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May 30, 2014

Hon. David Orr
Cook County Clerk
69 West Washington Street, Room 500
Chicago, Illinois 60602

Hon. Larry Suffredin
Cook County Board of Commissioners
118 North Clark Street, Room 567
Chicago, Illinois 60602

Hon. Timothy O. Schneider
Cook County Board of Commissioners
118 North Clark Street, Room 567
Chicago, Illinois 60602

Re: Cook County Code Proposed Amendments – Lobbying

Dear Clerk Orr, Commissioner Schneider and Commissioner Suffredin:

Thank you for your support in connection with the Office of the Independent Inspector General (OIIG) report of May 19, 2014 pertaining to the Lobbyist Compliance Review. As you know, the report contained various recommendations designed to increase transparency in government by strengthening the Cook County Lobbyist Registration Ordinance, Cook County, Ill. Ordinance No. 10-O-53 (2010)("Lobbyist Ordinance"). This letter is written to follow-up the report by offering several proposed amendments to the Lobbyist Ordinance for your consideration. The following is a brief description of the issue in question and the proposed amendment that is designed to close the gaps identified in the report.

1. An exemption from reporting lobbying activity is contained in Section 2-632(6) for persons seeking to do business with the County whose activities are limited to occasional sales-related inquiries or solicitation. In order to close the gap on an over-reliance on this exception resulting in unreported lobbying activity, we recommend that Section 2-622 be amended to define "*occasional sales-related inquires or solicitations*" by restricting such contacts to no more than twice per year. Attached is proposed language to Section 2-622.

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2. Section 2-637 of the Lobbyist Ordinance currently imposes penalties (both fines and a bar to lobbying for 3 years) for any person "convicted of any violation of any provision" of the Lobbyist Ordinance. We believe this Section fails to provide a meaningful enforcement mechanism because it requires a conviction before a penalty is imposed. With the creation of the Cook County Department of Administrative Hearings, a method to ensure due process is available and should stand as the enforcement mechanism in connection with violations under these provisions. Attached is proposed language to Section 2-637 that is modeled after the Procurement Code and incorporates the Department of Administrative Hearings to replace the due process mechanism afforded through court proceedings.

3. Education and training is an important element in bringing lobbyists into full compliance. Attached is proposed language establishing a new Section 2-640 that is modeled after the language sponsored by Commissioner Suffredin and Commissioner Schneider in the Board meeting of May 21, 2014. The attached proposal differs only to the extent that we believe the provision of training is properly provided through the Board of Ethics.

4. We believe that unregistered and unreported lobbyist activity is a significant challenge to fostering transparency. To this end, we recommend that registration credentials be issued to all registered lobbyists so officials can verify their status as a registered lobbyist. Such credentials should be required to be worn at all times when a lobbyist is located on the Boardroom floor and when meeting with Cook County government officials. Attached is proposed language amending Section 2-635 (Duties of the Clerk) and a new Section 2-643 that establish a credentialing process and requirements.

5. As outlined in the OIIG report, strong evidence exists of lobbying activity occurring that involves both unregistered lobbyists and registered lobbyists failing to report their lobbying activity as required. Accordingly, we believe that the County should develop a Lobbyist Contact Log and require County employees and public officials to log lobbying activity. This will significantly aid in compliance and likely serve as a deterrent to this unlawful activity. Attached is a proposed new Section 2-642 creating the duty to maintain a Lobbyist Contact Log.

Thank you for your consideration of these proposals. Please do not hesitate to contact me if you have any questions regarding this or any other matter.

Very truly yours,

Patrick M. Blanchard
Inspector General

Attach.

cc: Mr. James Clark, Office of the Hon. Timothy O. Schneider
Mr. Ranjit Hakim, Cook County Board of Ethics
Mr. Brian Miller, Office of the Hon. Larry Suffredin
Ms. Barbara Pressl, Office of the Hon. David Orr

OIIG Proposed Amendments to the Lobbyist Registration Ordinance

Sec. 2-622. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Occasional sales-related inquiries or solicitations mean any contact with a County employee and/or elected official for no more than twice in a year to discuss the solicitation, award, or administration of a potential contract.

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.

Sec. 2-635. Duties of Clerk.

(a) It shall be the duty of the Clerk to provide appropriate forms for the registration and reporting of information required by this division and to keep such registrations and reports on file in the Clerk's office for ten years from the date of filing. The Clerk shall also maintain a listing of registered lobbyists. Such records and listing shall be considered public information and open to public inspection during normal business hours.

(b) Persons satisfying the registration process in accordance with the Clerk's guidelines will be issued lobbyist registration identification as proof of their current status as a registered lobbyist.

Sec. 2-637. Enforcement, penalties, and procedures.

(a) Any person ~~found by a court to be guilty of~~ filing a late registration or report after January 31 (in the case of reports due after by January 20) or after July 31 (in the case of reports due by July 20) shall be assessed a fine of $100.00 per day late.

(b) In addition to the penalties provided for in Subsection (a) of this section, any person ~~convicted of any violation of~~violating any provision of this division ~~is~~shall be fined $250.00 per occurrence and shall be prohibited for a period of three years from ~~the date of the conviction from~~ engaging, directly or indirectly, in any lobbying activities.

(c) The determination as to the imposition of penalties under this Section shall be made pursuant to Chapter 2, Article IX, Administrative Hearings. The Cook County Clerk and the Cook County Board of Ethics shall have the authority to issue notices of violation to enforce the provisions of this division, as applicable, and institute enforcement proceedings under Chapter 2, Article IX.

Sec. 2-640. Lobbyist Ethics Education Seminar.

Each Lobbyist shall attend an ethics education seminar offered on a regular basis by the Board of Ethics within 120 days of registering as a Lobbyist pursuant to Section 2-633. The seminar shall educate persons as to their duties and responsibilities under this article.

Sec. 2-642. Duty to Maintain a Lobbyist Contact Log.

All County employees and elected officials have a duty to record any contact they have with any lobbyist, if that contact involved an attempt by the lobbyist to engage in lobbying as described in this article. The Lobbyist Contact Log serves as an official record of any contact a County employee or elected official may have received from such lobbyist. The Lobbyist Contact Log should be maintained and made readily available upon request for examination by the Cook County Board of Ethics, Office of the Independent Inspector General, and any other administrative agency or law enforcement agency with the authority and jurisdiction to investigate, audit and/or prosecute Cook County matters.

Sec. 2-643. Duty to Display Lobbyist Registration Identification.

All registered lobbyists are required to display lobbyist registration identification while engaging in lobbyist activities on County premises.