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## COOK COUNTY BOARD OF ETHICS

69 W. WASHINGTON STREET, SUITE 3040  
CHICAGO, ILLINOIS 60602  
312/603-4304 OFFICE 312/603-9988 FAX

October 21, 2013

Matthew DeLeon  
Secretary of the Board  
Cook County Board of Commissioners  
118 N. Clark St., Room 567  
Chicago, IL 60602

Re: 13 A 0008  
Distribution of Produce by Cook County Farm Bureau Public Policy Team at the October 23, 2013 County Board Meeting

Dear Mr. DeLeon:

This letter is in response to your email request dated September 23, 2013 for an advisory opinion. Your request asks whether a plan by the Cook County Farm Bureau ("Farm Bureau") Public Policy Team to distribute bags of produce to County Commissioners at the October 23, 2013 County Board Meeting raises any issues under the Cook County Ethics Ordinance ("Ethics Ordinance").

Based on the facts and circumstances set out below, it is the opinion of the Board of Ethics that the Farm Bureau may gift a bag of produce to County Commissioners in a manner consistent with the exception to the County gift ban for items valued at less than \$100. *See* County Code, § 2-574(b)(12) (*de minimis* gift exception). Commissioners may, of course, decline that gift for any reason but are not compelled to do so by the Ethics Ordinance. Any commissioner who does not decline and has already received gifts with an aggregate value of more than \$84 from the Farm Bureau during the last 12 months should submit the attached gift disclosure form to the Board of Ethics within 10 days of accepting the Farm Bureau's bag of produce.

### I. BACKGROUND

The Farm Bureau is not a government entity. Instead, the Farm Bureau is a private membership organization founded by farmers in the 1920s to offer agricultural programming to

its members and preserve the region's agricultural heritage.<sup>1</sup> In modern times, the Farm Bureau works with school children to promote agricultural literacy<sup>2</sup> and provides information about locally-grown food.<sup>3</sup>

The Farm Bureau also has a legislative agenda. For 2013, this agenda includes, *inter alia*, preserving hay farming opportunities on Forest Preserve District land, opposing restrictions on urban farming and community gardens and working with the Cook County Department of Building and Zoning regarding the farm exemption process in unincorporated Cook County.<sup>4</sup> The Farm Bureau sponsors the Cook County Farm Bureau Political Action Committee to help advance its agenda.<sup>5</sup> The Farm Bureau's Director of Governmental Affairs and Public Relations, Ms. Bona J. Heinsohn, is a registered Cook County lobbyist.<sup>6</sup> During 2012, she disclosed expenditures in excess of \$1,100 for gifts and honoraria to various County Commissioners on behalf of the Farm Bureau.<sup>7</sup>

Ms. Heinsohn contacted Secretary of the Board DeLeon on September 23, 2013, to inform him of her plan to distribute bags of locally-grown produce to Commissioners prior to the County Board Meeting of October 23. Ms. Heinsohn subsequently informed staff for the Board of Ethics that approximately eight members of the Farm Bureau's Public Policy Team will attend the October 23 County Board Meeting for what the Farm Bureau terms "a Lobby Day." They will distribute bags of produce likely containing a squash, a small pumpkin, a small jar of honey and apples. Per Ms. Heinsohn, the bags cost the Farm Bureau approximately \$1 a piece and the produce could be purchased from a farmstand in Cook County for approximately \$15. Ms. Heinsohn committed to report these lobbying expenditures properly, and the Board of Ethics has no evidence that the Farm Bureau's intended gifts were actively solicited by any County Commissioner.<sup>8</sup>

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<sup>1</sup> Cook County Farm Bureau, "History," online at <http://www.cookcfb.org/cook-cfb/history> (last visited Oct. 10, 2013).

<sup>2</sup> *Id.*, "4th Grade In-School Field Trips," online at <http://www.cookcfb.org/ag-literacy/4th-grade-field-trips> (last visited Oct. 10, 2013).

<sup>3</sup> *Id.*, "Farmstands Directory," online at <http://www.cookcfb.org/buy-local/farmstands-directory> (last visited Oct. 10, 2013).

<sup>4</sup> *Id.*, "2013 Legislative Priorities," online at <http://www.cookcfb.org/policy-action/legislative-priorities> (last visited Oct. 10, 2013).

<sup>5</sup> *Id.*, "Cook CFB Political Action Committee," online at <http://www.cookcfb.org/policy-action/ccfb-pac> (last visited Oct. 10, 2013).

<sup>6</sup> Cook County Clerk, "Lobbyist Online," online at <http://lobbyist.cookcountyclerk.com/Public/LobbyistDetail.aspx?id=252> (last visited Oct. 10, 2013).

<sup>7</sup> *Id.*

<sup>8</sup> Separate and apart from the County's gift ban and its exceptions, there is a categorical prohibition on any County official or employee "solicit[ing] any personal gift from a registrant" under the Cook County Lobbying Ordinance, such as Ms. Heinsohn. *See* County Code, § 2-636(b). Any Commissioner who has, in fact, solicited the

## II. ISSUE PRESENTED

Does a gift of a \$16 bag of produce from an organization with a professed legislative agenda to members of the Cook County Board violate Section 2-574 of the Ethics Ordinance?

## III. DISCUSSION

The Ethics Ordinance states, in relevant part, that “no official, board or commission appointee or employee shall intentionally solicit or accept any gift from any prohibited source[.]” County Code, § 2-574(a). The Farm Bureau is a “prohibited source” for the purpose of the County’s gift ban. The Ethics Ordinance defines prohibited sources broadly to include, among others, any person or entity that seeks official action from a County official, has an interest that may be substantially affected by the performance or nonperformance of the official duties of a County official or who is registered or required to register as a County lobbyist. *See id.* at § 2-561(definition of “prohibited source”). According to the facts known to the Board of Ethics, the Farm Bureau fits comfortably into this definition. And so if Section 2-574(a) operated in isolation, no County Commissioner could accept any gift offered by the Farm Bureau.

Subsection (b) of the County’s gift ban, however, sets out numerous exceptions. One such exception provided by the Ethics Ordinance applies to “[a]ny item or items from any one prohibited source during any calendar year having a cumulative value of less than \$100.00.” *Id.* at § 2-574(b)(12). This exception applies to the Farm Bureau’s proposed \$16 bag of produce so long as no receiving Board member has already accepted gifts from the Farm Bureau valued in aggregate at more than \$84 since January 1, 2013.

Even when a County official or employee may accept a gift from a prohibited source because of an exception to the gift ban, the Ethics Ordinance requires the recipient to disclose that gift to the Board of Ethics if the value of the gift (or the aggregate value of a series of gifts from any “one prohibited source during any 12-month period”)<sup>9</sup> would exceed \$100. *Id.* at § 2-574(d). Such a disclosure must be made within ten days of receipt and include “the name and government title of the recipient; the name, address, occupation and employer of the donor; a description of the gift and its value; and the intended use or disposition of the gift.” *Id.* A copy of a form disclosure is attached for the convenience of any member of the County Board who needs to use it.

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Please note the determination of the Board of Ethics herein is based solely on the application of the Ethics Ordinance to the general question posed by the Requestor. Other laws,

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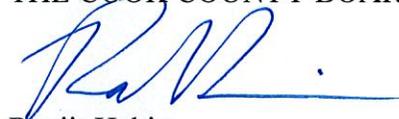
produce on offer by the Farm Bureau should not attempt to avail him or herself of the exception to the County’s gift ban discussed in this advisory opinion.

<sup>9</sup> The Ethics Ordinance is drafted in such a way that while the *de minimis* gift exception only looks at the current calendar year (in this case back to January 1, 2013 from October 23, 2013), the gift disclosure requirement covers the entire 12-month period from receipt of any gift, even if this period includes the previous calendar year (in this case back to October 23, 2012 from October 23, 2013).

rules or individual office policies may also govern a Commissioner's acceptance of a gift; the determination of the Board of Ethics here is not binding with respect to their application.

We trust this advisory opinion addresses your concerns. We thank you for your inquiry and commend you for seeking to uphold the guiding principles of the Cook County 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 the date 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



Ranjit Hakim,  
Executive Director (by delegation)

cc: Hon. Toni Preckwinkle, President, Cook County Board;  
Hon. Earlean Collins, Commissioner, Cook County Board;  
Hon. Robert Steele, Commissioner, Cook County Board;  
Hon. Jerry Butler, Commissioner, Cook County Board;  
Hon. Stanley Moore, Commissioner, Cook County Board;  
Hon. Deborah Sims, Commissioner, Cook County Board;  
Hon. Joan Patricia Murphy, Commissioner, Cook County Board;  
Hon. Jesús G. Garcia, Commissioner, Cook County Board;  
Hon. Edwin Reyes, Commissioner, Cook County Board;  
Hon. Peter N. Silvestri, Commissioner, Cook County Board;  
Hon. Bridget Gainer, Commissioner, Cook County Board;  
Hon. John P. Daley, Commissioner, Cook County Board;  
Hon. John A. Fritchey, Commissioner, Cook County Board;  
Hon. Larry Suffredin, Commissioner, Cook County Board;  
Hon. Gregg Goslin, Commissioner, Cook County Board;  
Hon. Timothy O. Schneider, Commissioner, Cook County Board;  
Hon. Jeffrey R. Tobolski, Commissioner, Cook County Board;  
Hon. Elizabeth Ann Doody Gorman, Commissioner, Cook County Board;  
Ms. Bona J. Heinsohn, Director of Governmental Affairs and Public Relations, Cook  
County Farm Bureau.

**COOK COUNTY BOARD OF ETHICS  
GIFT DISCLOSURE FORM**

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**I. RECIPIENT INFORMATION**

Name of official, board or commission appointee or employee, spouse or family member, receiving gift (if spouse, domestic partner or civil union partner or family member, please specify relationship to official, board or commission appointee or employee):

\_\_\_\_\_

County department/agency, if official or employee: \_\_\_\_\_

Names of board or commission, if appointee: \_\_\_\_\_

Title or position of official, board or commission appointee or employee \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**II. GIFT INFORMATION**

Description of the gift: \_\_\_\_\_

Value of the gift (based on a receipt or verification from the donor or the estimated market value): \_\_\_\_\_

Date of receipt of the gift: \_\_\_\_\_

**III. DONOR INFORMATION**

Donor's Name: \_\_\_\_\_

Occupation and Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**IV. IF RECEIVED IN CONNECTION WITH PARTICIPATING IN AN EVENT**

Name of event: \_\_\_\_\_

Sponsoring Organization(s): \_\_\_\_\_

Date of event: \_\_\_\_\_

Subject of event: \_\_\_\_\_

Subject of presentation (if applicable): \_\_\_\_\_

Please attach brochures, invitations, agenda, program books or other relevant information.

**V. USE OR DISPOSITION OF GIFT (Check all that apply and complete related information)**

- Gift will be retained/used by the recipient. If relevant, please identify which exception to the gift ban applies to acceptance of the gift.

\_\_\_\_\_

- Gift has been donated to a charity exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

Name of charity: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Donation: \_\_\_\_\_

Please attach documentation of the donation, including the receipt or acknowledgment of the donation.

- An amount equal to the value of the gift has been donated to a charity exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

Name of charity: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Donation: \_\_\_\_\_

Please attach documentation of the donation, including the receipt or acknowledgment of the donation.

- Gift has been returned by the recipient. Please attach documentation of gift's return (*e.g.*, a letter accompanying the return of the gift or an acknowledgment from the donor that the gift was returned).

- Recipient has paid/reimbursed the donor for the market value of the gift. Please attach documentation of such payment, including the receipt or acknowledgment of receipt of payment.

\_\_\_\_\_  
**VERIFICATION:** To the best of my knowledge the information I have provided on this form is accurate and complete.

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_\_  
Date

**SUBMIT COMPLETED FORM TO:**

Cook County Board of Ethics  
69 West Washington Street, Suite 3040  
Chicago, Illinois 60602  
(312) 603-4304  
(312) 603-9988 Fax