

## Executive Director's Report February 10, 2025

### **Board Members**

We have heard nothing further from the Mayor's Office regarding re-appointments of members David Daskal and The Honorable Barbara McDonald (Ret.), whose terms expired on July 31, 2024. That said, the law is clear that they "hold office until [their] successor [if someone other than themselves] has been appointed and has qualified," per §2-156-310(b). Ald. Matt Martin (47<sup>th</sup>), Chair of the City Council's Committee on Ethics and Government Oversight, has urged the Mayor's Office to reappoint them. I again urge the Mayor to re-appoint both David and Barbara, who are dedicated and conscientious Board members.

### **Staff note**

Lisa Eilers, our Deputy Director since February 2012, is retiring effective March 5, 2025. Lisa told me about her plans last Summer, and I attempted to persuade her to retire later in 2025. She has been an outstanding, thoughtful colleague – another one of the "unsung hero[ines]" in service to the City. We wish her the best. She will be terribly missed.

### **Statements of Financial Interests**

We sent out lists of last year's filers to all departments and City Council offices so as to compile the list of 2025 filers. On or around March 1, we will notify all 2025 filers of their filing requirement. We anticipate ~3,900 filers. In particular, I wish to thank Shela Sydnor in the Office of the City Clerk. She efficiently and professionally handles personnel transactions for the entire City Council, and processes entries into the City's CHIPPS database for those within City Council who must file for the first time and those no longer required to file. We could not do our work without her and her office's assistance.

All forms filed in 2018 and after are posted and viewable here, where they stay for seven (7) years after they are filed:  
<https://webapps1.chicago.gov/efis/search>

### **Sister Agencies**

We will meet next with our ethics counterparts from the Cook County Board of Ethics, CTA, CHA, CPS, City Colleges, Park District, Metropolitan Pier & Exposition Authority, and RTA, in March 2025.

### **Education**

#### **Mandatory Online Training**

All but 205 employees and officials completed their 2024 online mandatory ethics training before the January 1, 2025 deadline. After sending out probable cause letters, we determined that 157 of them violated the law, and fined 40 of them. Their names and fines were made public on the Board's website, as required by law. By law, fines are set at \$250 per day until they complete their training. At this writing, two (2) still have yet to complete their training.

In February or March we will release all-new trainings for City officials, employees, and lobbyists—three (3) in total.

#### **Mandatory In-person Classes and other presentations**

In-person classes began again in May 2024 for those City officials and employees required to attend them once every four years (about 3,000). To date, approximately 2,290 City employees and employees have attended.

We will restart these in-person classes again in March 2025 for the remaining individuals required to attend them.

### **Advisory Opinions**

Since the Board's January 13 meeting, we have issued 213 informal advisory opinions. The leading categories for informal opinions were, in descending order: Gifts; Travel; Lobbying; Statements of Financial Interests; City Property; Outside employment; Post-employment; and Campaign Financing.

The leading City departments from which requesters came in this period were, in descending order: City Council; Chicago Police Department/Civilian Office of Police Accountability (COPA)/Community Commission for Public Safety and Accountability (CCPSA); Department of Public Health; Mayor's Office; Office of Inspector General; Department of Finance; and Department of Technology and Innovation.

70% of all inquiries came from City employees or elected officials; the remainder came from attorneys, vendors, lobbyists or potential lobbyists.

Please note also that we continue to receive large numbers of complaints from members of the public: since the last Board meeting, we have received nine (9).

Informal opinions are confidential and not made public, but are logged, kept, and used for training and future advisory purposes. This same practice occurs with our colleagues at the New York City Conflicts of Interest Board, who issue roughly the same number of informal opinions. They form the basis for much of our annual and periodic educational programs. Formal opinions are made public, in full text, with names and other identifying information redacted out. In the past five (5) years, the Board has issued 70 formal opinions.

### **Summary Index of Formal Advisory Opinions/Text of all Formal Advisory Opinions**

The full text of every formal Board opinion issued since 1986 is posted on the Board's website (more than 922), redacted in accordance with the Ordinance's confidentiality provisions, here:

[https://www.chicago.gov/city/en/depts/ethics/auto\\_generated/reg\\_archives.html](https://www.chicago.gov/city/en/depts/ethics/auto_generated/reg_archives.html).

Redacted formal opinions are posted once issued or approved by the Board. Summaries and keywords for each of these opinions—and a link to each opinion's text, which we added since the August Board meeting--are available on the Board's searchable index of opinions, here:

<https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/AOindex.docx>.

A few other ethics agencies have comparable research tools. We are unaware of jurisdictions that make their *informal* opinions public — though, like us, others issue them confidentially and enable requesters to rely on them in the event of an investigation or enforcement.

### **Lobbyists Filings**

At the end of 2024, 862 individuals were registered as lobbyists, and we collected \$401,875 in 2024 registration fees.

There are currently 654 lobbyists duly registered and in good standing for 2025. We have to date collected \$260,900 in 2025 registration fees.

All 862 lobbyists registered as of December 31, 2024 were required, on or before January 21, 2025, to either re-register for 2025 or terminate, and file Q4 activity reports. As required by law, we notified 206 lobbyists via certified and first class mail of their failure to re-register or terminate, or to file activity reports, by that date. As of this writing, all but 117 have re-registered or terminated, and 31 have not filed their activity reports as required. Fines of \$250 per day begin on February 8 for those who have not by then filed activity reports, and on February 19 for those who have failed by then to re-register or terminate. By law, all these fines are capped at \$20,000 per violation. We will make public the names of any individuals found to have violated the Ordinance, and their fines.

Note that, in contrast, the Ordinance provides fines of \$1,000 per day for any individual who has reached either the quarterly hourly or compensation/expenditure threshold, but then fails to register as required within five (5) City business days of reaching that threshold. Fines begin on the sixth City business day until the person registers. These fines are not capped.

We posted a current list of registered lobbyists and their clients here:

<https://www.chicago.gov/content/dam/city/depts/ethics/general/LobbyistStuff/LISTS/lobbyistlist.xls>

Lobbyists' filings dating back to 2014 can be examined here: [https://webapps1.chicago.gov/elf/public\\_search.html](https://webapps1.chicago.gov/elf/public_search.html).

### **Mayoral Gifts**

Staff has been working closely with the Law Department and Office of the Mayor on a protocol for reporting gifts accepted on behalf of the City by the Mayor/Office of the Mayor. Beginning this week, such gifts will be reported weekly to the Board, and made public on our website here: <https://www.chicago.gov/city/en/depts/ethics/provdrs/reg/svcs/REQ->

[20201.html](#). The Mayor's Office will also report events or meetings where he accepts reasonable hosting, and where the Mayor accepts travel expenses from a third party, and these also will be made public on the same page on our website.

### **Waivers**

Since July 1, 2013, the Board has had authority to grant waivers from certain provisions in the Ethics Ordinance. The Board has granted eleven (11) and denied three (3) waiver requests. In accordance with the law, all granted waivers are posted here: [https://www.chicago.gov/city/en/depts/ethics/supp\\_info/Waivers.html](https://www.chicago.gov/city/en/depts/ethics/supp_info/Waivers.html).

### **Summary Index of Board-Initiated Regulatory Actions/Adjudications/pre-2013 Investigations**

We post a summary index of all investigations, enforcement and regulatory actions undertaken by the Board since its inception in 1986 (other than those for violations of filing or training requirements or campaign financing matters). It includes an ongoing summary of all regulatory actions the Board undertook without an IG investigation, based on probable cause findings the Board makes as a result of its review of publicly available information, where no factual investigation by the IG is necessary. *See*

<https://www.chicago.gov/content/dam/city/depts/ethics/general/EnforcementMatters/Invest-Index.pdf>

There are no such matters currently pending.

The Board makes public the names of all violators and penalties it assesses when authorized by law to do so. But only in those that occurred after July 1, 2013, can the Board release the names of those found to have violated the Ordinance. Since July 1, 2013, there have been nearly 90 such matters.

### **Summary Index of Ongoing/Past IG/LIG Investigations/Adjudications**

There are currently nine (9) completed IG ethics investigations in various stages of the adjudicative process. More information on these cases is posted here:

<https://www.chicago.gov/city/en/depts/ethics/provdrs/reg/svcs/ongoing-summary-of-enforcement-matters.html>.

In the first, 23045.IG, is a confidential administrative hearing pursuant to §2-156-392 has been underway. The City is represented by the law firm Hinshaw & Culbertson, and the matter is before ALJ Frank Lombardo. The Board is pursuing a \$20,000 fine.

In the second and third, 23054.IG and 23055.IG, the Board found probable cause at its November 2023 meeting. The Board met in February with the subject's attorney. After that meeting, the Board requested further clarification from the IG, received that clarification, and presented it to the subject's counsel. The Board found 12 violations in 23054.IG and voted to pursue a \$60,000 fine (at its April 2024 meeting). In 23055.IG, at its May 2024 meeting the Board found two (2) violations, and voted to pursue the maximum penalty of \$5,000 per violation. The subject made offers to settle both matters, which the Board rejected. At its June meeting, the Board voted to proceed with a confidential administrative hearing on both matters. The City is represented by Anthony Masciopinto, from the firm of Kulwin, Masciopinto and Kulwin. ALJ Frank Lombardo has been assigned to both matters.

In the fourth, 23067.IG.1, .2,.3, and .4, the IG delivered its completed investigation to the Board on December 30, 2023. The matter involves four (4) employees from the same City department (one of whom is now retired). The IG concluded that one of them had a prohibited financial interest in City contracts, and that two of the others knew of this violation but failed to report it to the IG as required by §2-156-018(a). At its January 2024 meeting, the Board voted to refer the matter back to the IG, because the evidence adduced in the IG's investigation appears to show that the *fourth* employee from the same department also violated §2-156-018(a) by failing to report the violation to the IG. The Board requested that the IG review its investigation, and if appropriate, petition the Board for a probable cause finding with respect to that fourth employee. The IG reviewed the matter and then petitioned the Board for a probable cause finding with respect to all four (4) employees; the Board found probable cause as to each subject. One (1) met with the Board in June 2024, another in July 2024; and a third in September 2024. At the Board's October 21, 2024 meeting, it found all four (4) individuals in violation of the Ordinance and assessed a total of \$28,500 in fines. Two (2) agreed to pay their fines (in case .01 and .03). The agreement in .01 is posted on our website, and the agreement in .03 is before the Board for approval at today's meeting. If approved, it will also be posted on our website. The Board referred cases .02 and .04 to the Law Department for confidential administrative hearings to collect the fines assessed. ALJ Frank Lombardo has been assigned to hear these matters.

In the fifth, 24003.IG, the IG delivered its completed investigation to the Board on February 2, 2024. The matter involves an investigation into the deletion of comments from an elected official's official social media account. The Board requested and received clarification from the IG on certain factual issues; at its May 2024 meeting the Board voted to seek further clarification from the IG based on the factors set out by the U.S. Supreme Court in *Lindke v. Freed*: [https://www.supremecourt.gov/opinions/23pdf/22-611\\_ap6c.pdf](https://www.supremecourt.gov/opinions/23pdf/22-611_ap6c.pdf). The IG responded, and the matter has been continued, pending guidance from the federal courts regarding the interpretation of *Lindke*.

In the sixth, Case No. 24018.IG, a completed investigation was delivered to the Board on August 8, 2024. The IG concluded that an elected official from a non-City jurisdiction lobbied the City, in violation of the "cross-lobbying" ban, §2-156-309 of the Ordinance. At its September meeting, the Board voted to refer the matter back to the IG for further investigation, and the IG responded in November. The Board found probable cause at its January meeting. The subject has indicated through counsel that they will meet with the Board at its March meeting to attempt to rebut the Board's probable cause finding.

In the seventh, Case 24020.IG, a completed investigation was delivered to the Board on August 27, 2024. The IG concluded that a now-former City employee failed to disclose, on Statements of Financial Interests filed for years 2019-2021, that they had a financial interest in real estate located in the City in four (4) instances. The subject never responded to the Board's repeated notices, first of its probable cause finding; then of its finding that the subject violated the Ordinance and is subject to \$12,000 in fines—the maximum fines for these years—until January 13, after the Board had voted to refer the matter to the Law Department for a confidential hearing to enforce its determination. ALJ Frank Lombardo has been assigned to the matter.

In the eighth, Case No. 24025.IG, a completed investigation was delivered to the Board on December 2. The IG concluded that a City official misused their City title and authority in a dispute with a private business. The Board voted to refer the matter back to the IG for further investigation.

In the ninth, Case No. 24027.IG, the IG delivered a completed investigation to the Board on December 23, 2024, with a request that the Board find probable cause. It involves an employee who owns a company that was a listed subcontract on a City contract, in apparent violation of the Ordinance's prohibition on having a financial interest in a City contract, work or business, and the subject's failure to disclose ownership of that company on their filed Statements of Financial Interests. The matter is on today's agenda for the Board to consider a probable cause finding.

More complete summaries of these and all IG cases are available on our website, subject to the Ordinance's confidentiality requirements. We post on our website and continually update an ongoing investigative record showing the status of every completed investigation brought to the Board by both the IG since July 1, 2013, and the former Office of the Legislative Inspector General ("LIG"), since January 1, 2012, and the status of all 50 petitions to commence investigations presented to the Board by the LIG. We update this record as appropriate, consistent with the Ordinance's confidentiality provisions. See <https://www.chicago.gov/city/en/depts/ethics/provdrs/reg/svcs/ongoing-summary-of-enforcement-matters.html> and <https://www.chicago.gov/content/dam/city/depts/ethics/general/EnforcementMatters/PulbicScorecard.pdf>

Whenever the IG presents the Board with a completed ethics investigation in which the IG believes there have been violations of the Governmental Ethics Ordinance, the procedure that follows is governed by §2-156-385 of the Ordinance: the Board reviews the IG's report, recommendations, and the entirety of the evidence submitted in its completed investigation, including a review to ensure that the IG conformed with the requirement that it complete ethics investigations within two (2) years of commencing them (unless there is evidence that the subject took affirmative action to conceal evidence or delay the investigation), and that the ethics investigation was commenced within five (5) years of the last alleged act of misconduct.

If the Board finds that the evidence presented warrants a finding of probable cause to believe the subject violated the Ordinance, it notifies the subject of the allegations and affords the subject the opportunity to present written submissions and meet with the Board, together with an attorney or other representative present. The Ordinance provides that this meeting is *ex parte* – no one from the City's Law Department or IG is present. Note that the Board may also request clarification from the IG as to any evidence found in its investigation before making a probable cause finding, or refer the matter back to the IG for further investigation (and has done so). The Board cannot administer oaths at this meeting

but can and does assess the subject's credibility and the validity and weight of any evidence the subject provides.

If the subject does not rebut the Board's probable cause finding, the Board may enter into a public settlement agreement – or may find there was a violation and proceed to a hearing on the merits that is not open to the public. That hearing is held before an administrative law judge (ALJ) appointed by the Department of Administrative Hearings. The City would be represented by the Law Department (or a specially hired Assistant Corporation Counsel for that purpose), and the subject by their attorney. At the conclusion of that hearing, the ALJ submits findings of fact and law to the Board, which can accept or reject them, based solely on the written record of the hearing. The Board will then publicly issue an opinion in which it may find violations of the Ethics Ordinance and impose appropriate fines, or find no violation and dismiss the matter.

These processes are based on specific recommendations of then-Mayor Emanuel's Ethics Reform Task Force in Part II of its 2012 Report—the primary purposes being to: (i) guarantee due process for all those investigated by the IG; (ii) ensure that only the Board of Ethics could make determinations as to whether a person investigated by the IG violated the Ordinance, given the Board's extensive jurisprudence and unique expertise in ethics matters; and (iii) balance due process for those investigated by the IG with an accurate adjudication by the Board and the public's right to know of ethics violations.

On our website, we have a publication describing this process in detail:

<https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/EnforceProcedures.pdf>

Note: fines range from \$500-\$2,000 per violation for non-lobbying or non-campaign financing violations that occurred before September 29, 2019, and \$1,000-\$5,000 per violation for such violations occurring between September 29, 2019, and September 30, 2022. For violations occurring on or after October 1, 2022, the fine range is between \$500 and \$20,000 per violation, and the Board may also assess a fine equal to any ill-gotten financial gains as a result of any Ordinance violation. Fines for unregistered lobbying violations remain at \$1,000 per day beginning on the fifth day after the individual first engaged in lobbying and continuing until the individual registers as a lobbyist.

Please note, finally, that, in all matters adjudicated or settled on or after July 1, 2013, the Board makes public the names of all violators and penalties assessed, or a complete copy of the settlement agreement. All settlement agreements are posted here: <https://www.chicago.gov/city/en/depts/ethics/provdrs/reg/svcs/SettlementAgreements.html>

### **Disclosures of Past Violations**

July 2013 amendments to the Ordinance provide that, when a person seeks advice from the Board about past conduct and discloses to the Board facts leading it to conclude that they committed a past violation of the Ordinance, the Board must determine whether that violation was minor or non-minor. If it is minor, the Board, by law, sends the person a confidential letter of admonition. If it was non-minor, then, under current law, the person is advised that they may self-report to the IG or, if he or she fails to do so within two (2) weeks, the Board must make that report. In 12 matters, the Board has determined that minor violations occurred, and the Board sent confidential letters of admonition, as required by the Ordinance. These letters are posted on the Board's website, with confidential information redacted.

### **Open Meetings Act/FOIA Challenges**

The Board is currently involved in six (5) challenges filed with the Illinois Attorney General by the same person. These challenges request:

- (1) a review of the propriety of adjourning into executive session during the Board's September 11, 2023 meeting under the Open Meetings Act ("OMA");
- (2) A review of the propriety of adjourning into executive session during the Board's August 14 and September 11, 2023 meetings under OMA;
- (3) A review of the propriety of adjourning into executive session during the Board's July 18, 2022 meeting under OMA;
- (4) A review of the Board not producing certain records pursuant to FOIA;

(5) A review of the propriety of the Board's method of taking final action at its April 15, 2024 and May 13, 2024 meetings.

(6) A review of the Board's proceedings in both Open and Executive Session as to Case No. 24019.Q, at its September 30, 2024 meeting.

The Board has worked with the Law Department and responded to each.

In addition, on March 8, a seventh challenge was filed with the Illinois Attorney General's PAC by a citizen, alleging that the Board violated the FOIA because it had no responsive document of instructions to persons assessed a fine by the Board as to how they should pay that fine. That challenge was dismissed by the PAC.

### **Freedom of Information Act**

Since the January 13 Board meeting, the Board has received five (5) FOIA requests:

The first was for any "unwritten agreement" between the Board and Office of the Mayor regarding gift disclosures. The Board advised the requestor that it has no responsive documents.

The second was for a complete listing of names of individuals who were fined for failing to complete Statements of Financial Interests, but did not specify any years. The Board identified it as burdensome.

The third was for a list of individuals fined for failing to timely file Statements of Financial Interests in 2024. The requestor did not provide an email address to which to respond. The Board will comply when it can.

The fourth was for the Board's FOIA logs from 2022, 2023, and 2024, and they were provided. This was part of a City-wide request.

The fifth was for any lobbying records for named personnel from the Chicago Fire Department, and for any Statements of Financial Interests they filed. The Board responded that it has no responsive lobbying records (City employees are prohibited from being lobbyists), and provided the requestor with the appropriate links to online Statements of Financial Interests.