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March 12, 2013

[REDACTED]

Re: 13 A 0002 Receiving and Soliciting Gifts and Favors – Section 2-574

Dear [REDACTED]:

This letter is in response to your February 25, 2013, email request for an Advisory Opinion from the Cook County Board of Ethics (“Board”).

FACTS

According to an email received from [REDACTED] the Cook County Office of Capital Planning and Policy recently approved a pool of qualified Architect/Engineer/Consultant firms for upcoming Office of Capital Planning and Policy needs. Since being approved, the contractors are anxious to get started and have been inquiring about the bid process at every level of the County. The Office of Capital Planning and Policy would like to concurrently address all contractors. In response to the contractors’ inquiries, the Office of Capital Planning and Policy is scheduling a free “Meet and Greet” event on March 28, 2013, and will invite approximately 75 to 100 pre-qualified consultants during the lunch hour (11:30 a.m. – 1:30 p.m.) to 69 W. Washington Street, lower-level conference room. At this event, the contractors will be informed about upcoming Office of Capital Planning and Policy project needs and timelines for procuring work. The contractors will also be encouraged to network with invited pre-qualified MBE/WBE firms.

The President of the Cook County Board of Commissioners, Toni Preckwinkle, will be invited to speak at the event to reiterate to the pre-qualified contractors that the County is attempting to ensure that all consultant firms have the opportunity to bid for work at Cook County. Representatives from the Cook County Office of the Chief Procurement Officer will also be invited to speak. According to your request, The [REDACTED] Group, Inc. has volunteered to sponsor this event by providing refreshments and beverages not to exceed \$20.00 per person. The [REDACTED] Group, Inc. is currently doing business with Cook County, and specifically, with the

Office of Capital Planning, the Bureau of Economic Development, and the Health and Hospitals System. The Office of Capital Planning and Policy states that if other vendors wish to donate to this event, that they may also do so.

ISSUE

The issue in this case is whether the Cook County Office of Capital Planning and Policy may accept corporate sponsorship from a vendor(s) of Cook County, and/or other businesses, to assist in defraying the costs associated with hosting a "Meet and Greet" event in which Cook County employees and others will be in attendance. This scenario implicates Section 2-574 of the Ethics Ordinance, "Receiving and Soliciting Gifts and Favors/Gift Ban."

DISCUSSION

Pursuant to Section 2-561 of the Ethics Ordinance, a "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. A "Prohibited Source" means any person or entity who does business or seeks to do business with the employee or with the official, County agency or other employee directing the employee.

In this case, The [REDACTED] Group, Inc., is doing business with Cook County, and is therefore, considered a prohibited source. Pursuant to Section 2-574(a) of the Ethics Ordinance, Receiving and Soliciting Gifts and Favors/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."

The issue of the acceptance of corporate sponsorship by a Cook County department is permitted and has been addressed by this Board in prior cases. Generally, under Section 2-574 of the Cook County Ethics Ordinance, 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 Section 2-574 applies to County officials and employees, and in this case, the issue involves a County department or agency of the County, not an individual employee or County official.
- Second, Section 2-574 does not apply because corporate sponsorship of an event is generally not considered a gift.

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.

In this case, the Office of Capital Planning and Policy is hosting a "Meet and Greet" event for pre-qualified consulting firms interested in doing business with Cook County. The Office of Capital Planning and Policy wishes to provide refreshments and beverages at this event, and is inquiring as to the appropriateness of accepting sponsorship of those items by vendors of Cook County in order to defray the costs involved. The Board assumes that the Office of Capital Planning and Policy will clearly communicate to vendors of Cook County, and/or other businesses, that sponsorship of the event is purely voluntary. Based on this assumption, the Board concludes that the Office of Capital Planning and Policy may accept refreshment and beverage items from The [REDACTED] Group, Inc. and/or other current vendors, 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 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. Please do not hesitate to contact our office if you have additional questions or require additional information.

Sincerely,



MaryNic U. Foster
Executive Director
312/603-1106

cc: John Cooke, Director, Capital Planning and Policy
Tom Galindo, Investigator