

*E. J. Lu*



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**Advisory Opinion  
Case No. 96010.E  
Statements of Financial Interest**

To: 

Date: March 13, 1996

Re: Lending Advisory Committee

On February 16, you wrote to ask whether the appointees to the Lending Advisory Committee must file Statements of Financial Interests with the Board of Ethics. The Board has concluded that the Governmental Ethics Ordinance does not require them to file. Our determination and the reasoning supporting it are set forth in this Advisory Opinion.

**LAW:** Section 2-156-150(a) of the Governmental Ethics Ordinance requires each appointed official to file a Statement of Financial Interests,

except a member of an agency that is solely advisory in nature and has no authority to make binding decisions, to enter into contracts or to make expenditures, other than expenditures necessarily incurred for research in connection with its advisory function;...

An appointed official is "any appointed, non-employee member of any City agency." § 2-156-010(q).

**FACTS:** The Lending Advisory Committee serves the Department of Housing. It was created by the Department of Housing, after an oversight committee appointed by the Mayor recommended a permanent advisory committee to provide the Department with an informed, outside recommendation about its lending policies and practices. The Committee's functions are (1) to review loan criteria and underwriting practices; (2) to help the department simplify and streamline loan processes, and (3) to review individual loan packages of over \$75,000, and make recommendations for disposition. The members, appointed by the Mayor, come from banks,

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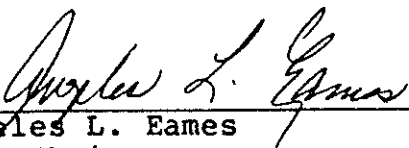
foundations, corporations and the community at large. (December 3, 1992 Memorandum to the Mayor's Office from Jack Markowski, Department of Housing Deputy Commissioner for Developer Services.)

According to Mr. Markowski, the Lending Advisory Committee has no staff and no budget; it meets once a month, and any staff services, such as creation of an agenda and maintenance of minutes, are carried out by the department. The Committee makes recommendations about all Department of Housing loans over \$75,000, but makes no binding decisions.

**DETERMINATION:** The Board determines that the members of the Lending Advisory Committee are not required by the City of Chicago's Governmental Ethics Ordinance to file Statements of Financial Interests with this office because the facts indicate that the Lending Advisory Committee is solely advisory in nature and has no authority to make binding decisions, to enter into contracts or to make expenditures.

Our determination is based on the application of the Ethics Ordinance to the facts stated in this opinion. If the facts presented are incorrect or incomplete, please notify the Board immediately, as any change in the facts may alter our opinion.

**RELIANCE:** This opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

  
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Angeles L. Eames  
Vice Chair