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June 14, 2010

General Advisory Opinion

Re: 10 A 0006 – Conflict of Interest  
Board Consideration: June 29, 2010

This opinion discusses Section 2-574, Receiving and soliciting gifts, as it relates to solicitation of corporate sponsorship by a Cook County department.

**FACTS**

The Cook County Office of the Purchasing Agent is scheduled to host the Annual Cook County Business Opportunity Expo (CCBOE). The purpose of the Expo is to give all those interested in doing business with Cook County the opportunity to meet with various County agencies in order to gain understanding of these County agencies' procurement needs and also, County procurement rules and regulations. The purpose of the Expo is to also provide business support information, allow vendors to showcase their products and services to procurement personnel, assist in the growth and development of businesses by allowing participants to network with government, financial, corporate, and non-profit agencies, and increase the number of vendors participating in the Cook County procurement process. Admission to the Expo is free and all businesses, including vendors of the County, located in and serving Cook County are invited to attend. Advertising for this event will be made through various sources of media such as email, cable stations, PSA, and newspaper. The Office of the Purchasing Agent wants to seek corporate sponsorship from Cook County vendors for this event in order to defray some of the costs associated with this event.

**ISSUE**

Whether the Cook County Office of the Purchasing Agent can solicit and accept corporate

sponsorship from vendors of Cook County, and/or other businesses, to assist in defraying the costs associated with hosting an annual expo?

**APPLICABLE SECTIONS OF THE ETHICS ORDINANCE**

**Section 2-561- Definitions**

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

*County* means the County of Cook and all government agencies of the County of Cook.

*Employee* means an individual employed by the County whether part-time or full-time or by a contract of employment. The term “employee” shall include individuals employed by County Officers as referenced in Article VII, Section 4 of the Illinois Constitution. The term “employee” shall not include judges of election.

*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.

*Official* means any elected County official or appointed official regardless of whether the official is compensated or any appointed non-employee member of any agency of the County.

*Prohibited source* means any person or entity who:

- (1) is seeking official action:
  - (a) By the official; or
  - (b) In the case of an employee, by the employee or by the official, County agency or other employee directing the employee;
- (2) Does business or seeks to do business:
  - (a) With the official; or
  - (b) In the case of an employee, with the employee or with the official, County agency or other employee directing the employee;
- (3) Conducts activities regulated:
  - (a) By the official; or
  - (b) In the case of an employee, by the official, County agency 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...

**Section 2-574 Receiving and Soliciting Gifts and Favors**

- (a) *Gift ban.* Except as otherwise provided in this Ordinance, no official or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation, or any County ordinance, rule or regulation. This ban applies to and includes spouses of and immediate family living with the official or employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

## **DISCUSSION**

Generally, under Section 2-574, County officials and employees are prohibited from soliciting or accepting gifts from prohibited sources. However, in this situation, Section 2-574 does not apply for two reasons. First, Section 2-574 does not apply because this issue involves a County department or agency of the County, not an employee or County official. Second, Section 2-574 does not apply because corporate sponsorship is not considered a gift.

Sponsorship is derived from the word sponsor which means “a person or an organization that pays for or plans and carries out a project or activity; especially: one that pays the cost of a radio or television program usually in return for advertising time during its course”. [sponsor. (2009). In *Merriam-Webster Online Dictionary*. Retrieved May 4, 2009, from <http://www.merriam-webster.com/dictionary/sponsor>]. Another source cites sponsorship as meaning “one that finances a project or an event carried out by another person or group, especially a business enterprise that pays for radio or television programming in return for advertising time”. [sponsorship. (n.d.). *The American Heritage® Dictionary of the English Language, Fourth Edition*. Retrieved May 04, 2009, from Dictionary.com website: <http://dictionary1.classic.reference.com/browse/sponsorship>]. Specifically, corporate sponsorship “is a form of advertising in which companies pay to be associated with certain events. [corporate sponsorship. In *US Legal Online Dictionary*. Retrieved May 4, 2009, from <http://definitions.uslegal.com/c/corporate-sponsorship/>]. Thus, corporate sponsorship is not considered a gift in circumstances where goods or services are provided in return for advertising.

Corporate sponsorship is a common practice among private companies and government agencies.

Sponsorships are beneficial to these companies and government agencies because serving as a sponsor is a way of enhancing a company's image and visibility in the community, as well as providing needed support for a government agency.

Here the Office of Purchasing Agent is hosting an Expo for those interested in doing business with the County. The Office wishes to provide a variety of items promoting the Expo, and will seek sponsorship of those items by vendors of Cook County in order to defray the costs involved. The Board assumes that the Office of the Purchasing Agent will clearly communicate to vendors of Cook County, and/or other businesses, that sponsorship of the Expo is purely voluntary. Based on this assumption, the Board concludes that the Office of Purchasing Agent may accept those items from current vendors, and/or other businesses, as long as no vendor is required to provide sponsorship and no vendor or business is promised additional business from

the County in exchange for its sponsorship. In addition, the specific vendor information, i.e., name of the vendor, must be publicly disclosed on the item(s) being sponsored. The disclosure of the various vendors/sponsors will serve to promote transparency in County government and avoid the appearance of impropriety.

Please note the Board's determinations herein are based solely on the application of the Cook County Board of Ethics Ordinance to the general questions posed in this opinion. Other laws or rules also may apply to this situation. You are encouraged to seek additional guidance on these issues if there are questions about a particular employment or business opportunity.

We trust 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 days of receipt of this opinion. Please do not hesitate to contact our office if you have questions or require additional information.

Sincerely,

THE COOK COUNTY BOARD OF ETHICS

A handwritten signature in blue ink, reading "John J. Pikarski, Jr.", is written over a light blue circular stamp.

John J. Pikarski, Jr., Chairman