

CONFIDENTIAL

September 5, 2007

Mr. [John Smith]
[123 Main Street]
Chicago, Illinois 606xx

Re: Case No. 07044.Q

Dear Mr. [Smith],

On xxxxxxxxxx, 2007, you contacted the Board of Ethics, requesting an update on your query letter, Case No. 96011.Q, dated March 5, 1996, and inquiring as to whether the Governmental Ethics Ordinance prohibits you from engaging in a fundraising project on behalf of [the "Fund"].

In your City job, you are an Assistant Commissioner in the Department of Q. As you described it, your job responsibilities include handling day-to-day labor relations issues within the Department, including addressing grievances, administering discipline, leading investigations, approving leaves of absence, ensuring that employees complete their ethics training, and addressing contract questions.

You are also the President of the Board of Directors for the [X Funding] Organization, which is run through the Fund (the "Fund"), located at xx N. xxxxx in xxxxxxxx, Illinois, where you have been serving on an uncompensated basis since xxxxxxx 20xx. Currently, the Fund is soliciting contributions to support its activities. As part of the solicitation campaign, you explained, you would like to send a solicitation fundraising letter (on Fund or personal letterhead) to current managers and supervisors in the Department of Q. You explained that none of the personnel that you desire to solicit report to you, that you also have sent contribution letters to employees at a level lower than manager if they have contributed in the past, and you do not solicit employees if you have been involved in a disciplinary matter involving them.

Additionally, you specifically stated that the Fund itself, and you personally, do not solicit contributions from City vendors. However, you said, other board members, at their sole discretion and initiative, may desire to solicit contributions from businesses with City contracts.

From the facts presented, it is Board staff's conclusion that the City's Governmental Ethics Ordinance does not prohibit you from soliciting contributions on behalf of the Fund from Q employees at the level of manager and above. However, because this activity would involve both your fellow departmental employees and your outside activity, we advise you to seek

the approval of your Commissioner before commencing it. In addition, to avoid the appearance of coercion, Board staff advises you against soliciting employees at employment levels lower than your current position, and also against soliciting City contractors or vendors. Please note that, in addition to Board staff's recommendations regarding soliciting City employees and vendors, there are various provisions of the Ordinance that limit your activities for the Fund *vis-a-vis* the City:

Section 2-156-020, "Fiduciary Duty," requires you to use your City position responsibly and in the best interest of the City and its citizens. You hold a fiduciary responsibility to maintain the trust of the citizens of the City, and that if there is a conflict between the City and an outside organization, you would be required to decide in favor of the City.

Section 2-156-050, "Solicitation or Receipt of Money for Advice or Assistance," prohibits you from soliciting or accepting money in return for advice or assistance on matters concerning the operation or business of the City. Should you receive any compensation or thing of value in return for assistance and/or advice on City matters, including the promise of future employment, you should return or refuse the thing of value and advise the person or entity to seek assistance from someone other than you.

Section 2-156-060, "City-Owned Property," states that you cannot use or permit the use of City property for any private benefit, including the benefit of any third party, such as the Fund. This includes, but is not limited to, City telephones, fax machines, email, City letterhead and your City title.

Section 2-156-070, "Use or Disclosure of Confidential Information," states that you may not disclose or use confidential information gained in the course of or by reason of your City employment, other than in the performance of your official responsibilities, or as may be required by law. This would include using confidential employment, contractor and/or vendor lists as a mailing list for solicitations. Please note that this prohibition applies both during and after City employment.

Section 2-156-090, "Representation of Other Persons," prohibits you from representing or acting as a spokesperson for any person or organization 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 non-ministerial nature. This would include, among other things, a prohibition against you contacting the City, verbally or in writing, on behalf of the Fund, and/or from acting as the signatory on grants issued by the City or on land purchases between the Fund and the City.

Please be advised that staff's conclusions are based solely on our application of the Governmental Ethics Ordinance to the facts stated in this letter. Other rules or laws may apply to this situation. Also, a City department may adopt and impose rules stricter than those contained in the Ethics Ordinance. If any of the facts presented here are incorrect or incomplete, please notify us immediately, as a change in the facts may alter our opinion.

Case No. 07044.Q
September 5, 2007
Page 3

Thank you for your willingness to abide by the rules of the Governmental Ethics Ordinance. Should you have any additional questions, please do not hesitate to contact me at (312) 742-8181.

Very truly yours,

Briana N. Billingslea
Attorney/Investigator

Approved:

Steven I. Berlin
Acting Executive Director

RJSBNN 07044Q redaction