**CONFIDENTIAL**

Mr. John Smith

Dept. of B

Chicago, IL 606

January 6, 2011

**Re: Case No. 10066.Q**

You said you are the Director of [I] in the Department of B. Regarding the potential ethical conflict, you explained that you are mostly on the phone or on the computer, researching who does [subject matter] and contacting people, “hat in hand,” asking for donated installation of two loans [for subject matter projects] for the Chicago Center [for subject matter], to further the Mayor’s desire to promote [subject matter]. The companies own the installations, and [organization O] maintains them. You said that the reason B does it as a loan is so that the department does not have to go through City Council as if it were a gift. You also told me that the Law Dept. approves the form/contract template, but that all of the rest of the details are handled through B.

You said you have no budget for this project, no ability to hire anyone, no contracts. You explained that no money changes hands at all, the company donates the labor and materials, and in exchange they receive a sign, information about where folks can purchase their products, a little free p.r. You said you find out about the companies on the Web, magazine ads, word-of-mouth, etc. You said you get the directive “Mayor Daley wants to promote [subject matter] – go find out who can provide displays!”

With respect to the company extended a job offer to you, the owner knew [the Mayor’s wife] and gave her his card. [She] gave this information to the Mayor, who called the Commissioner of [B], and asked the Commissioner to make it happen (get this company’s [subject matter] installation). The Mayor told B’s Commissioner to also get [Department J] involved, as well as the Chicago Park District. You said the difference with particular company is that they came to the City; you are usually soliciting the companies for their products/services.

Section 2-156-100(b) of the City’s Governmental Ethics Ordinance prohibits “a form er official or employee, for one after the termination of the official’s or employee’s term of office or employment, from assisting or representing any person in any business transaction involving the City or any of its agencies, if the official or employees participated personally and substantially in the subject matter of the transaction during his term of office or employment.” Our legal staff has discussed this and identified the subject of your City work as solicitation/installation of [project type]. As this applies to the company with whom you will be working after leaving the City, this means that for one year, i.e. until [date], you may not assist this company with any installations they have or may have with the City. You are free to accept a position with the company, you can work on [other types of installations] in the City, and after the one year, you can assist with installations which involve City departments.

This query does not discuss any permanent prohibitions, as our legal staff did not identify any from the facts which you have provided. If something changes, or if you are asked to do something about which you are unsure, please contact us, as our advice may well change.

Thank you so much for your willingness to abide by the ethical standards embodied in the Governmental Ethics Ordinance.

Courtney L.D. Kimble

Attorney/Investigator