

MEH



City of Chicago

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CONFIDENTIAL

[Redacted]

Re: Case No. 89006.A

Dear [Redacted]

This letter is to inform you that the Board of Ethics completed its inquiry into the circumstances of a meeting of [Redacted] held the morning of [Redacted] which was related to fundraising for the [Redacted] election campaign. Based on the available information, the Board determined that no violation of the Governmental Ethics Ordinance occurred as a result of the meeting [Redacted]. This determination is based solely on the information available to the Board on this matter, which is outlined below, and assumes its accuracy.

FACTS:

[Redacted]

It was reported that the [Redacted] were requested to assist in fundraising for the [Redacted] campaign. The reports, and comments contained in them, raised questions whether City employees were in any way coerced to make political contributions and whether City resources had been used improperly. The Board of Ethics received inquiries from the media and from one City official regarding the application of the Governmental Ethics Ordinance to the meeting. Pursuant to its powers under Section 26.2-37 of the Governmental Ethics Ordinance, the Board initiated an inquiry.

A. Questions to [Redacted]

The Board submitted ^{these} questions which were responded to:



1. Please provide names and titles of all persons invited to attend the meeting [REDACTED].

(You sent a list of persons invited to the meeting and their City departments. You stated that not all persons invited actually attended and that no attendance record was kept. All persons on the list were [REDACTED] City employees.)

2. Please provide a copy, if any, of the meeting agenda.

There was no agenda.

3. Please explain the method used for ticket sales or pledge solicitation.

Attendees were informed of the fundraiser and were asked for any assistance they might be able to provide and were asked how many tickets they might want. Neither tickets nor pledge cards were available [REDACTED]. Ticket order cards were available.

4. Please comment whether invitees were informed that attendance was mandatory.

Invitees [sic] were told of the meeting and asked to come. Attendance was not required.

5. Please comment on any subsequent action taken or information given to invitees not attending the meeting.

Persons not attending the meeting made whatever arrangements they wanted with regard to tickets. There were no follow-up meetings, mailings or organized information dissemination.

6. Please provide information regarding intended action to be taken against any official or employee refusing to participate in fundraising efforts.

No subsequent action has been taken nor is any planned to be taken regarding those persons unable or unwilling to participate.

B. Questions to Persons Invited to the Meeting

The Board sent questions to the [REDACTED] persons who, according to your list, had been invited to the meeting. The Board received [REDACTED] responses to its inquiry. Three persons said they had not attended the meeting. In summary, the questions and

answers were:

1. Were you present at the [REDACTED] meeting [REDACTED]

[REDACTED]? If you sent a representative, please give that person's name and title.

Fourteen persons said they were present. One was not present, but sent a representative. Three were not present and did not name any person who went in their place.

2. How and by whom were you asked to attend the meeting?

One person said he was not invited. Three persons said they did not remember who invited them. The remainder said they were invited by [REDACTED]

Only one person recalled receiving correspondence on the meeting. Others replied that they were invited by telephone call.

3. Did you receive any memorandum or other communication regarding the meeting? If so, please provide a copy. If no copy is available, please state the substance of the communication.

Three persons did not remember whether there had been a written communication. Twelve answered that there had been none. One person remembered a written communication, but had not kept it. Two did not answer.

4. Was it your understanding that attendance at this meeting was mandatory?

Two persons believed attendance to be mandatory. Nine persons did not consider it mandatory. Two did not answer. One "had never thought about it."

5. Please provide a copy of the meeting agenda, if any.

No one submitted a copy of the agenda. No one knew of or recalled an agenda.

6. Please outline the events of the [REDACTED] meeting.

With varying degrees of specificity, respondents answered that officials of the [REDACTED] campaign spoke about the election and the fundraiser planned. Individual A reported on the status of the campaign. Individual B spoke on the fundraiser and said that persons could volunteer to buy or sell tickets, which were available through the campaign office for

each. Several persons stated that you reiterated information on the election and fundraiser and said that tickets could be purchased and sold on a voluntary basis.

Some respondents said that the speakers asked the audience to support the fundraiser. Some mentioned receiving cards on which they were to write name and address and specify the kind of campaign work for which they were volunteering. Some mentioned being asked to write on the cards the estimated number of tickets they would buy or sell. One person said that speakers mentioned criticism by the media and by the opponents' campaign of using City employees for fundraising. One person mentioned that the speakers talked about the campaign's need for funds and the responsibility of [redacted] to help. One person did not answer.

7. What time did the meeting start and what time did it end?

All respondents agreed that the meeting started between [redacted]. The meeting was estimated to have ended before [redacted] by all but one respondent, who wrote that it ended around [redacted]. One respondent stated that the meeting took place during "non office hours."

8. Were "pledge cards" or any other materials relating to fundraising given to you at the meeting?

Most respondents said that printed cards were either on tables or distributed during the meeting. The printed cards asked for name and address and the type of campaign work for which the person volunteered. Some respondents also stated that the group was asked to write on the cards how many fundraiser tickets they would buy or sell. Several persons said that pledge cards were not given directly and personally to them. One person did not answer.

9. If you were asked to attend the meeting but did not attend, did you receive any information or communication regarding the meeting or fundraising? If so, please provide a copy of such information or a statement of the substance of the communication.

The question did not apply to fifteen persons. Two persons said they received no communication. One did not answer.

10. At the meeting on [redacted] were you solicited to participate in fundraising for this [redacted] candidate? If so, explain fully (e.g., who solicited your participation, how, what you were asked to do).

Five persons said they were asked to participate in fundraising. Two persons said they were not. Ten persons equivocated. Equivocations included: "I was not personally and individually solicited," "I was asked to support the fundraiser," and "I regarded the meeting as informational."

In some cases, answers to questions 6 and 8 overlapped with answers to this question.

11. Were any actions taken or was anything said which might be interpreted to suggest that your job could be negatively affected by your refusal to participate in fundraising or positively affected by your willingness to participate?

All respondents but one answered no unequivocally. Some commented that there were no direct or indirect threats or language of coercion or compulsion. Some commented that speakers at the meeting emphasized that participation in fundraising was voluntary. One person did not directly answer yes or no, but wrote that you made a statement at the meeting "to the effect that it was not only appropriate to be present but also for us to say this if we wished to talk to any media representatives outside." The person also stated that you said [REDACTED]

One person volunteered that he had purchased tickets at considerable cost, but would not approach his subordinates in City government in an effort to sell these tickets.

LAW AND DISCUSSION:

A. Coercion, Intimidation or Compulsion of City Employees to Make Political Contributions

The purchase of tickets for a reception for a [REDACTED] candidate is a political contribution. Such contributions are the subject of Section 26.2-14 of the Governmental Ethics Ordinance. Under this section, it is a violation of the ordinance to compel, coerce or intimidate any City employee to make any political contribution. Section 26.2-14 of the Governmental Ethics Ordinance states:

No official or employee shall compel, coerce or intimidate any City official or employee to make or refrain from making any political contribution. Nothing in this section shall be construed to prevent any official or employee from voluntarily making a contribution or from receiving a voluntary contribution.^{1,2}

Accordingly, the question facing the Board in this case was whether you simply solicited the voluntary purchase of fundraiser tickets at the [REDACTED] meeting, or whether any coercion was involved. The general facts pointing to the presence of coercion are as follows: City employees were requested to attend a meeting by their superior ([REDACTED]). At the meeting, you requested that they support the [REDACTED] campaign and encouraged them to purchase tickets as an appropriate means of support. Ticket order cards were provided at the meeting. News reports of the meeting indicated that you believed that these [REDACTED] City employees had a duty to support the campaign.³

Reasonable persons could question whether any of the City employees present at the meeting would not have felt forced or intimidated to prove his or her loyalty by buying tickets. The Board concludes that there is a high probability that solicitations of campaign contributions under such circumstances are inherently coercive. Therefore, in cases like this, it is our policy to presume that City employees who make contributions are coerced, compelled or intimidated to do so. The Board's presumption regarding coercion will be rebutted only by a convincing showing that the employees acted voluntarily. After reviewing information provided by you and the employees who

² The City employees who attended the meeting were [REDACTED]
[REDACTED] Section 26.2-14 applies to all City employees, including those [REDACTED]
[REDACTED]

³ E.g., In [REDACTED] regarding the meeting [REDACTED] it was reported: " [REDACTED] Individual C, [REDACTED], acknowledged that cards were passed asking [REDACTED] to indicate how many tickets they intend to sell for the [REDACTED] reception.. [REDACTED]
[REDACTED]

Individual C declared those [REDACTED] were expected to support [REDACTED] in the election....'Let's be reasonable,' Individual C said. 'Every [REDACTED] in every government is a [REDACTED] like it or not....They have an interest or ought to have an interest that this campaign is going smoothly,'"

attended the meeting, we conclude that the presumption of coercion is rebutted and that the contributing City employees acted voluntarily. First, in a memorandum dated [redacted] you stated that City employees were asked, but not required, to attend the meeting. You stated that attendees were asked how many tickets they might want and that persons who did not attend were not sought out with follow-up mailings or organized information dissemination. You also stated that no action had been taken or was planned regarding those persons who did not attend or participate. Second, attendees of the meeting who responded to a series of questions regarding the event indicated that they were not aware of any sort of coercion. They stated that they had no indication of any sort that their positions would be affected by their willingness or unwillingness to participate in fundraising or make contributions. Furthermore, although the City employees who attended the meeting had notice of Section 26.2-14 of the Governmental Ethics Ordinance,⁴ the Board of Ethics did not receive any complaints of compulsion, coercion or intimidation to make political contributions from any of them, either before or after the election.

Therefore, basing its opinion solely on the available information and assuming its accuracy, the Board finds that you did not violate Section 26.2-14 of the Governmental Ethics Ordinance when you convened the meeting of City employees on [redacted] and solicited their support of the [redacted] Campaign through political contributions.

B. Unauthorized Use of City Property

Section 26.2-6 of the Governmental Ethics Ordinance provides:

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

This provision prohibits the use of City resources (e.g., employees during work time, equipment owned by the City such as word processors and copying machines, services paid for by the City such as telephones) for any purpose but City business. Thus, the use of City resources to further purely political purposes would violate Section 26.2-6.

1. Attendance of [redacted] at the Meeting

⁴ In [redacted], the Board of Ethics sent out an educational memo and poster to all City departments which outlined the provisions of the Ethics Ordinance dealing with political activity and contributions.

Based on the available information, the meeting was related solely to the Campaign and was not City business. The meeting took place approximately between

In the present case, the available information indicates that the meeting ended [REDACTED]. The Board has no indication that the [REDACTED] by attending the meeting, deprived the City of the full benefit of their work. The Board has determined that their attendance at the meeting did not violate Section 26.2-6.

2. Use of City Resources for Political Purposes

The Board does not have evidence that City resources were used in relation to arranging or executing this meeting. Therefore, the Board does not find a violation of Section 26.2-6.

However, the Board advises that the use of City employees on City time or City equipment or services (e.g., cars, telephones, paper, copying machines) to arrange or carry out a purely political event would be a misuse of City property and would violate Section 26.2-6.

If you have any questions regarding this matter, please do not hesitate to call the Board of Ethics at 744-9660.

Sincerely,


S. Brandzel
Chair