of the purposes of the Ordinance is to protect City officials and employees from the appearance of impropriety. Public employees must be particularly wary of potential conflicts because they are measured not only by the honesty of their intentions and motives, but by the suspicion with which their actions may be viewed by the public.

**MONEY FOR ADVICE:** Section 2-156-050 (prior code § 26.2-5) of the Ethics Ordinance states in relevant part: "No official or employee . . . shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the City."

As long as your acceptance of any grants from sponsors is not made in return for any advice or assistance in City business, this section does not prohibit your solicitation of such grants.

**REPRESENTATION:** Section 2-156-090 (prior code § 26.2-9) states that "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." As the Board has interpreted it, the term "representation" here applies to any activity in which a person acts as a spokesperson for some party or seeks to communicate and promote the interests of one party to another. Under this definition, representing others before the City would include 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.

Once again, as long as your acceptance of sponsorship grants does not involve your "representation" of anyone (as defined above),

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your acceptance of such funding is not prohibited by this section.

**CONFIDENTIAL INFORMATION:** In relation both to your solicitation of funding and to your participation in the Program, please keep in mind that § 2-156-070 (prior code § 26.2-7) of the Ordinance prohibits City employees from using or revealing confidential information they may have acquired during the course of their City employment.

In conclusion, your solicitation of financial sponsorship from Chicago area organizations to enable you to participate in the Delegation is not prohibited by the Governmental Ethics Ordinance. Our determination is based on the circumstances as stated in this letter. If these facts are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our decision.

We appreciate your careful attention to this matter and your concern to comply with the ethical standards embodied in the Ethics Ordinance. A copy of the Ordinance is enclosed for your convenience. If you have any further questions, please do not hesitate to contact us. Have a wonderful trip.

Sincerely,



Dorothy J. Eng  
Executive Director

Enclosure

DJE:tl/jgj

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