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City of Chicago
Harold Washington, Mayor

CONFIDENTIAL

September 14, 1987

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Case Number 87052.A

Dear

The Board of Ethics has considered your request for an advisory opinion to determine whether Executive Order 86-1 would prohibit you from accepting contributions on behalf of two non-profit agencies from individuals who have an economic interest in matters pending before the City agency on which you serve. In your letter to the Board, you stated that you had solicited and received contributions from two such individuals, but had not delivered them pending a recommendation from the Board of Ethics.

After reviewing your request, we have concluded that acceptance of these contributions does not violate the letter of the Executive Order or of the Ethics Ordinance currently in effect. Nonetheless, these solicitations and contributions bear a significant similarity to actions prohibited under various provisions of the Order and Ordinance and therefore ought to be avoided.

There is no prohibition in the Executive Order on the solicitation of contributions. The Order does, however, prohibit an official from participating in decisions involving matters in which he has an interest. Section 9 of the Executive Order states:

An official or employee is prohibited from making or participating in the making of a government decision with respect to any matter in which he has an interest.

Since it does not appear that the contributions represent a personal pecuniary interest on your part, and the actions you take in your official capacity do not affect the non-profit organizations on whose boards you sit, this section is not



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directly applicable to the circumstances described in your letter. However, the Board is concerned that your solicitations of individuals who may come before your agency might place you in a position similar to that prohibited under this provision of the Executive Order.

Also potentially applicable to this situation is the gifts provision of the Executive Order, Section 5. Subparagraph (a) of this section states:

No official or employee shall solicit or accept anything of value, including, but not limited to, a gift, favor, service or promise of future employment, based upon any understanding, either explicit or implicit, that the votes, official actions, decisions or judgement of any official or employee would be influenced thereby.

While it does not appear that the contributions or your acceptance of them involved any such understanding, given your position of influence in matters of concern to the contributors in question, both your solicitation and acceptance of their donations could be perceived as contrary to the intent of the Order. The appearance of impropriety is evident insofar as it is reasonable to conclude that an appointed official's decision in regards to a matter pending before his agency may be influenced by whether the individual who appears before his agency responded negatively or affirmatively to a solicitation request made by the official on behalf of a non-profit agency.

Accordingly, the Board suggests that while you may deliver the checks in your possession, in the future you should not solicit contributions from any individual appearing before, or whom you believe may come before the [redacted] Commission.

The Ethics Board staff will present this matter for re-consideration by the new Board of Ethics acting under the Ethics Ordinance (effective August 1, 1987). At that time, the new Board will contact you if they find any substantial changes to be made with respect to our recommendations.

Should you have any questions, please call the Board of Ethics at 744-9660.

Sincerely,

Robert C Howard

Robert C. Howard
Chairman

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