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COOK COUNTY BOARD OF ETHICS

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June 10, 1998

[redacted]
Cook County Hospital
1835 W. Harrison, 2UW
Chicago, Illinois 60612

Re: 98 A 0005 Use of County Property

Dear [redacted]:

This letter is in response to your June 8, 1998 request for an advisory opinion regarding the above referenced matter.

FACTS

[redacted] a 16 year Cook County Hospital("CCH") employee, works as an [redacted] in the Department of Nursing. During the past 11 years, [redacted] also has worked a second job as a financial planner. According to [redacted], this second job is usually performed outside of the hospital. However, there is an exception. In June of each year graduating physician residents leave CCH employment and usually need to move their pension funds out of the County. [redacted] takes a vacation day when the residents have their graduation photo taken and at that time distributes a packet which provides information related to converting their pension to an IRA. He also places the same packet of information into the County mailboxes of those graduating physicians who were not present for the picture taking session.

[redacted] is concerned that there may be a conflict in placing the information in the mailboxes if the physicians read the literature while on duty. He stated that he would offer an advisory notice on each envelope that would read, "Personal information - please do not open while on duty". [redacted] also stated that this is the only practical way that he can contact these doctors since he does not have access to their addresses. Although some other financial planners offer seminars at the hospital, [redacted] does not. Therefore, placing packets of

literature into the mailboxes of the graduating physicians is an important aspect of his business.

ISSUE

Can an employee at Cook County Hospital place literature relating to his second job into County mailboxes?

APPLICABLE SECTIONS

Preamble
Whereas, it is essential to the proper operation of representative government that...public office and employment not be used for personal gain ...

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

...

SECTION 1. DEFINITIONS

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

...

(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 that seven (7) days.

...

2.6 County-Owned Property.
No Official or Employee shall engage in or permit the unauthorized use of County-owned or County-leased property. County-owned or County-leased property shall only be used for official County business.

DISCUSSION

[redacted] cannot place information related to his private business as a financial planner in the County mailboxes of CCH

resident physicians. Such action would violate not only Section 2.6 of the Ethics Ordinance but also the Preamble of the Ethics Ordinance as well. He may, however, accept resident physicians as clients from Cook County Hospital in his private business if the resident physician independently requests an appointment to see [redacted] at his private office.

Under Section 2.6 employees are prohibited from engaging in the unauthorized use of County-owned property except for official County business. Also, staff was informed that the Medical Residents Administration Department only allows official County correspondence and United States mail to be placed in the residents mailboxes. The Board understands that using the mailboxes is the means by which [redacted] reaches his perspective clients. However, the provision is clear. Using the County mailboxes to provide information regarding his secondary employment as a financial planner is not official County business and therefore a violation of the Ordinance as well as hospital policy.

Also, the Preamble of the Ethics Ordinance states ... that County employment not be used for personal gain... . By soliciting the resident physicians via the County mailboxes any money that [redacted] may receive as a result of this solicitation would be money generated through his County employment and his access to the County mailboxes. Therefore, using the mailboxes not only enables [redacted] to use his County employment for personal gain but also gives [redacted] an unfair advantage over the general public. In this case the general public would be the other financial planners who solicit the resident physicians and do not have free access to the County mailboxes but must instead rely on seminars or direct mail.

In contrast, if a resident physician is aware of [redacted] secondary employment and on his or her own initiative specifically requests to use [redacted] services, [redacted] could meet with the client at a location outside CCH. In that situation, [redacted] has not been involved in the resident physician's decision to use his services as opposed to any other financial planner. However, the Board cautions [redacted] to use extreme caution in order to avoid any inference that he has solicited the client while performing his County duties.

The Board also reminds [redacted] that the Preamble to the Ethics Ordinance states... Employees serve their government in a fiduciary capacity, and must act at all times to avoid conflicts of interest, impropriety, or even the appearance of impropriety. [redacted] stated that in previous years he had received the information regarding the date and time of the photo session from the

photographer scheduled to take the pictures who was also a personal friend of [redacted]. However, this year a reminder notice of date and time was posted in a conspicuous place on the 2nd floor of the hospital near Administration where it was available to be seen by the general public. Therefore, although [redacted] uses a vacation day to solicit business at the photo session, in the future, if the information as to time and place of the photo session is not available to the general public, his presence at the session could have the appearance of impropriety and the Board advises that he not attend.

The Ethics Board operates in conjunction with those rules established by the Bureau of Human Resources regarding disclosure of dual employment. The Department of Human Resources provides a dual employment form to all departments for each Employee to submit to his/her supervisor for approval before the Employee may accept secondary employment. The Board reminds [redacted] to make certain this form has been completed and submitted.

We hope this advisory opinion addresses your concerns. The Board thanks you for your inquiry and commends you for your conscientiousness in seeking to uphold the guiding principals of the Ethics Ordinance. Under the rules and regulations of the Cook County Board of Ethics, all requests for reconsideration of this advisory opinion must by filed with the Board of Ethics within fifteen (15) days of the date of this advisory opinion. Please do not hesitate to contact our office if you require additional information.

The above referenced Advisory Opinion was adopted on July 23, 1998 at the duly authorized Board Meeting of the Cook County Board of Ethics.

Sincerely,

COOK COUNTY BOARD OF ETHICS

John J. Pikarski, Jr.
Chairman

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