

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 20, 1995



Re: 95 A 0002 Guidelines on Soliciting Support for Special Events

Dear [REDACTED]:

This letter is in response to your request of February 1, 1995, for general guidelines on the requirements of the Ethics Ordinance relating to solicitation of both financial and in-kind support for special events.

ISSUE

How do the provisions on Receiving and Soliciting Gifts and Favors set forth in Section 2.4 of the Ethics Ordinance affect the ability of the [REDACTED] to seek both monetary and in-kind support for special events?

APPLICABLE SECTIONS OF THE ETHICS ORDINANCE

DEFINITIONS

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 revenue that will be used to benefit the public by saving the County money. Accordingly, assuming the special events program is designed to benefit the public, Section 2.4(a) of the Ordinance would not prohibit [REDACTED] from soliciting financial or in-kind sponsorship from a company.

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 no company will mistakenly believe that its sponsorship of a special event will result in its receiving favorable treatment from the County, [REDACTED] must expressly inform each company that she solicits, that the decision to donate money and/or services is purely voluntary. She should make clear to each company that they will not receive anything in return from the County if they donate something to a special event.

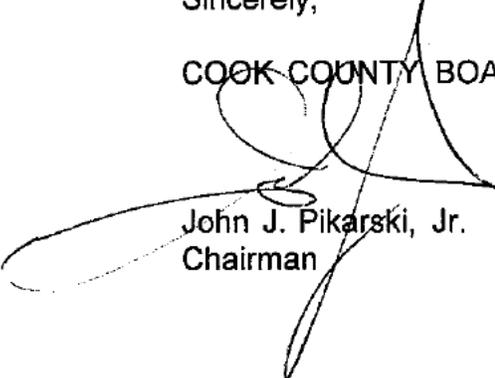
The fact that a specific company that [REDACTED] wishes to solicit as a sponsor may Do Business with the County does not preclude [REDACTED] from soliciting a contribution from the company, provided that the company is not pressured into making a contribution and provided, as previously stated, that the company is not led to presume that it will receive any preferential treatment by the County based on its financial or in-kind sponsorship. In order to prevent any appearance of impropriety, [REDACTED] is urged to invite a variety of companies with local representatives, rather than a select few, to offer financial and/or in-kind sponsorship of special events. It should be noted that while a sponsor can be publicly acknowledged for its sponsorship of a special event, the special event cannot in any way promote the products or services of the sponsoring company, given that any such promotion could be perceived by the public as an endorsement by the County.

While soliciting sponsorship for special events is not *per se* prohibited by the Ethics Ordinance, given the fact that the Office of Special Events is likely to do a fair amount of corporate solicitation, the Board feels it necessary that it be kept apprised of such activities and therefore requests that [REDACTED] report back in six (6) months with a list of organizations that she has solicited and the nature and amount of any contributions received. In the meantime, the Board also requests that [REDACTED] immediately submit a copy of her job description to the Board so that it can anticipate the scope of her ethics inquiries and provide her with better-tailored responses.

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

cc: [REDACTED]

a:\advise\tobr.2