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March 25, 2013

[redacted]

RE: 12 A 0013
Request for Reconsideration of Advisory Opinion Issued on December 31, 2012

Board Consideration of Request: March 20, 2013

Request Denied: Original Advisory Opinion Stands / Letter of Further Explanation Issued

Dear [redacted]

This letter is in response to your request for reconsideration of an advisory opinion from the Cook County Board of Ethics ("Board") which was issued on December 31, 2012. The Board has determined that the Advisory Opinion issued on December 31, 2012 will stand as issued. However, the Board issues this letter of further explanation as an addendum to the December 31, 2012 Opinion.

Section 4.9(A) of the Cook County Board of Ethics Rules and Regulations provide that, "The person requesting an Advisory Opinion or the person whose actions are the subject of an Advisory Opinion, if different, may request a reconsideration of any decision of the Board regarding an Advisory Opinion by sending written notice to the Board with twenty (20) days of that decision. Such notice must contain an explanation of material facts or circumstances which were not before the Board in its deliberations on the Advisory Opinion." Pursuant to Section 4.9(B), "If the Board finds that these material facts or circumstances do not alter its decision, it shall deny the request and so notify the person requesting such reconsideration." The Board is responding to your request pursuant to the above mentioned Rules and Regulations.

In your request you specifically asked the Board to clarify:

> "The phrase, "from ever doing work with those vendors on any Cook County Department of GIS projects," as there is clear stipulation of a one-year "buffer" before and after the end of

employment to govern employment with a county-contracted vendor. A review of the pertinent sections of the Ordinance appears to have no reference to the condition of county-related projects as cited in Section 2-580, Post-employment restrictions, subsection (c)."

It appears from your statement, as set forth above, that you have confused two separate and distinct sections of the Ethics Ordinance. The Ordinance provisions at issue in the Post Employment context, Section 2-580(b) and (c) are to be read separately, as they apply to different employment situations.

As stated in the December 31, 2012 Advisory Opinion, pursuant to Section 2-580(b) of the Ethics Ordinance, a former County employee is prohibited from assisting or representing any person in any business transaction involving the County, if the employee participated personally and substantially in that transaction during his or her term of employment. This provision is known as the "permanent restriction."

In response to your request for an advisory opinion, the Board determined that you are personally and substantially involved with Cook County Department of GIS vendors during the schematic and design phases of the Department of GIS projects, and essentially, take over the role of the director of the department when needed. You are also involved with the evaluation committee that evaluates proposals from potential Department of GIS vendors. As a result, the Board concluded that you participate personally and substantially in business transactions with the Cook County Department GIS vendors as an employee of the County.

It was determined by this Board that pursuant to Section 2-580(b) of the Ethics Ordinance you would be permanently prohibited from working for any current vendors of the Cook County Department of GIS, if, as a County employee, you were personally and substantially involved in business transactions with those vendors, including but not limited to, working on specific Department of GIS projects with those vendors.

The Board emphasizes that this prohibition does not permanently bar you from ever working for any Cook County Department of GIS vendor; however, it does permanently bar you from working for those vendors on any Cook County Department of GIS project in which you were personally and substantially involved as a County employee. This provision does not mean that if a new project developed with a GIS vendor with which you were not personally and substantially involved with as a County employee, that you would be prohibited from working as an employee of that vendor on that new County GIS project.

Also, as stated in the Advisory Opinion, Section 2-580(c) of the Ethics Ordinance prohibits a former County employee, for a period of one year after the termination of his or her term of employment, from knowingly accepting employment or receiving compensation or fees for services from an employer if the employee, during the year immediately preceding termination of County service, participated personally and substantially in the decision to award County contracts with a cumulative value over $25,000 to the person, or its parent or subsidiary. This provision is known as the "temporary restriction." The intent of

Section 2-580(c) is to prohibit the real or perceived exchange of approval of County contracts for future employment opportunities.

In response to your request for an advisory opinion, the Board determined that you participate personally and substantially in decisions to award contracts to vendors who do business with the Cook County Department of GIS. Therefore, for a period of one year after the termination of your employment with Cook County GIS, you would be barred from knowingly accepting employment or receiving compensation or fees for services from a Cook County GIS vendor, if you participated personally and substantially in the decision to award to that vendor a Cook County Department of GIS contract, and if that contract was in excess of $25,000. If you accept such employment before the expiration of the one year time period, you would be in violation of Section 2-580(c) of the Ethics Ordinance. This provision means you are excluded for a period of one year from working for a GIS vendor, regardless of the project at issue, if you participated personally and substantially in the award of the County contract to that entity and the contract exceeded $25,000.00.

Please be advised that Section 2-580(e) does not allow the Board of Ethics to waive the requirements or restrictions of this Ordinance section. Any such employment in violation of the Ordinance could subject both the former employee and the new employer, to fines in accordance with Section 2-602 of the Ordinance and that any contract, negotiated, entered into, or performed in violation of the Ordinance, may potentially be voidable by the County, as set forth in Section 2-603 of the Ordinance.

In connection with any post-employment restrictions set forth in Section 2-580, you remain bound by Section 2-577 of the Ordinance, which permanently prohibits County officials and employees from disclosing confidential information acquired during the course of their County service.

After due consideration of your request for reconsideration, the Board finds that there is no basis to alter its December 31, 2012 Advisory Opinion and issues this letter to further clarify the applicable Ordinance sections.

Sincerely,

THE COOK COUNTY BOARD OF ETHICS

Roseann Oliver

Roseann Oliver,
Chairperson