

JOHN H. STROGER, JR.
President, Cook County
Board of Commissioners

 VANN M. COOKE
Executive Director



BOARD MEMBERS
Susan Getzendanner
Rev. Willie Jordan
Roseann Oliver
Anne Roosevelt
John J. Pikarski, Jr.

COOK COUNTY BOARD OF ETHICS

118 North Clark Street, Room 1000
Chicago, Illinois 60602

(312) 443-4304

FAX (312) 629-3760 T.D.D. (312) 443-5255

March 16, 1995

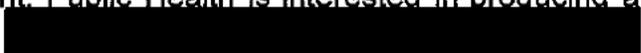
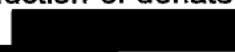


RE: 95 A 0001 Abbott Laboratories' Funding of Public Health's Informational Video

Dear 

This letter is in response to your request for an advisory opinion on the above referenced matter.

FACTS

This year, the Department of Public Health ("Public Health") celebrates its 50th anniversary. In conjunction with this event, Public Health is interested in producing a video tape on its services. According to  the video, which would describe Public Health's functions, would be shown to Public Health's clients, anyone using or receiving Public Health services, as well as at new employee orientations and community presentations regarding health education.  estimates that such a video would cost approximately \$16,000 to produce. Because of the great expense involved, Public Health would like to ask Abbott to underwrite the cost of the video production or donate the use of its in-house production facilities. Without such funding,  stated that production of the video would be cost-prohibitive.  learned from the Communications Director for Lake County that Lake County produced a similar tape. Lake County's tape was funded by Abbott Laboratories ("Abbott") which has in-house production facilities.

According to  Abbott has no contracts with Public Health. She stated that, to her knowledge, Abbott has never bid on a contract offered by Public Health. Abbott does have contracts with other County departments and agencies.

ISSUE

Can Public Health solicit Abbott for financial and/or in-kind assistance in the production of an educational video without violating the provisions of the Ethics Ordinance?

APPLICABLE SECTIONS OF THE ETHICS ORDINANCE

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

- ...
- (f) "Doing Business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000 in any twelve consecutive months.
- (h) "Employee" means an individual employed by the County whether part-time or full-time. Employee shall not include (i) judges of election; or (ii) individuals employed by the County for a specific project having a duration of not more than seven (7) days.
- (i) "Financial Interest" means (i) any interest as a result of which the owner currently received or is entitled to receive in the future more than \$2,500 per year; (ii) any interest with a cost or present value of \$5,000 or more;
- (j) "Gift" means anything of value given without consideration or expectation of return.
- (l) "Official" means any elected Cook County official or any appointed non-employee member of any agency of Cook County.
- (m) "Person" means any individual, entity, corporation, partnership, firm, association, union, trust estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

2.4 Receiving and Soliciting Gifts and Favors.

- (a) No Official, Employee or Relative residing in their households shall solicit or accept any anonymous Gift or any Gift of cash.
- (b) No Official or Employee or any of their Relatives shall knowingly solicit, accept, receive or agree to receive, either directly or indirectly, anything of value, including but not limited to an alleged Gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of such Official or Employee concerning the business of the County would be influenced.

...

DISCUSSION

The underlying principle behind the Ethics Ordinance is that Employees and Officials must be fair and impartial and not use their County employment or office for personal gain. Toward this end, Section 2.4 of the Ethics Ordinance sets forth a number of restrictions on the receipt and solicitation of gifts by Employees and Officials. Section 2.4(a) strictly prohibits Officials and Employees from soliciting or accepting any gifts of cash. However, this provision is intended to prohibit Officials and Employees from deriving *personal* economic gain through their County service. It is not intended to restrict the ability of County Employees and Officials to generate revenues that will be used to benefit the public by saving the County money. Accordingly, given that Public Health's production of the video tape will benefit the public not only by promoting health awareness and education, but also by enabling Public Health employees to become more informed practitioners who are better able to serve the public, Section 2.4(a) of the Ordinance would not prohibit Public Health from soliciting financial or in-kind assistance from Abbott.

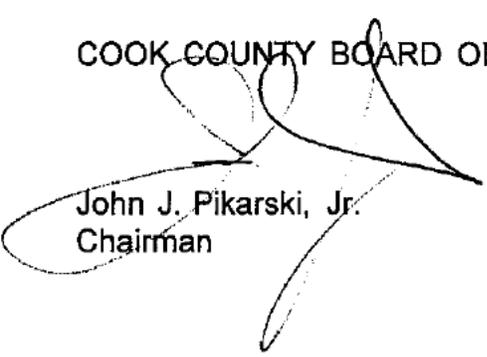
Under Section 2.4(b) of the Ordinance, Employees and Officials are prohibited from soliciting anything of value where there is a mutual understanding that the business of the County will be influenced. Therefore, so that Abbott will not mistakenly believe that making a financial or in-kind contribution to Public Health will result in their receiving favorable treatment from the County, Public Health must expressly inform Abbott that the decision to donate money and/or services is purely voluntary.

While Abbott does not Do Business with Public Health, Abbott does have a Financial Interest in County business by virtue of the fact that it has contracts with other County agencies and departments. This fact, however, does not preclude Public Health from soliciting Abbott's assistance in production of its video, provided that Abbott is not pressured into offering assistance and provided, as previously stated, that Abbott is not led to believe that it will receive any preferential treatment by the County based on its financial or in-kind assistance. In order to prevent any appearance of impropriety, Public Health is urged to invite other companies in the health field with local representatives to offer financial and/or in-kind assistance in the production of the video. It should be noted that the video cannot in any way promote the products or services of Abbott, or any other company that may wish to contribute, given that any such promotion could be perceived by the public as an endorsement by the County.

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 & Regulations of the Cook County Board of Ethics, all requests for reconsideration of an advisory opinion must be filed within fifteen (15) days of receipt of this opinion. Please do not hesitate to contact our office if you have additional questions or require additional information.

Sincerely,

COOK COUNTY BOARD OF ETHICS



John J. Pikarski, Jr.
Chairman

LJG/bh
[REDACTED]

cc: [REDACTED]