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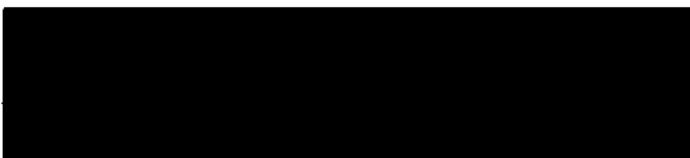
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August 17, 1995



RE: 95 A 0010 Solicitation of Vendors for Contributions for Employee Picnic

Dear [Redacted]

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

FACTS

Each year, the Cook County Juvenile Temporary Detention Center ("JTDC") holds a picnic for its 500 employees. Typically, approximately 300 employees attend. This year the picnic is scheduled for Saturday, August 26, 1995, from 8:00 a.m. to 8:00 p.m. at one of the Cook County Forest Preserve parks. In the past, senior staff members have each contributed \$150.00 to cover the costs of the picnic (for a total of approximately \$1,200.00). According to [Redacted] the staff do not wish to make any monetary contribution for this year's picnic. As a result, [Redacted] would like to ask various vendors to donate items for the picnic such as disposable flatware and linens, condiments and food items. This year's picnic is being organized by [Redacted] who plans to create a list of vendors from whom the JTDC can request donations. Most of the vendors would be those with whom [Redacted] has become acquainted through her work in the food services industry. Vendors on this list could be current County vendors, as well as vendors who have had County contracts in the past. [Redacted] has requested an advisory opinion on whether such solicitation would be permissible under the Cook County Ethics Ordinance. As an alternative, [Redacted] has proposed soliciting donations from vendors that have never Done or Sought Business with the County.

ISSUE

Can the JTDC solicit donations for an employee picnic from Persons who (1) Do Business with the County, (2) are Seeking to Do Business with the County, or (3) have neither Done nor Sought Business with the County, without violating the provisions of the Cook County Ethics Ordinance?

APPLICABLE SECTIONS OF THE ETHICS ORDINANCE

Preamble.

WHEREAS, it is essential to the proper operation of representative government that public Officials and Employees be independent and impartial; that public office and employment not be used for personal gain, and that the public have full confidence in the integrity and fair and honest administration of government; and

WHEREAS, public Officials and Employees serve their government in a fiduciary capacity, and must act at all time to avoid conflicts of interest, impropriety, or even the appearance of impropriety....

Article I. 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.
 - (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.
- (o) "Seeking to do Business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County.

Article II. Code of Conduct.

2.4 Receiving and Soliciting Gifts and Favors

- ...
- (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, decision or judgments of such Official or Employee concerning the business of the County would be influenced.

DISCUSSION

Pursuant to the Ethics Ordinance, the JTDC cannot solicit contributions for an employee picnic from *any* Person, without regard to its status as a County vendor. Under Section 2.4(b) of the Ordinance, County employees and officials are prohibited from soliciting or accepting anything of value based upon a mutual understanding, either explicit or implicit, that County business will be influenced. It is reasonable to assume that if Persons Seeking to Do Business with the County and those currently Doing Business with the County are solicited by the JTDC for a contribution, they will feel obligated or pressured to give the requested donation. Such Persons might make a donation based upon what they believe to be the implicitly understood message that County business will be positively influenced for those Persons who make donations to the JTDC picnic, and negatively influenced against those Persons who do not donate to the picnic. However, absent any further information, we cannot assume that those Persons

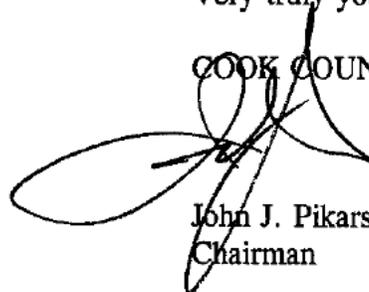
who are not Doing or Seeking County Business would be susceptible to such implicit pressures. Accordingly, Section 2.4(b) of the Ethics Ordinance serves to prohibit the JTDC from soliciting donations for an employee picnic from Persons Doing Business or Seeking to Do Business with the County, but not from Persons who are not Doing Business or Seeking to Do Business with the County.

Nevertheless, one of the underlying principles behind the Ethics Ordinance, as articulated in the Preamble, is that Employees and Officials must be fair and impartial and not use their County employment or office for personal gain. In this case, [REDACTED] and JTDC employees, in their capacities as County officials and employees respectively, intend to solicit donations from vendors for an employee picnic. While employee picnics are good for employee morale, a picnic for government employees cannot be deemed beneficial to the citizens of Cook County. Rather, the picnic serves the employees' personal benefit. Since JTDC officials and employees would be soliciting these donations for their personal benefit under the auspices of their County positions, they would be engaging in the improper use of their County employment or office. Therefore, the Preamble of the Ethics Ordinance serves to prohibit JTDC employees and officials from soliciting *any* donations for an employee picnic.

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

Very truly yours,

COOK COUNTY BOARD OF ETHICS



John J. Pikarski, Jr.
Chairman