



CITY OF CHICAGO



BOARD OF ETHICS

CONFIDENTIAL

February 11, 2025

Re: Finding of a minor violation; Case No. 25004.C

On December 18, 2024, the Board's Executive Director received an email from an attorney in [Department M]. That attorney explained that a former attorney in [M] had worked on two City loans to a developer in 2002 and 2003 for [development] projects. The former [M] attorney had prepared the loan documents, and that attorney's name is shown on the recorded documents. That attorney, now at a private law firm, has been representing the developer on the two projects the attorney handled while at the City, and two other projects that the attorney did not handle while at the City. The current [M] attorney further explained that the [City] has agreed to the developer's request to restructure the deals to extend the term of the City's loan and to extend the period during which the [certain restrictions] restrictions will apply. All four restructurings have the same terms. The former [M] attorney, he wrote, did not negotiate different terms for the two projects that he worked on as a City attorney.

The current [M] attorney also wrote that the former [M] attorney told him and his supervising attorney that he was focused on the one-year subject matter post-employment time restriction, and had not focused on the permanent prohibition against working on contracts over which one exercised management authority, and had forgotten that he worked on the two projects in 2002 and 2003. We advised that we do not have sufficient information to determine whether there were any violations of the Ordinance's post-employment prohibitions, and asked that the former [M] attorney contact our office. You then reached out to our office. On January 9, 2025, you spoke at length with our Executive Director and explained what occurred. The Executive Director advised that this matter would need to be presented to the Board, which would in turn need to consider whether there was a violation of §2-156-100(b),¹ and, if so, whether it was minor or not minor. The Executive Director requested that you put the facts in writing, which you did.

At its February 10, 2025 meeting, the Board discussed this matter at length with you, and voted 5-0 that, given the totality of the circumstances, most notably the fact that the original transactions date back nearly 23 years, and that you appear to have made an honest mistake and reported the potential violation not only to the Law Department but also to our office, that there was a violation of §2-156-100(b), but the violation was minor. This

¹ **Post-employment restrictions on assistance and representation.** No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the city or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

finding is consistent with past cases where the Board has found minor violations.² These cases are posted on the Board's website at this link: [https://www.chicago.gov/city/en/depts/ethics/supp_info/ao - apptoffi1.html](https://www.chicago.gov/city/en/depts/ethics/supp_info/ao_-_apptoffi1.html)

The Board directed legal staff to send this confidential letter of admonition, per §2-156-070(b).³ Please note, however, that any future violations of this nature will not be considered minor.

On behalf of the Board, I appreciate your cooperation and conscientiousness. If you have any questions, please contact our office at 312-744-9660.

Yours very truly,

[Signed]

Steven I. Berlin,
Executive Director

² Board Rule 3-11, **Advisory opinions regarding past conduct**, addresses minor violations and provides in relevant part:

"If any person subject to the Ordinance requests an advisory opinion regarding his or her own past conduct, the staff shall consider whether the past conduct discloses a past or ongoing violation of the Ordinance, or any other rule, statute, ordinance, or regulation. If the conclusion of the staff is that there has not been such a past or ongoing violation, then the opinion shall remain confidential in accordance with these Rules, provided however, that the staff shall report each such opinion to the Board. If the conclusion of the staff is that there has been such a violation, then the staff shall report the matter to the Board at the next possible Board meeting and recommend to the Board as to whether that violation is minor in nature. The Board shall then determine whether the violation was minor. In determining whether any particular violation is minor in nature, the Board shall consider, but not be limited to, the following criteria: (i) whether the Board would still be upholding the spirit of the Ordinance; (ii) whether a reasonable person familiar with all the facts would consider the violation technical and not substantive in nature and extent; and (iii) whether the violation is part of a pattern with respect to the person whose conduct is described in the request."

³ **Use of disclosure of Confidential Information.** If any person requests the opinion of the board of regarding past or ongoing conduct, and if the board determines, pursuant to its rules, that the conduct involves a minor violation of this chapter, the board may issue such person a letter of warning or admonition for the first such violation. However, if the board determines, pursuant to its rules, that the conduct involves a violation of this chapter which is not a minor violation or that the conduct involves a subsequent violation of the same conduct for which the person has been issued a letter of warning or admonition, the board shall advise such person to stop the conduct and inform the person of this subsection's timeline for self-reporting. Such person may, if the person wishes, self-report the violation to the inspector general authority within 14 days. If the board finds that the person did not self-report the violation within 14 days, the board shall provide the person's name, the violation reported, and all related information the board deems relevant, to the inspector general. Except for purposes of investigations for subsequent violations of the same conduct, a letter of warning or admonition issued to a subject pursuant to this section shall be kept confidential. This subsection applies to conduct that occurred or is occurring on or after July 1, 2013.