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COOK COUNTY BOARD OF ETHICS

69 W. WASHINGTON STREET, SUITE 3040
CHICAGO, ILLINOIS 60602
312/603-4304 OFFICE
312/603-3760 FAX 312/603-1011 TT/TDD

August 1, 2011

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: 11 A 0013 Gift Ban: Educational Mission
Board Consideration Date: August 3, 2011

Dear [REDACTED]:

This letter is in response to your request for an advisory opinion from the Cook County Board of Ethics ("Board").

FACTS

[REDACTED] is [REDACTED] for the Cook County Bureau of Technology. He manages the computer and telecommunications infrastructure for every agency, bureau and department in Cook County Government. On July 18, 2011, [REDACTED] submitted a request for an Advisory Opinion to the Cook County Board of Ethics. [REDACTED] has been invited to participate as a member of the Advisory Board for the 2011 Gartner Worldwide Symposium/ITxpo, October 16-20, 2011, in Orlando, Florida. The Advisory Board member invitation package includes complimentary registration to the conference. Advisory Board members will also be recognized in the event marketing materials, on the conference Web site, and in the onsite event guide. The cost of travel, hotel accommodations, and meals will be paid for by Cook County, and [REDACTED] would attend the conference on County time. The Gartner Inc. and several of its identified corporate sponsors are doing business with Cook County.

ISSUE

May the Bureau Chief for the Cook County Bureau of Information Technology participate as an Advisory Board member at the 2011 Gartner Worldwide Symposium/ITxpo in Orlando, Florida, on County time, with Cook County paying the cost of travel, hotel accommodations and meals, and Gartner Symposium/ITxpo paying the cost of registration?

APPLICABLE SECTIONS OF THE ETHICS ORDINANCE

Section 2-561 Definitions

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

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.

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.

Exceptions. The restriction in Subsection (a) does not apply to the following:
(4) Educational materials and missions.

Section 2-571 Fiduciary Duty

Officials and employees shall at all times in the performance of their duties owe a fiduciary duty to the County.

Section 2-576 County-owned property

No official or employee shall engage in or permit the unauthorized use of County-owned or County-leased property. County-owned and County-leased property shall only be used for official County business.

DISCUSSION

██████████ is ██████████ for the Cook County Bureau of Information Technology. He has been invited to participate as an Advisory Board member at the 2011 Gartner Symposium/ITxpo, designed to provide critical learning for CIOs and senior IT and business executives. Gartner, Inc. is a leading information technology research and advisory company. Through the resources of Gartner Research, Gartner Executive Programs, Gartner Consulting and Gartner Events, the company works with clients to research, analyze and interpret the business of IT within the context of their individual role. Gartner, Inc. is headquartered in Stamford, Connecticut, and has 4,600 associates, including 1,250 research analysts and consultants, and clients in 80 countries. The 2011 Gartner Symposium/ITxpo will assist ██████████ in developing new ways to: Re-imagine a business structure; Re-imagine information technology; and Re-imagine the evolving role of the IT department as a whole. The Advisory Board member invitation includes complimentary registration, and will be paid by Gartner, Inc. Included in this registration is: access to all conference sessions (except restricted sessions); ability to schedule up to three one-on-one appointments with Gartner analysts; entry to the ITxpo sponsor show floor, including dessert and evening receptions; a pass to the special Tuesday evening event; a year-long subscription to all video recordings of live sessions synchronized to the slides as well as transcripts for each session; access to peer networking meals with other attendees; a networking breakfast at the event for all members; and an exclusive networking dinner at Shula's restaurant onsite. Travel and hotel accommodations, and all other meals, are to be paid by the County. Gartner, Inc. and several of its identified corporate sponsors are doing business with Cook County.

Gift Ban

Section 2-574 of the Ethics Ordinance, the gift ban, states that a County employee may not accept gifts from a prohibited source. A gift is defined as “any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible item having monetary value including, but not limited to cash, food and drink and honoraria for speaking engagements related to or attributable to government or the official duties of the official or employee.” Conference expenses, travel and lodging, all fall within the definition of a gift. To the extent that any of the sponsors of this conference are a prohibited source, i.e., an entity which does business with or is seeking to do business with Cook County, acceptance of the invitation to the conference with complimentary registration and meals would be a violation of the gift ban.

In this case, Gartner Symposium/ITxpo and several of the identified corporate sponsors are doing business with the County and are prohibited sources as defined in the Ethics Ordinance.

The Ethics Ordinance does provide exceptions to this general ban on gifts to County employees. Pursuant to Section 2-574(b)(4), the gift ban does not apply when the gift is for educational materials and missions. The issue of conference expenses from County vendors, for educational missions, is permitted and has been addressed by this Board in prior cases. ██████████ may therefore, attend the conference, and accept the benefit of complimentary conference expenses offered by the Gartner Symposium/ITxpo and its corporate sponsors.

County-Owned Property

Section 2-576 of the Ethics Ordinance requires that County-owned property only be used for official County business. County property has been interpreted under the Ethics Ordinance to include County time. ██████████, as ██████████ for the Cook County Bureau of Information Technology, was invited to participate as an Advisory Board member at the 2011 Gartner Symposium/ITxpo in Orlando, Florida. This symposium is related to ██████████ official position with Cook County, and he would be attending the conference to advance his learning and exchange best practices, which would benefit Cook County government. The 2011 Gartner Symposium/ITxpo is clearly related to ██████████ position as ██████████ for the Bureau of Information Technology and coincides with the stated objectives of the Administration of Cook County government, which is to create efficiencies and transparency in all areas of government. Therefore, the Board of Ethics finds that ██████████ may attend the conference on County time and may have Cook County government pay the reasonable costs of travel, hotel accommodations, and meals, as a government employee, for his participation in this symposium.

However, because Gartner and several of the identified corporate sponsors are current and/or potential Cook County vendors, ██████████ is advised to exercise an abundance of caution and to forego acceptance of any additional hospitality or entertainment having monetary value which may be linked to a prohibited source sponsor or which may create the appearance of impropriety. The preamble to the Ethics Ordinance states, “Officials and Employees serve their government in a fiduciary capacity, and must act at all times to avoid conflicts of interest, impropriety, or even the appearance of impropriety.” This mandate is reiterated in Section 2-571 of the Ordinance, which states that “officials and employees shall at all time in the performance of their duties owe a fiduciary duty to the County.”

Please note that the determinations herein are based solely on the application of the Cook County Ethics Ordinance to the questions posed in this opinion. Other laws or rules also may apply to this situation.

We hope that 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 this advisory opinion must be filed within 20 days of the date of this opinion. Please do not hesitate to contact our office if you have additional questions or require additional information.

Sincerely,
THE COOK COUNTY BOARD OF ETHICS

A handwritten signature in cursive script that reads "Roseann Oliver". The signature is written in dark ink on a light-colored background.

Roseann Oliver,
Chairperson