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April 9, 1998



RE: 98 A 00002 Solicitation of Vendors for Contributions for Employee Christmas Party

Dear [REDACTED]:

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

FACTS

The Christmas Party Team ("Team") for [REDACTED] is seeking ways to reduce the cost of the annual Christmas party. The party is 100 percent employee financed. Due to the fact that the department is in a secure environment, activities such as bake sales and arts and crafts shows held to raise funds to financially support the party are not feasible. The Team would like to seek cash and in kind donations from current County vendors and non-County vendors to defray the cost of the food and/or to provide raffle prizes. The current vendors may include, but may not be limited to, food service, and insurance, pharmaceutical, and construction companies. Non-vendors may include grocery stores, churches, and food service companies.

ISSUE

Can the Team [REDACTED] solicit donations for an employee Christmas Party from Persons who (1) Do Business with the County, (2) in the past, have Done

Business with the County, or (3) never have Done 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 conflict 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

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 Team 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 donation to the [REDACTED] Christmas party, and negatively influenced against those Persons who do not donate to the party. 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 Team from soliciting donation for an employee party 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 the Team, in their capacities as [REDACTED] official and employees respectively, intend to solicit donations for an employee Christmas party. While an employee Christmas Party may be good for employee morale, a party for government employees cannot be deemed beneficial to the citizens of Cook County.

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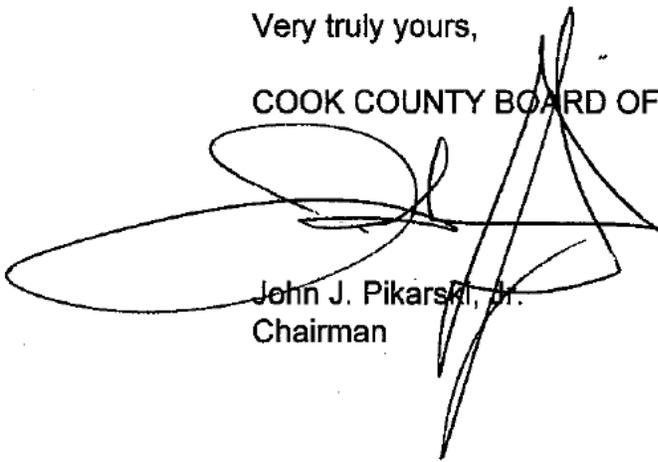
Rather, the party serves the employees' personal benefit. Since the official and employee Team would be soliciting these donations for their personal benefit under the auspices of their County positions, they would be engaging in the improper use of their County employment or office. Therefore, the Preamble of the Ethics Ordinance serves to prohibit the [REDACTED] employees and officials from soliciting *any* outside donations for an employee Christmas party.

The Board realizes this opinion is too late to address your concerns regarding the 1997 Christmas season, however, the Board requests that you keep the opinion on hand for future reference. The Board also 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.

This opinion was unanimously adopted at the regularly scheduled meeting of the Cook County Board of Ethics held on March 19, 1998.

Very truly yours,

COOK COUNTY BOARD OF ETHICS



John J. Pikarski, Jr.
Chairman

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