

January 30, 2017

**Confidential**

[redacted]

*Via email:* [redacted]

Re: Case No.: 17009.Q - Outside Employment

Dear [redacted]:

On January 24, 2017, you emailed the Board of Ethics (the "Board") and asked whether the restrictions in the City of Chicago's Governmental Ethics Ordinance ("Ethics Ordinance") would prohibit you from engaging in outside employment. In your email, you state that you are [a City employee] with [redacted] and are contemplating working as a sales representative for a company that sells [redacted] scanners. Your sales territory would include Indiana and Illinois, but you would not pursue sales in or with the City of Chicago.

You and I spoke on January 25, and you explained that you are a [City employee] and are State certified [in your field]. You said that what your [redacted] division does is to [work with] scenes. The equipment you typically use [includes] scientific calculators, measuring tape and a camera. You said that you supervise eight [City employees] who investigate [redacted] cases [redacted]. You described your duties to include (i) assigning cases; (ii) [redacted] site visits to oversee the work of your officers; (iii) reviewing and approving reports for completeness and accuracy; and (iv) holding monthly meetings to discuss cases for training purposes.

In your outside employment, you would be selling a [redacted] scanner. You described this as a point dot plotter that takes high-resolution pictures with no distortions and uses a laser to calculate measurements. For example, you said that police departments could use this equipment for accidents and homicides, or by aviation and airspace. You said that you would not be analyzing data, [redacted], or opining as to causation and fault [redacted]. Instead, your job would be limited to selling the scanner, which would include setting it up and demonstrating how it operates.

Through both your email and our discussion, it sounds like you have a good understanding of the Ethics Ordinance and its restrictions for City personnel. Therefore, based on the information you provided about your [City job] and the sales position, we conclude that the Ethics Ordinance does not prohibit you from engaging in this outside employment as a sales representative, although the Ordinance does impose serious restrictions on you, which we describe here.

The primary Ethics Ordinance provisions applicable to your outside employment are §2-156-142(f), which states, in pertinent part that,

*"No official or employee ... shall solicit or accept any money or other thing of value ... in return for advice or assistance on matters concerning the operation or business of the City."*

and, §2-156-090, Representation of other parties, which states, in pertinent part that,

*“No elected official or employee may represent, or derive any income or compensation from 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 nonministerial nature;...”*

In your case, these provisions mean that:

1. An outside employer cannot pay you to give it or its employees/representatives any advice or assistance on anything that is related to your work at [the City Department].
2. You cannot represent, advocate for, or act as a spokesperson or salesperson for your secondary employer in any formal transaction(s) or even informal conversation(s) regarding City government business (e.g., you could not telephone or email a City official or employee regarding your secondary employer on any City contract or work it has or may have).
3. You cannot assist your secondary employer with respect to any bids for City contracts, nor help prepare, estimate or review any plans or specifications, etc., which your secondary employer might use in submitting a bid for a City contract.
4. You cannot access any [City Department] or other City records for the benefit of your secondary employer, or work on any projects directly related to [the City Department] for your outside employer.

Additionally, you are subject to the standard conditions that apply to all City employees engaging in outside employment. Please be advised that you: (i) may not use City resources for non-city purposes (these resources include your City title, and any property or equipment belong to [the City Department], including [the City Department] logo); (ii) may not disclose confidential or non-public information; and (iii) owe your fiduciary duty to the City.

As long as your work as a sales representative remains unrelated to your official duties, and any sales efforts you make are to police departments other than [the City Department] or to any other City office or department, the Ethics Ordinance does not prohibit your secondary employment. However, you are subject to the restrictions listed above or to any pursuant to your Department’s internal rules and regulations.

If you have any questions, please email or call me at (312) 744-9660.