



CITY OF CHICAGO

★
BOARD OF ETHICS

CASE NO. 24014.W
WAIVER FROM THE CITY'S POST-EMPLOYMENT RESTRICTIONS

At its July 15, 2024 meeting, the Board voted unanimously to grant a waiver¹ from the Governmental Ethics Ordinance's (Ordinance) post-employment restrictions on assistance or representing and lobbying² to Juan Sebastian Arias, a former City employee.

In accordance with §2-156-402(b) of the Ordinance, the following is a summary of the granted waiver.³

¹ **§2-156-402. Waivers.**

(a) When requested by a city official or employee, the Board may grant a waiver from compliance with any of the following ...

(4) The restrictions pertaining to matters related to a city official's or employee's immediate former employer or client as provided in Section 2-156-111 (d).

² **2-156-100. Post-employment restrictions on assistance and representation.**

(a) No former official or employee shall assist or represent any person other than the city in any judicial or administrative proceeding involving the city or any of its agencies, if the official or employee was counsel of record or participated personally and substantially in the proceeding during his term of office or employment.

(b) 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.

2-156-105(a) Post-employment restrictions on lobbying.

(a) Any person who serves as (i) a non-clerical employee of the Office of the Mayor ... shall be prohibited from lobbying the City of Chicago or any City department, board or other City agency for a period of two years after leaving that position.

³ **Board of Ethics Rule 9**, entitled **Waivers**, states:

(1) Pursuant to §2-156-402 of the Ordinance, the Board may grant any current or former City employee or official waiver from compliance with respect to the following provisions of the Ordinance: (i) §2-156-142(a) (gifts) to the extent the waivers apply to material or travel expense for meetings; (ii) §§2-156-100 and 2-156-105 (post-employment restrictions); (iii) §2-156-110 (financial interest in City business); and (iv) §2-156-111(d) (the reverse revolving door restrictions) as to matters related to a city official's or employee's immediate former employer or client.

(2) In order for the Board to grant a waiver, a current or former city employee or official must request it in writing. The request must include: (i) the name of the requestor; (ii) the requestor's agency and where the requestor works; (iii) the requestor's title; (iv) the requestor's responsibilities; (v) a detailed description of the situation; and (vi) permission for the Board or its staff to communicate with third parties as necessary and appropriate for the Board to determine whether to grant or deny the waiver.

(3) The Board may grant a waiver with conditions, restrictions or limitations, including that the waiver may be withdrawn or modified upon contingencies set forth in the waiver grant from the Board.

On June 14, 2024, Juan Sebastain Arias, formerly the First Deputy Commissioner for Policy in the Mayor's Office, contacted the Board to discuss a possible waiver from the Ordinance's post-employment restrictions referenced above so that he could work on the City's "Equitable Transit-Oriented Development" ("ETOD") Plan in his new job as the Executive Director of Elevated Chicago.⁴ The Plan is an effort to advance affordable housing, services, use of vacant land, and access to arts and culture near public transit.

Mr. Arias worked in the Mayor's Office, first as a Deputy Director of Policy and then as the First Deputy Director for Policy from July 2020 until November 13, 2023. While with the Mayor's Office, as well as before he began his employment with the Mayor's Office, Mr. Arias had been involved in the early stages of the ETOD Plan as far back as 2018.

The Board granted the requested waiver as it applies to Mr. Arias's work on the ETOD Plan because: (i) Elevated Chicago's work on the Plan is inherently aligned with the best interests of the City; (ii) Mr. Arias will not personally profit from a waiver; and (iii) the expertise and experience Mr. Arias brings to the Plan are unique, and the City and its residents will thus significantly benefit from his continued work on the Plan.

(4) The waiver itself, if granted, shall be made public in a manner prescribed by the Board. However, the request and any information or documents related to the request or the Board's determination shall not be made public and shall be and remain subject to the Ordinance's and Board's rules on confidentiality.

(5) If the waiver request discloses a past or existing violation of the Ordinance that is not minor, the Board shall share that information with the appropriate investigating authority pursuant to Rule 3-11. 1 See Miss. Code Ann. §5-8-17 and Illinois Administrative Code Title 2, Subtitle C, c. III, §560.390 (b). 29 (6) Upon receiving the waiver request, obtaining all necessary additional information, and considering the request, the Executive Director shall recommend that the Board grant or deny a complete or limited written waiver to the city employee or official. The Executive Director shall retain a copy of the grant or denial in the Board's files; report on the matter to the Board pursuant to the Open Meetings Act; and make the waiver public in a manner prescribed by the Board.

(6) Upon receiving the waiver request, obtaining all necessary additional information, and considering the request, the Executive Director shall recommend that the Board grant or deny a complete or limited written waiver to the city employee or official. The Executive Director shall retain a copy of the grant or denial in the Board's files; report on the matter to the Board pursuant to the Open Meetings Act; and make the waiver public in a manner prescribed by the Board.

⁴ See <https://elevatedchicago.org/>