

Advisory Opinion
Case No. 04022.A, Post-employment

To: [Nancy G]

Date:

You currently serve as [a Supervisory staff member] in the [Q] Division of the City's Department of [E]. You are contemplating leaving City service to teach [subject 2] and to work as a consultant on [Category A] [applications]. On May 21, 200X, you contacted the Board for advice on how the Governmental Ethics Ordinance would affect your post-City employment activities.

Specifically, you have asked the Board whether, after leaving City service, you, as a self-employed consultant, may: 1) prepare (for submission to the City's [Q] Commission) reports relating to [Category A applications] in Chicago on behalf of private clients; 2) prepare (for submission to the [Q] Commission) [Q] reports relating to [applications] located in Chicago on behalf of the City's Department of [E]; and/or 3) assist or represent private clients on nominations of [applications] located in Chicago to the [federal database].

After careful consideration of the facts you presented and the relevant law, the Board has determined that you would be subject to significant restrictions (set forth in detail below) under both the one-year and permanent prohibitions of the post-employment provisions contained in Section 2-156-100 of the Governmental Ethics Ordinance.

FACTS: Education and Employment Generally. You received a bachelor's degree in [a related field] from []University in 1977. You received a master's degree in [another related field] from University in 1985. In 1985 you entered City employment for the first time. From 1985 until 1991, you worked as an [staff member] for the [Q] Commission.¹ In 1991 you left City employment. From 1991 to 1993, you completed course work for a doctorate in [a related field] at the University of . From 1993 to 1995, you worked outside the [other related field] . From 1995 until July 2000, you worked as a self-employed consultant to the City and to private clients on [Category A] [applications], including City and national [databases]

. In July 200X, you re-entered City employment.² Since that date, you have served as [Supervisory staff member] in the [Q] Division of the City's Department of [E].

The [Q] Division of [E]. The [Q] Division serves as staff to the [Q] Commission, a body created and governed by Chapter of the Municipal Code of Chicago.³ The [Q Division's] duties are, generally, as follows: identifying buildings that might be [appropriate for category A]; drafting reports related to the history and merits of [these applications] which are then utilized by [Q] Commission members in deciding whether to vote to initiate the [category A] process; "shepherding"[category A] reports through the approval process; reviewing [related] related to [category A]; making recommendations regarding the [certain] applications to the [Q] Commission; forwarding approved applications to the City's Department of [O]; and administering the City's [D] Program.

The [Q] Division's duties are carried out, currently, by a staff of ten City employees: three [professionals] who review [applications] and make recommendations related to [applications]; three historians (including you); one staff member who works on [Category A] projects by assisting [applicants] in securing appropriate financing (i.e., loans, grants, tax incentives); one staff member who administers the City's [D] Program; two staff members who provide general administrative services; and the Division's Deputy Commissioner. As [Supervisory staff member], you supervise two other [employees], as well as a varying number of student interns. You report directly to the Division's Deputy Commissioner. You estimate that 90% of your City duties relate to

2

Between 198X and 199X (with some limited follow-up field work in 199X and 199X), the [Q] Commission conducted a comprehensive survey of the City's resources. The completed survey, which is publicly available, identified 17,000 [matters]. Nine thousand of the 17,000 [matters] were found by survey staff to be significant in their own right [contextual] significance); the other 8,000 were found by survey staff to have some [contextual] significance. You worked on the survey during your original period of City employment; later, in 1995, as a consultant to the City, you worked on the publication of the survey.

3

The Ordinance delineates 10 specific purposes of the [Q] Commission, each relating to the identification and [maintenance of Category A]. There are nine members on the Commission: eight are appointed by the Mayor and approved by the City Council; the ninth is the Commissioner of [E]. The Commission has been in existence since 1957, although it was previously known as the Commission on [Y].

[Category A]⁴

The [Category A] Process. There are various ways that an [application] may come to be considered for [Category A]. Sometimes, the suggestion that an [application] be considered originates with a private citizen or civic group; more often, it originates with a City official or staff of the [Q]. Once a suggestion is received, Division staff vet the [application] internally. If the [application] appears to qualify for [Category A] and there appears to be broad-based support (within City government, within the community), Division staff research the [application] and prepare a preliminary report for submission to the Commission.⁵ The Commission then considers the [application] at a public meeting. Copies of the report are made available to the public at the meeting. Typically, your role at these public meetings has been limited to supplementing the report you wrote (or supervised the writing of) with a 3-7 minute slide show about the [application]. You are not responsible for summarizing the Commission's findings, and you have never participated in the discussions, deliberations or votes of the Commission. During the course of the public meeting, the Commission decides by voice vote whether to preliminarily recommend that the [Category A] process proceed.⁶

If the Commission votes to pursue [the process], the [G] Division of the Department of [E] prepares a report for the [Q] Commission addressing how the proposed designation fits into the larger policies of the City for the affected [areas]. Meanwhile, Division staff send out a formal request to the [affected citizens] requesting that the [written consent]. Whenever possible, Division staff work with the

4

As to your involvement, if any (since your July 2000 re-entry into City employment), in the other tasks of the Division, you stated the following. As to the review of [Category A applications], you occasionally have assisted the Division's review staff by answering questions about the [applications]; on rare occasions, you have assisted in the writing of staff opinions to the [Category A] Committee of the [Q] Commission. You have had no involvement in assisting [citizens] obtain financing for [Category A] projects; in forwarding approved applications to the Department of [O] or in administering the City's [D] Program.

5

At this stage, the report is technically known as a "preliminary summary of information," as the report may be supplemented with additional information prior to the Commission's final recommendation.

6

You stated that you cannot recall any instance when Division staff recommended preliminary designation and the Commission "voted it down."

[citizens] to secure their consent . Assuming the designation is consistent with City policies, and assuming the [citizens] consent to designation, the Commission takes the [application] up again in a public meeting and decides by voice vote whether to recommend designation to the City Council. Staff's preliminary [Category A] report, which may or may not have been supplemented with additional information since its original presentation to the Commission, becomes staff's [Category A] report in the [application].

[Citizen] consent is not required for [Category A] designation. In cases where the [citizen] does not respond to the Commission's request for consent or declines to consent, a public hearing of the Commission is convened pursuant to the Ordinance. The purpose of the hearing is to allow for the acquisition of new information about the [application] and to provide a forum for public comment. Anyone who wishes to do so may appear at the public hearing and make statements regarding the proposed designation to the Commission. However, only parties to the designation

) may offer expert testimony. If the proposal concerns a single [application], the hearing usually takes place in a Division conference room. If the designation involves a [larger application] a hearing is typically held in the larger venue. Often, but not always, a Commission member sits as the hearing officer. The City's [P] Department presents the City's case for designation to the Commission. Witnesses are sworn and the proceedings are transcribed by a court reporter. Copies of the entire record are provided to all Commission members for review prior to the Commission's final vote.

You do not participate directly in the public hearings of the Commission; instead, your role essentially consists of identifying and recruiting expert witnesses on behalf of the City; providing support to [P] Department personnel as they work with expert witnesses to prepare testimony; and performing clerical work related to notification, including ensuring that the required notice is given to the parties to the designation and to the public. Depending upon the particular [application], you also may supplement your original designation report to the Commission with additional information about the [application]. After reviewing the entire designation record, the Commission decides by voice vote at a public meeting whether to recommend [Category A] to the City Council. Typically, the Division staff person who authored the report is responsible for summarizing the Commission's findings and forwarding a draft designation ordinance to the City Council. You estimate that you have been involved in approximately ten public hearings of the Commission since you re-entered City employment in July 200X.

[Category A] Reports. During your tenure as [Supervisory staff member], almost all of the [Category A] reports submitted to the Commission have been prepared by you or persons you supervise.⁷ You estimate that, since July 200X, you, personally, have

researched and written [Category A] designation reports for approximately 30 [applications] . You also have supervised the research and writing of such reports by other Division staff or, in a few instances, by outside consultants to the Department⁸, for another 25 [applications].

Preparation of a [Category A] report typically entails visiting and photographing the [matter], as well as [historical research] . The report, which usually consists of 10-15 pages of text⁹ with supporting photos and other historical illustrations, assesses whether the [application] meets the criteria for [Category A] set forth in the Ordinance. The seven criteria, set forth at the Municipal Code, focus on the [application's] : 1) value as an example of the City's, State's or U.S.'s heritage; 2) location ; 3) identification with a significant person; 4) exemplification of a particular style or type; 5) identification with a significant [person] ; 6) representation of a distinctive theme; and 7) value as an established and familiar visual feature of the City . An [application] must meet at least two of the seven criteria to be recommended for [Category A] , as well as a separate "integrity" criterion, meaning that the [application] must display the important physical attributes that define and explain its significance.

advantage of certain development or tax incentives (most often tax incentives available for [certain types of applications]

Current Division policy, you stated, is to require the [applicants] to provide their own [Category A] report, rather than have Division staff or consultants prepare one.

8

You stated that, during your tenure as [Supervisory Staff member] , two consultants to the Division have, on occasion, written [Category A] reports for submission to the Commission. In addition to supervising their work, you participated in the selection of these consultants and in the formulation of the terms of their consulting contracts with the Division. You stated that, during your tenure, you also have participated in the formulation and supervision of a consulting contract involving updates to the [Q] Commission's website. You stated that, to the best of your knowledge, recollection and belief, you have had no involvement in the award, negotiation, formulation, execution or supervision of any other City contracts since your re-entry into City employment in July 2000.

9

If an [application] has been identified on the Commission's 199X survey (see footnote 2 above), Division staff note that fact in the text of the [Category A] report (typically in the section of the report focusing on whether the [application] has ever been mentioned in any listings, publications or studies). The fact that an [application] is listed on the survey, however, does not ensure designation as a [Category A] , given that the criteria set forth in the current Ordinance are more rigorous than those utilized in that survey. (Similarly, if an [application] has been mentioned in books, separately listed on [various databases] or surveyed [on others] , Division staff make note of it in the text of the [Category A] report.)

Practical Application of [Category A] Criteria. You stated that all the Commission's designation files (including [Category A] reports, notification letters, requests for consent, [E] reports, public hearing transcripts, final Commission recommendations and designation ordinances), dating back to the Commission's first designation , are maintained in file cabinets in the offices of the [Q] Division. You stated that Division staff use these designation files in their daily work as a sort of case history. Finally, you stated that although these designation files are available to the public (under the Freedom of Information Act), you, by virtue of having worked for the Commission, have acquired a knowledge of the practical application of the [Category A] criteria (by the Commission) that cannot be readily gleaned by an "outsider" from a review of the Commission's designation files: that is, you understand what the Commission and staff's concerns are, how they interpret the [Category A] criteria and how the Commission is likely to respond to an argument based on particular designation criteria.

National [Database] Program. You estimate that 1-3% of your City duties relate to the National [Database] . You described this [database] register as the federal [Category A] program that recognizes [applications] . You stated that nominations to the National [database] may be generated by a [citizen] or his representative or a community group or a governmental agency.¹⁰ You stated that, in Illinois, the [State H Agency] is the delegate agency of the federal government charged with reviewing and researching nominations to the National [database] .¹¹ You stated that listing on the [database] does not result in any direct benefit to the City; however, it does allow the [interested party] to apply for certain incentives, the terms of which vary

¹²

10

The [Q] Commission or the [Q] Division of the Department of [E] , for example, could initiate a National [database] nomination, although this is rare. To your knowledge, the City has done so on approximately 5 occasions.

11

The federal agency to which the [State H Agency] reports is the "Keeper of the National [Database]". The Keeper is both an office and an individual. The Keeper is under the jurisdiction of the Federal Department of [Y] .

12

You stated that in order to take advantage of these incentives, an [interested party] must make a substantial financial commitment to the project and also secure approval [from State Agency H] . You stated that listing on the [database], however, really does not protect the [application] unless the threat to the [application] involves some federal or State money, action, licensure or permits.

The City's [Q] Commission, you explained, has no authority to veto the nomination of a application to the National [database] . However, because Chicago is a "certified local government" under the Federal [law] , the [Q] Commission has the right to comment on the nomination of [applications] located in Chicago to the National [database] .¹³ You stated that, in practice, the Program Committee of the Commission reviews every nomination (of an [application] located in Chicago) to the [database] and sends a response letter to [State Agency H] on every [application] . You stated that the Program Committee of the Commission meets 2 to 4 times per year in open session to review [applications]. You estimate that, on average, the Commission takes up 6 or 7 National [database] [applications] per year.

You stated that, since July 2000, you have been the primary Division staff person to review the [applications] and prepare a staff recommendation to the Program Committee of the Commission. Your review of the [applications] does not entail any independent research. Instead, you review the documents submitted with the nomination by the applicant and by the [State Agency H] if, in your professional opinion, the [application] meets at least one of the 4 criteria established by the federal government for inclusion on the National [database]. Your report typically consists of a brief paragraph about the merits, or lack thereof, of each [application]. Apart from preparing the staff report, your role at these public meetings of the Program Committee essentially consists of responding to questions, if any, from Committee members about your report and introducing the [applicant] (who makes an oral presentation to the Committee).

The Commission's comments, which are forwarded to [State Agency H] in a letter prepared by you and signed by the Division's Deputy Commissioner, typically are limited to a statement to the effect that the Commission has reviewed the nomination and does/does not recommend listing on the National [database] . [State Agency H], in turn, forwards the Commission's comments, along with documents from the [applicant] , [State Agency H], and any interested [parties] , to the [State Council R] which makes a recommendation on the [application] to the federal government.

LAW AND ANALYSIS:

Section 2-156-100 of the Governmental Ethics Ordinance (Post-Employment Restrictions) states:

You stated that in fact both the [Department of T] and the City's [Q] Commission have the right to comment; however, in your experience, the [T] customarily defers to the Commission's judgment on such nominations.

(a) No former official or employee shall assist or represent any person other than the City in any judicial or administrative proceeding involving the City or any of its agencies, if the official or employee was counsel of record or participated personally and substantially in the proceeding during his term of office or employment.

(b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

You have asked the Board whether, after leaving City service, you, as a self-employed consultant, may: 1) prepare (for eventual submission to the City's [Q] Commission) [Category A] reports relating to [applications] located in Chicago on behalf of private clients, 2) prepare (for eventual submission to the City's [Q] Commission) [Category A] designation reports relating to [applications] located in Chicago on behalf of the City's Department of [E], and/or 3) assist or represent private clients on [applications] to the National [database].

One-Year Prohibition.

Subsection 2-156-100(b). Section 2-156-100(b) imposes both a one-year and permanent prohibitions on former employees. Under the first clause of subsection 2-156-100(b), you are prohibited, for one year after leaving City service, from assisting or representing any person in a business transaction involving the City, if you participated personally and substantially in the subject matter of that transaction as a City employee. In order to determine how the one-year prohibition would affect your post-City employment activities, the Board must first determine whether the transactions in issue are "business transactions involving the City."

Business Transaction. The Board has previously concluded, in Case No. 00024.A (decided on February 28, 2001), that "...the term 'business transaction involving the City,' as used in [Ordinance] subsection 2-156-100(b) ...include[s]...the process by which the City designates and preserves [Category A applications] Id. at p.6.

Although the City's [Q] Commission has no authority to veto the nomination of an [application] to the National [database], because the City is a "certified local government" under the Federal [law], the City has the right to comment on the [applications] located in Chicago to the National [database]. In practice, the Program Committee of the Commission

reviews and comments on every [application] located in Chicago) to the [database]. For these reasons, the Board concludes that the term “business transactions involving the City,” as used in Ordinance subsection 2-156-100(b), also includes the process by which the City reviews and comments on [applications] located in Chicago to the National [database].

Subject Matter. The issue, therefore, becomes whether, as a City employee, you have been personally and substantially involved in the subject matter of these two types of transactions.

You estimate that 90% of your City duties as [Supervisory staff member] relate to the identification and designation of [Category A applications]. During your tenure, almost all of the [Category A] reports submitted to the Commission, and utilized by Commission members in deciding whether to vote to initiate the Chicago [Category A] process, have been prepared by you or persons you supervise. You estimate that, since July 200X, you, personally, have researched and written [Category A] reports for approximately 30 [applications]. You also have supervised the research and writing of such reports by other Division staff or, in a few instances, by outside consultants to the Department, for another 25 [applications]. At the public meetings of the Commission, you have supplemented the [Category A] reports you wrote (or supervised the writing of) with a slide show about the [application]. In connection with public hearings of the Commission, you have coordinated the logistics of the hearings, supplemented your original designation reports with additional information about the [application] in issue and assisted in locating expert witnesses to testify at the hearings. You estimate that, since July 200X, you have been involved in approximately ten public hearings of the Commission. You also stated that, by virtue of having worked for the Commission, you have acquired a knowledge of the practical application of the [Category A] criteria (by the Commission) that cannot be readily gleaned by an “outsider” from a review of the Commission’s designation files: that is, you understand what the Commission and staff’s concerns are, how they interpret the [relevant] criteria and how the Commission is likely to respond to an argument based on particular designation criteria.

You estimate that 1-3% of your City duties relate to the National [database]. Since July 2000, you have been the primary Division staff person to review [applications] located in Chicago to the National [database]. Essentially, you review the documents submitted with the nomination (by the applicant and by [State Agency H]) and prepare a staff recommendation to the Program Committee of the Commission as to whether, in your professional opinion, the [application] meets at least one of the 4 criteria established by the federal government for federal [Category A inclusion]. At the public meetings of the Program Committee, your role consists of responding to questions, if any, from Committee members about your report and introducing the [applicant].

Based on the duties you have performed during your tenure [], the Board finds that you have been personally and substantially involved in: 1) the process by which the City designates [Category A applications] 2) the process by which the City reviews and comments on [applications] for inclusion in the National database for [applications] located in Chicago

Therefore, the Board determines that, under subsection 2-156-100(b), you are prohibited for one year from the date you leave City service from assisting or representing any person other than the City on any business transaction involving the [Category A] .¹⁴ This prohibition includes, but is not limited to, preparing (for submission to the City's [Q] Commission) [Category A] reports on behalf of private clients. This prohibition does not include preparing (for submission to the City's [Q] Commission) reports on behalf of the City's Department of [E] *provided that* the consulting agreement between you and the City conforms to the criteria established by the Board in Case No. 99010.A.¹⁵ Further, the Board determines that, under subsection 2-156-100(b), you are prohibited for one year from the date you leave City service from assisting or representing any person other than the City on any business transaction involving the [application to include [the matter] located in Chicago to the National [database]

14

Note: in Case No. 00024.A, decided on February 28, 2001, the Board determined that the subject of the opinion, a former employee of the [Q]s Division, was "prohibited for one year from the date [he] left City service from assisting or representing...any person other than the City on... any business transaction involving the City relating to *any [application] whose designation as a Chicago [Category A] was considered, or was suggested by Division staff for consideration, by the [Q] Commission during [his City] tenure.*" (emphasis added) The Board finds that the instant case is distinguishable from Case No. 00024.A case based on the difference between [your] City duties and those of the employee in Case No. 00024.A, as well as the real or assumed significance in Case No. 00024.A, in contrast to the instant case (see footnote 9 above), of the role of the 1993 Survey in the Chicago [Category A] designation process.

15

In Case No. 99010.A, decided on April 13, 1999, the Board held that the Governmental Ethics Ordinance does not prohibit consulting agreements between the City and its former employees or officials for services that are the same as, or substantially similar to, those that they performed while in City service provided the following four conditions are present: 1) the City seeks the services of the former employee and stands to substantially benefit by hiring the former employee as a consultant; 2) the former employee does not represent the interests of any other entity in connection with his or her consulting responsibilities to the City; 3) the consulting agreement is in writing; and 4) the consulting agreement contains language obligating the former employee or official to at all times act in the best interests of the City.

Permanent Prohibitions.

Subsection 2-156-100(a). Under subsection 2-156-100(a), you are permanently prohibited, after leaving City service, from assisting or representing any person other than the City in any judicial or administrative proceeding involving the City or any of its agencies, if you were counsel of record or participated personally and substantially in the proceeding during your term of employment.

You are not an attorney and, therefore, never had occasion to appear as counsel of record in any judicial or administrative proceeding involving the City. However, during your tenure as [Supervisory staff member] , you were involved in three types of administrative proceedings: 1) public meetings of the [Q] Commission to consider [applications] for [Category A] ; 2) public hearings of the Commission to decide contested [applications] and 3) public meetings of the Commission’s Program Committee to review [applications for inclusion in the National database.]

Based on the duties you performed, as described above, in connection with these 3 types of administrative proceedings, the Board finds that you participated personally and substantially in these proceedings, within the meaning of subsection 2-156-100(a), during your tenure as [Supervisory staff member]

Therefore, the Board determines that, under subsection 2-156-100(a), you are permanently prohibited, upon leaving City service, from assisting or representing any person other than the City in any public meeting or public hearing of the [Q] Commission relating to [Category A] , commenced during your tenure as [Supervisory staff member] , if you prepared, or supervised the preparation of, a [Category A] report relating to that [application]. Further, the Board determines that, under subsection 2-156-100(a), you are permanently prohibited, upon leaving City service, from assisting or representing any person other than the City in any public meeting of the Program Committee of the [Q] Commission relating to [application for inclusion in the National [database] , commenced during your tenure as [Supervisory staff member] , if you prepared, or supervised the preparation of, a staff recommendation relating to that [application].

For example, if, during your tenure as [Supervisory staff member] , the Commission began to consider a particular [application] for [Category A] (in a public meeting or public hearing), and then continued the matter for additional evidence, you would, upon leaving City service, be permanently prohibited from assisting or representing any person other than the City in *that* continued proceeding before the [Q] Commission. Furthermore, depending upon the particular facts involved, you might also be permanently prohibited from assisting or representing any person other than the City in “*follow-up*” proceedings to meetings or hearings of the [Q] Commission, commenced during your tenure as [Supervisory staff member]

. Continuing the example above, if the Commission’s decision regarding [Category A] were to become the subject of judicial review, you might also be prohibited under subsection 2-156-100(a) from assisting or representing any person other than the City in that judicial proceeding,

as, arguably, it would be a continuation of the original administrative proceeding before the [Q] Commission. See Case No. 94001.A. Therefore, in the future, should you have a question related to a particular “*follow-up*” proceeding, we recommend that you contact the Board for specific guidance based on the particular facts involved.

Sub-Section 2-156-100(b). Under the second clause of subsection 2-156-100(b), you are permanently prohibited, after leaving City service, from assisting or representing any person other than the City on a contract over which you exercised contract management authority as a City employee. Section 2-156-010(g) defines the term “contract management authority” as “personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.”

You have stated (as noted above in footnote 8) that, to the best of your knowledge, recollection and belief, you have had no involvement in the award, negotiation, formulation, execution or supervision of any City contracts since your re-entry into City employment in July 200X other than the Division’s contracts with two consultants to write [Category A] reports and a consulting contract involving updates to the [Q] Commission’s website. None of those consulting contracts is at issue in this case. Therefore, analysis of the instant facts under the permanent prohibition contained in the second clause of subsection 2-156-100(b) is not indicated.

DETERMINATIONS: After careful consideration of the facts presented and the relevant sections of the Governmental Ethics Ordinance, the Board determines that:

1. under subsection 2-156-100(b) of the Governmental Ethics Ordinance, you are prohibited for one year from the date you leave City service from assisting or representing any person other than the City on any business transaction involving [Category A]. This prohibition includes, but is not limited to, preparing (for submission to the City’s [Q] Commission) [Category A] reports on behalf of private clients. This prohibition does not include preparing (for submission to the City’s [Q] Commission) [Category A] reports on behalf of the City’s Department of [E] *provided that* the consulting agreement between you and the City conforms to the criteria established by the Board in Case No. 99010.A (see footnote 15 above);
2. under subsection 2-156-100(b) of the Governmental Ethics Ordinance, you are prohibited for one year from the date you leave City service from assisting or representing any person other than the City on any business transaction involving the [application for inclusion of [the matter] in the National database] ;
3. under subsection 2-156-100(a) of the Governmental Ethics Ordinance, you are permanently prohibited, upon leaving City service, from assisting or representing any

person other than the City in any public meeting or public hearing of the [Q] Commission relating to [Category A] , commenced during your tenure as [Supervisory staff member] , if you prepared, or supervised the preparation of, a [Category A] report relating to that [application]; and

4. under subsection 2-156-100(a) of the Governmental Ethics Ordinance, you are permanently prohibited, upon leaving City service, from assisting or representing any person other than the City in any public meeting of the Program Committee of the [Q] Commission relating to [application for inclusion in the National database] , commenced during your tenure as [Supervisory staff member] , if you prepared, or supervised the preparation of, a staff recommendation relating to that [application].

Further, we advise you that Section 2-156-070 of the Ethics Ordinance, “Use or Disclosure of Confidential Information,” prohibits you from using or disclosing any confidential information gained in the course of your City employment. “Confidential information” is defined as any information that may not be obtained pursuant to the Illinois Freedom of Information Act.

Our determinations do not necessarily dispose of all issues relevant to this situation, but are based solely on the application of the City’s Governmental Ethics Ordinance to the facts stated in this opinion. If the facts stated are incorrect or incomplete, please notify the Board immediately, as any change may alter our opinion. Other laws or rules may also apply to this situation. Additionally, should the facts presented change, you should contact the Board for further review of the matter.

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 indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

Darryl L. DePriest
Chair