

December 6, 1988



City of Chicago
Eugene Sawyer, Mayor

Re: Questions about outside employment
Case 88128.A

Board of Ethics
Harriet McCullough
Executive Director

Dear

Sol Brandzel
Chair
Mary Milano
Vice Chair
Margaret Carter
Angeles Eames
Rev. A. Patterson Jackson
Marlene O. Rankin
Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

The Board of Ethics has received your request for an advisory opinion concerning the restrictions the Governmental Ethics Ordinance (Chapter 26.2 of the Municipal Code of Chicago) places upon the outside employment of City employees. Since you are no longer employed by the City of Chicago, those questions are now moot. However, in your new private employment remember that you are still subject to the post-employment restrictions of Section 26.2-10 of the Ordinance. The pertinent portions of the section are as follows:

(a) No former 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 employee participated personally and substantially in the proceeding during his term of employment.

(b) No former employee shall, for a period of one year after the termination of his employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the employee participated personally and substantially in the subject matter of the transaction during his term of employment; provided, that if the employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.¹

¹"Person" is defined in Section 26.2-1(q) of the Ordinance as "any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit."



Page Two
88121-8

Should you have any questions, please do not hesitate to contact the Board of Ethics at 744-9660.

Sincerely,


Harriet McCullough
Executive Director

MA/ma: 88121-8

City of Chicago
Margene Sawyer, Acting Mayor

Board of Ethics
Barriett McCullough
Executive Director

John Brandzel
Chair

Mary Milano
Vice Chair

Rev. Don Benedict
Margaret Carter
Angela Eames
Rev. A. Patterson Jackson
Marlene Rankin

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

June 22, 1988

Case Number 88086.A

CONFIDENTIAL

Dear [REDACTED]

In its meeting of June 14, 1988, the Board of Ethics addressed the issue of whether the prospective employment situation you propose would violate any provisions of the Ethics Ordinance. It is our understanding that you were formerly employed with the Department [REDACTED] in a position that involved much contact with concessionaires [REDACTED] but had no contract management. You left this position in [REDACTED], 1987 and at that time began working in *another City department.* Since *that time* you have not been involved with the Department [REDACTED] or the concessionaires [REDACTED]. You now propose to begin employment as an equity partner with a firm that consults with the City of Chicago, Department [REDACTED].

Based on the information supplied to us, the Board has reached the following conclusion. No provision of the Ethics Ordinance would prohibit you from accepting employment with a firm that performs consulting services for the City Department [REDACTED]. However, certain sections place restrictions on your activities with such a firm.

First, you would be prohibited for one year following your resignation with the Department [REDACTED] from participating in transactions with the City which involve subject matters you participated in personally and substantially as a City employee. Such prohibited services would include giving advice or assistance to the City concerning its use of concessionaires [REDACTED]. If you resigned your job with the Department [REDACTED] in *1987*, this prohibition would extend to *one year from that date.* Secondly you would be prohibited permanently from performing services as a private consultant which involve any City contract which you helped to evaluate, negotiate or supervise during the course of your employment.



Page Two

with the City.

These conclusions are based on section 26.2-10(b) of the Ordinance which states that:

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

This section imposes two levels of restriction on former employees. The first level is a one year restriction; former City employees are prohibited, for one year, from involvement in business transactions with the City if those transactions concern subject matters in which they participated personally and substantially while employed by the City.

You state that your responsibilities with the Department [REDACTED] involved substantial interaction with concessionaires [REDACTED]. This would constitute a personal and substantial involvement in this area of City business. Therefore, under the provisions cited above you would be prohibited for one year subsequent to resigning your job with the Department [REDACTED] from engaging or assisting in any transaction with the City which involves decisions concerning concessionaires [REDACTED].

The second level of restriction contained in section 26.2-10(b) is a permanent prohibition; former City employees are permanently prohibited from assisting or representing any person in a contract with the City if they exercised contract management authority with respect to that particular contract. As defined in Section 26.2-1(e), "contract management authority" means "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."

Under this restriction, you would be prohibited permanently from engaging in any post-employment activities which involve advice or assistance on a contract which you helped to formulate, evaluate, negotiate or in any way supervise while serving as a City employee.


Finally, please note that under Section 26.2-7 of the Ordinance, former employees are prohibited from using or disclosing any confidential information gained during the course of their City

Page Three

employment.

We appreciate your inquiry. Should you have further questions regarding this or any other matter, please do not hesitate to contact the Board.

Sincerely,


S. Brandzel
Chairman

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