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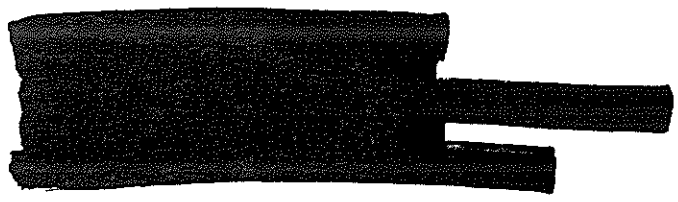
City of Chicago

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Suite 1320
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

December 15, 1987



Case Number 87099.A

CONFIDENTIAL

Dear [redacted]

The Board of Ethics has reviewed your request for an advisory opinion to determine whether [redacted] a City employee who resigned from government employment on May 15, 1987, may accept a City contract to perform duties similar to those he was required to perform as a City employee. Specifically, you have indicated that as a City employee, [redacted] was primarily responsible for supervising members of the Special Events staff who set up stages, chairs, and/or tents for activities sponsored by the Special Events Office. Approximately six months after resigning from government service, [redacted] submitted a proposal to provide technical assistance for a *food drive program.* If [redacted] proposal is accepted, he will be awarded a contract which will require him to coordinate the collection and distribution of canned goods and other donations for the food drive.

To determine whether [redacted] can accept a City contract to perform the services described above, the Board reviewed the post-employment restrictions contained in Section 26.2-10(b) of the Ethics Ordinance. This Section states that:

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



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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.

A violation of this restriction is at issue only when: (1) an individual was a City employee one year prior to the transaction in question; (2) the individual assists or represents a person in a business transaction involving the City; and (3) the individual participated personally and substantially in the subject matter of the transaction while a City employee.

Since [redacted] was a City employee less than one year ago, and is proposing to represent a person (i.e. himself) in a business transaction with the City, the only issue for the Board to examine in this instance, is whether [redacted] participated personally and substantially as a City employee in the subject matter of the transaction in question -- i.e. the Paul Lipe.

During a meeting held on December 7, 1987, [redacted] informed you and Deputy Director of the Board of Ethics that in [redacted] when he was employed as [redacted] of the Mayor's Office of Special Events, his participation in the [redacted] program was not significant. Specifically, [redacted] claimed that his only responsibility regarding the [redacted] Program was to set up displays in City Hall and the Merchandise Mart which advertised this program. [redacted] further stated that during his tenure as [redacted] of the Mayor's Office of Special Events (1) he did not have direct responsibility for the formulation or execution of any City contract related to the [redacted] Program; (2) he did not evaluate bids or proposals for the [redacted] contract; and (3) he did not negotiate the terms or supervise the performance of any [redacted] program contracts.

Based on the above-stated information provided by [redacted], the Board has concluded that his participation as a City employee in the [redacted] program does not constitute the degree of participation contemplated by the term "substantial". We therefore conclude that since [redacted] involvement in the [redacted] program was not substantial, he is eligible to accept the proposed [redacted] contract.


Thank you for your inquiry regarding the post-employment provision of the Ethics Ordinance. If any other questions arise

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regarding the eligibility of former employees to obtain a particular City contract, we urge you to contact the Board at 744-9660.

Sincerely,


S. Brandzel
Chairman

[REDACTED]

JS/jh/ [REDACTED]