

**JOHN H. STROGER, JR.**  
President, Cook County  
Board of Commissioners



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Executive Director

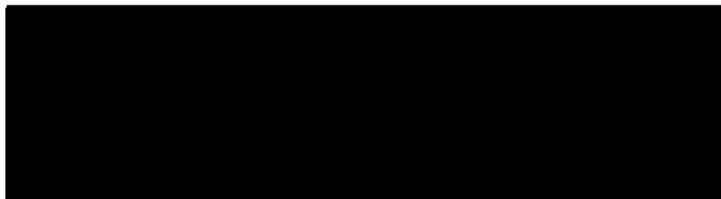
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## **COOK COUNTY BOARD OF ETHICS**

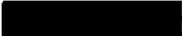
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September 17, 2003



Re: 03 A 0004 Donation of DEET Products to the Cook County Department of Public Health for Public Awareness Campaign

Dear 

This letter is in response to your request for an advisory opinion regarding the above referenced matter.

### **FACTS**

The Cook County Department of Public Health(CCDPH) has launched an insect repellent campaign titled "Fight the Bite." The campaign is designed to educate and stimulate health promoting behavior until it becomes the social norm: wear repellent and appropriate clothing and remove standing water from yards. The objectives are to 1) Increase risk awareness; 2) Increase personal protection; 3) Reduce mosquito breeding; 4) Report dead

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birds and 5) Seek medical care. CCDPH will educate the public by the following activities:

- Distributing personal protection messages on post cards, brochures, posters and door hangers.
- Distributing donated insect repellent including DEET at community events
- Making prevention presentations to community groups.

The Cook County Department of Public Health is partnered with a DEET manufacturing association, which has arranged for 3M Company, Cutter's and the S.C. Johnson Company, manufacturers of OFF, to donate repellent containing DEET to the Cook County Department of Public Health for its campaign.

According to the Cook County Purchasing Department, 3M Company has a contract with Cook County. S. C. Johnson and Cutter's do not do business with the County.

### **ISSUE**

1. May the Cook County Department of Public Health accept donated products from these DEET manufacturers for the purpose of distributing the donated product at community events sharing the product with the Cook County Forest Preserve District or other community agencies, such as the Suburban Area on Aging and the Racing Industry Charitable Foundation?

### **APPLICABLE SECTIONS**

#### **Article I. Definitions**

Whenever used in this Ordinance, the following terms shall have the following meanings:

- (g) "Employee" means an individual employed by the County whether part-time or full-time or by a contract of employment. Employee shall include individuals employed by County Officers as referenced in Article VII, Section 4 (County Officers) of the Constitution of the State of Illinois. Employee shall not include judges of election.
- (i) "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value

including, but not limited to cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an official or employee.

- (n) "Prohibited source" means any person or entity who:
- (1) is seeking official action (i) by the official or employee or (ii) in the case of an employee, by the employee or by the County, the official or the other employee directing the employee;
  - (2) does business or seeks to do business (i) with the official or employee or (ii) in the case of an employee, with the employee or with the County, the official or the other employee directing the employee;
  - (3) conducts activities regulated (i) by the official or employee or (ii) in the case of an employee, by the employee or by the County, official or other employee directing the employee;
  - (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the official or employee; or
  - (5) is a compensated lobbyist on County matters or is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, 25 ILCS 170/1, et. seq.

...

#### **2.4 Receiving and Soliciting Gifts and Favors.**

...

- (a) Gift ban. Except as otherwise provided in this Ordinance, no Official or Employee shall solicit or accept any Gift from any Prohibited Source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes spouses of and immediate family living with the Official or Employee. No Prohibited Source shall offer or make a Gift that violates this Section.

#### **DISCUSSION**

The Board of Ethics has determined that the Cook County Department of Public Health may accept donations from manufacturing companies of insect repellent to distribute to the public to prevent the spread of infections caused by mosquitos.

Under Section 2.4(a) of the Ethics Ordinance, County officials and employees are

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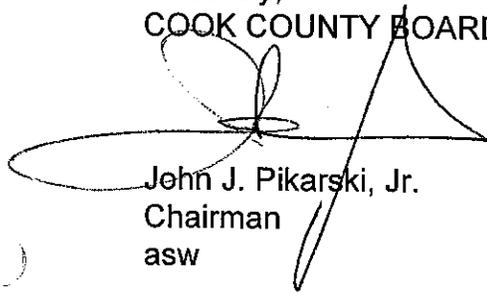
prohibited from accepting gifts from a prohibited source. In this case, only one of the three companies donating DEET products, 3M Company, is a prohibited source. Article I(n)(2) defines prohibited source as an entity that does business or seeks to do business with the County. Because 3M Company has a contract with the County, it is a prohibited source. Cutter's and S.C. Johnson do not do business with the County, are not seeking official action by the County on any matter, do not lobby the County, are not regulated by the County and are not engaged in any other activity which make them prohibited sources, as defined by the Ethics Ordinance.

Because Cutter's and S.C. Johnson are not prohibited sources, the CCDPH may accept the donated products without violating any provision of the Ethics Ordinance. With regard to the 3M Company, the Board of Ethics also finds that the CCDPH may accept the donated products. Although from a prohibited source, these products are not a gift to a County employee. Rather, these products are effectively a donation to the public which will be distributed by the CCDPH. The primary purpose of the gift ban is to prohibit individual County employees and officials from receiving or soliciting gifts that might improperly influence them in the execution of their official duties.

The Board believes that the Cook County Department of Public Health has launched a very important educational health campaign, "Fight the Bite," to stop the spread of the infectious West Nile Disease. Three insect repellent manufacturing companies have donated products which can help repel mosquitos and maybe prevent unnecessary infections and deaths. The Cook County Department of Public Health should be able to accept the donations of insect repellent containing DEET to distribute at their community events and share with the Cook County Forest Preserve District and other community partners.

We hope this opinion addresses your concerns. The Board thanks you for your inquiry and commends you for your conscientiousness in seeking to uphold the guiding principles of the Ethics Ordinance. Under the rules and regulations of the Cook County Board of Ethics, all requests for reconsideration of an advisory opinion must be filed within twenty(20) days of receipt of the opinion. Please do not hesitate to contact our office if you have additional questions or require additional information.

Sincerely,  
COOK COUNTY BOARD OF ETHICS



John J. Pikarski, Jr.  
Chairman  
asw