

**TONI PRECKWINKLE**  
PRESIDENT, COOK COUNTY  
BOARD OF COMMISSIONERS

**RANJIT HAKIM**  
EXECUTIVE DIRECTOR



**BOARD OF ETHICS MEMBERS**  
PEGGY DALEY  
DAVID GROSSMAN  
JULIET SORENSEN  
THOMAS SZROMBA

**COOK COUNTY BOARD OF ETHICS**  
69 W. WASHINGTON STREET, SUITE 3040  
CHICAGO, ILLINOIS 60602  
312/603-4304 OFFICE  
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**OPEN SESSION MINUTES – REGULAR MEETING**  
**June 22, 2016**

**OPEN SESSION:**

**A. Call to Order:**

The June 22, 2016 Regular Meeting of the Cook County Board of Ethics (“Board”) was called to order at 10:09 a.m.

Board members present: David Grossman, Juliet Sorensen and Thomas Szromba.

Board members absent: Margaret Daley.

Staff members present: Executive Director Ranjit Hakim, Deputy Director Amy Crawford, Investigator Alexis Serio and Legal Extern Kurt Naro.

Others: None.

A motion was made and adopted by unanimous voice vote for Board member Grossman to serve as Chair Pro Tem in the absence of Chairperson Daley.

**B. Agenda Approval:**

A motion to approve the Agenda was made and adopted by unanimous voice vote. A motion was made and adopted by unanimous voice vote to take the Executive Director’s Report out of order.

**C. Executive Director’s Report:**

Mr. Hakim introduced Alexis Serio as the senior ethics investigator, hired into the Department after a competitive application process on June 13, 2016.

Mr. Hakim indicated that the staff continues to be interested in recruiting a fifth appointee to the Board of Ethics and continues to welcome recommendations for qualified candidates.

Mr. Hakim reviewed April and May performance statistics for the Board of Ethics, including the completion of 3,267 audits resulting in 11 notices of violation and the generation of additional investigative leads. Ms. Crawford has partially automated the staff's audit work around campaign contributions, improving accuracy and reducing time to completion. Freed time resources will be reinvested into other audit and investigative activities. In addition to compliance programming, the staff trained 409 County employees, officials, vendors and lobbyists via online and in-person training platforms and responded to 44 ethics inquiries in, on average, 1.93 days. These advisory services led to the issuance of two formal advisory opinions.

**D. Approval of Open Session Minutes of the April 19, 2016 Regular Meeting:**

Minutes of the Open Session of the Board's April 19, 2016 Meeting were approved by unanimous voice vote.

**E. Proposed Amendments to the Procedural Rules:**

Ms. Crawford presented a series of proposed revisions to the Cook County Board of Ethics Rules and Regulations. Each member received a copy of the proposed revisions (attached as Exhibit A) and engaged in an open discussion of each proposed revision.

At the suggestion of the Board, Mr. Hakim withdrew proposed revision #3 and advised that he would resubmit revised amendments for the Board's consideration at its next meeting.

A motion was made and approved by a unanimous voice vote to adopt the following proposed revisions:

- Proposal 1: Update references to the Ethics Ordinance to current codification in the municipal code.
- Proposal 2: Rulemaking to clarify the Board's practice with respect to the issuance of advisory opinions (*e.g.*, clarifying that the Board can still issue an advisory opinion after the withdraw of a request for opinion; clarifying that the Board can issue advisory opinions with respect to the Lobbying Ordinance; discontinuing an OMA-suspect practice with respect to the adoption of advisory opinions; clarifying that staff advisory opinions do not bind the Board; and allowing a waiver of copying fees for electronic copies of Advisory Opinions).

At 10:58 a.m., the Board voted (3-0) to adjourn into Executive Session to discuss matters regarding specific employees, hearings before a quasi-adjudicative body, public litigation, and approval of minutes for prior closed sessions, citing to the Open Meeting Act Sections 2(c)(1), (4), (11) and (21).

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At 11:35 a.m., the Board voted (3-0) to reconvene into Open Session.

**OPEN SESSION:**

**A. Approval of Closed Session Minutes of the April 19, 2016 Regular Meeting:**

Minutes of the Closed Session of the Board's April 19, 2016 Meeting were approved by unanimous voice vote.

**B. Voting Regarding Executive Session Items:**

The Board voted unanimously to approve the request of the staff to open Investigations 16 I 07.

The Board voted unanimously to approve the request of the staff to open Investigations 16 I 08.

The Board voted unanimously to approve the request of the staff to close Investigations 16 I 02.

The Board voted unanimously to approve the request of the staff to close Investigations 16 I 03.

**C. Adjourn:**

The Board voted unanimously to adjourn at 11:36 a.m.

Minutes Submitted by Legal Extern Kurt Naro

# EXHIBIT A



## **Proposed Revisions of the Cook County Board of Ethics Rules and Regulations**

Proposal 1: Update references to the Ethics Ordinance to current codification in the municipal code and remove duplicative definitions.

*Existing rules:*

### Section 1.1 Introduction

The Cook County Board of Ethics was established by Article IV, Section 4.1 of the Cook County Ethics Ordinance Number 93-0-29, enacted September 1, 1993. The Board is charged with enforcing and implementing the provisions of the Ethics Ordinance.

### Section 1.2 Rulemaking Authority

Pursuant to Article IV, Section 4.1(l), the Board is empowered to promulgate rules for the conduct of its activities, including procedural rules consistent with the requirements of due process of law.

### Section 2.1 General Definitions

The following terms shall have the following meanings:

- (A) “ADVISORY OPINION” means a written opinion rendered by the Board, pursuant to Article IV, Section 4.1(j) of the Ethics Ordinance, concerning any subject covered by the Ethics Ordinance.
- (B) “BOARD” means the Cook County Board of Ethics as established by Article IV, Section 4.1 of the Ethics Ordinance.
- (C) “CHAIR” means the Chairperson of the Board.
- (D) “COUNTY” means the County of Cook and all government agencies of the County of Cook.
- (E) “ELECTED OFFICIAL” means any elected Cook County official.
- (F) “EMPLOYEE” means a person employed by the County whether part-time or full-time or by a contract of employment. Employee shall include persons employed by County Officers as referenced in Article VII, Section 4 (County Officers) of the Constitution of the State of Illinois. Employee shall not include judges of election.
- (G) “ETHICS ORDINANCE” means Cook County Ethics Ordinance 93-0-29 adopted September 1, 1993, as amended.

- (H) “EXECUTIVE DIRECTOR” means that person appointed by the President pursuant to Article IV, Section 4.1(a) of the Ethics Ordinance, who shall supervise the Staff and coordinate all administrative functions of the Board of Ethics, and who shall carry out such duties as set forth in the Ethics Ordinance, these rules and as designated by the Board.
- (I) “HEARING” means any hearing commenced by the Board for additional fact finding as part of an investigation of an alleged violation of the Ethics Ordinance.
- (J) “HEARING OFFICER” means an attorney duly licensed to practice law in the State of Illinois and assigned by the Board to conduct hearings on behalf of the Board.
- (K) “INVESTIGATION” means any inquiry into an allegation or a complaint of violation of the Ethics Ordinance.
- (L) “OFFICIAL” means any elected Cook County official or appointed, non-employee member of any agency of Cook County.
- (M) “PERSON” means, but is not limited to, 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.
- (N) “PRESIDENT” means the President of the Cook County Board of Commissioners.
- (O) “RESPONDENT” means any person who is the subject of an investigation before the Board.
- (P) “STAFF” means those persons who shall perform investigative, clerical, administrative or other duties as described and required by the Board through the Executive Director.
- (Q) “VIOLATION” means one or more acts prohibited by the Ethics Ordinance.

Any further definitions for the terms used in these rules may be found in Article I of the Ethics Ordinance and are incorporated herein by reference and made a part hereof.

*New rules:*

Section 1.1 Introduction

The Cook County Board of Ethics was established by ~~Article IV, Section 4.1 of the~~ Cook County Ethics Ordinance Number 93-0-29, enacted September 1, 1993. The Board is charged with enforcing and implementing the provisions of the Ethics Ordinance.

Section 1.2 Rulemaking Authority

Pursuant to ~~Article IV, Section 4.1(j)~~Section 2-591(12), the Board is empowered to promulgate rules for the conduct of its activities, including procedural rules consistent with the requirements of due process of law.

Section 2.1 General Definitions

The following terms shall have the following meanings:

- (A) “ADVISORY OPINION” means a written opinion rendered by the Board, pursuant to ~~Article IV, Section 4.1(j)~~Section 2-591(10) of the Ethics Ordinance, concerning any subject covered by the Ethics Ordinance.
- (B) “BOARD” means the Cook County Board of Ethics as established by ~~Article IV, Section 4.1~~Section 2-591 of the Ethics Ordinance.
- (D) “CHAIR” means the Chairperson of the Board.
- (D) ~~“COUNTY” means the County of Cook and all government agencies of the County of Cook.~~
- ~~(E)~~—“ELECTED OFFICIAL” means any elected Cook County official.
- (F) ~~“EMPLOYEE” means a person employed by the County whether part time or full time or by a contract of employment. Employee shall include persons employed by County Officers as referenced in Article VII, Section 4 (County Officers) of the Constitution of the State of Illinois. Employee shall not include judges of election.~~
- (H) “ETHICS ORDINANCE” means Cook County Ethics Ordinance 93-0-29 adopted September 1, 1993, as amended.
- (H) “EXECUTIVE DIRECTOR” means that person appointed by the President pursuant to ~~Article IV, Section 2-591(1)~~4.1(a) of the Ethics Ordinance, who shall

supervise the Staff and coordinate all administrative functions of the Board of Ethics, and who shall carry out such duties as set forth in the Ethics Ordinance, these rules and as designated by the Board.

- (I) “HEARING” means any hearing commenced by the Board for additional fact finding as part of an investigation of an alleged violation of the Ethics Ordinance.
- (J) “HEARING OFFICER” means an attorney duly licensed to practice law in the State of Illinois and assigned by the Board to conduct hearings on behalf of the Board.
- (K) “INVESTIGATION” means any formal fact-finding process conducted by the Board of Ethics inquiry into an allegation or a complaint of violation of the Ethics Ordinance, pursuant to the procedures set forth in Section 5.1, et seq., of these Rules.
- (L) ~~“OFFICIAL” means any elected Cook County official or appointed, non-employee member of any agency of Cook County.~~
- (M) ~~“PERSON” means, but is not limited to, 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.~~
- (N) ~~“PRESIDENT” means the President of the Cook County Board of Commissioners.~~
- (O) “RESPONDENT” means any person who is the subject of an investigation before the Board.
- (P) “STAFF” means those persons who shall perform investigative, clerical, administrative or other duties as described and required by the Board through the Executive Director.
- (Q) “VIOLATION” means one or more acts prohibited by the Ethics Ordinance.

~~Any further d~~Definitions for other terms used in these rules may be found in Article I Section 2-561 of the Ethics Ordinance, which is and are incorporated herein by reference and made a part hereof.

Proposal 2: Rulemaking to clarify the Board’s practice with respect to the issuance of advisory opinions (clarifying that the Board can still issue an advisory opinion after the withdraw of a request for opinion; clarifying that the Board can issue advisory opinions with respect to the Lobbying Ordinance; discontinuing an OMA-suspect practice with respect to the adoption of advisory opinions; clarifying that staff advisory opinions do not bind the Board; and allowing a waiver of copying fees for electronic copies of Advisory Opinions).

*Existing rules:*

Section 4.4 Withdrawal of Requests for Advisory Opinions

A person requesting an Advisory Opinion may withdraw such a request at any time. Such a withdrawal, however, in no way affects the Board’s power to continue its own inquiry into the activities in question.

Section 4.5 Form of Request for Advisory Opinions

To receive an Advisory Opinion from the Board, a request must:

- (A) be from a person authorized to make such a request as set forth in Section 4.2;
- (B) contain a clear statement of facts or hypothetical circumstances in sufficient detail to aid in the formation of an Advisory Opinion; and
- (C) concern the application of the Ethics Ordinance.

The initiating request for an Advisory Opinion may be submitted to the Board either in writing or by telephone. However, in the case of a request by telephone, no Advisory Opinion can be rendered until the request and the statement of facts or hypothetical circumstances have been confirmed in writing by the person requesting the Advisory Opinion.

Section 4.8 Adoption of Advisory Opinions

A quorum of the Board will consider a draft Advisory Opinion and the evidence upon which it is based in a timely fashion. The draft Advisory Opinion will be adopted if approved by a majority of a quorum of the Board at a regular or special meeting of the Board or, if necessary for reasons of timeliness, by a majority of the full membership of the Board as determined by a poll taken by Staff between meetings. Upon adoption by the Board, the Advisory Opinion shall be issued bearing the date, case number and signature of the Chair. The Advisory Opinion shall include notice of the right to request reconsideration of the Advisory Opinion in accordance with the provisions of these rules. A copy of the Advisory

Opinion shall be sent to the person who requested the Advisory Opinion, and to the subject of the Advisory Opinion, if different.

Section 4.11 Reliance on Advisory Opinions

- (A) An Advisory Opinion rendered by the Board may be relied upon by
  - (1) any person involved in the specific transaction or activity with respect to which such Advisory Opinion is rendered; and
  - (2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such Advisory Opinion is rendered.
- (B) Any person who relies without Board approval on an Advisory Opinion under the circumstances other than those set forth above risks a possible violation of the Ethics Ordinance.

Section 4.12 Access to Advisory Opinions

- (A) Advisory Opinions shall be made available to the public, during regular business hours of the office of the Board, 9:00 a.m. - 4:00 p.m. Monday through Friday, provided that the confidentiality requirements of the Ethics Ordinance are observed.
- (B) Every Advisory Opinion adopted in accordance with the provisions of Section 4.8 above shall be deemed a public record of the Board and subject to the requirements of the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., as amended.
- (C) Any person may obtain copies of Advisory Opinions from the Board upon request at a cost of 25¢ per page. The cost of copies shall be paid before the person making the request may receive the copies.

*New rule:*

Section 4.4 Withdrawal of Requests for Advisory Opinions

A person requesting an Advisory Opinion may withdraw such a request at any time. Such a withdrawal, however, in no way affects the Board's power to continue its own inquiry into the activities in question or issue an advisory opinion if it deems that Board guidance on the issue may be useful to individuals governed by the Ethics Ordinance.

Section 4.5 Form of Request for Advisory Opinions

To receive an Advisory Opinion from the Board, a request must:

- (A) be from a person authorized to make such a request as set forth in Section 4.2;
- (B) contain a clear statement of facts or hypothetical circumstances in sufficient detail to aid in the formation of an Advisory Opinion; and
- (C) concern the application of the Ethics Ordinance, the Cook County Lobbyist Registration Ordinance, or any other ordinance that the Board enforces.

The initiating request for an Advisory Opinion may be submitted to the Board either in writing or by telephone. However, in the case of a request by telephone, no Advisory Opinion can be rendered until the request and the statement of facts or hypothetical circumstances have been confirmed in writing by the person requesting the Advisory Opinion.

Section 4.8 Adoption of Advisory Opinions

A quorum of the Board will consider a draft Advisory Opinion and the evidence upon which it is based in a timely fashion. The draft Advisory Opinion will be adopted if approved by a majority of a quorum of the Board at a regular or special meeting of the Board ~~or, if necessary for reasons of timeliness, by a majority of the full membership of the Board as determined by a poll taken by Staff between meetings.~~ Upon adoption by the Board, the Advisory Opinion shall be issued bearing the date, case number and signature of the Chair. The Advisory Opinion shall include notice of the right to request reconsideration of the Advisory Opinion in accordance with the provisions of these rules. A copy of the Advisory Opinion shall be sent to the person who requested the Advisory Opinion, and to the subject of the Advisory Opinion, if different.

Section 4.11 Reliance on Advisory Opinions

- (A) An Advisory Opinion rendered by the Board may be relied upon by
  - (1) any person involved in the specific transaction or activity with respect to which such Advisory Opinion is rendered; and
  - (2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such Advisory Opinion is rendered.
- (B) Any person who relies without Board approval on an Advisory Opinion under the circumstances other than those set forth above risks a possible violation of the Ethics Ordinance.
- (C) An Advisory Opinion rendered by the Staff pursuant to Sections 4.3 and/or 9.6 of these rules does not constrain the discretion of the Board with respect to the exercise of its authority.

Section 4.12 Access to Advisory Opinions

- (A) Advisory Opinions shall be made available to the public, during regular business hours of the office of the Board, 9:00 a.m. - 4:00 p.m. Monday through Friday, provided that the confidentiality requirements of the Ethics Ordinance are observed.
- (C) Every Advisory Opinion adopted in accordance with the provisions of Section 4.8 above shall be deemed a public record of the Board and subject to the requirements of the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., as amended.
- (C) Any person may obtain copies of Advisory Opinions from the Board upon request at a cost of 25¢ per page. The cost of copies shall be paid before the person making the request may receive the copies. The Staff, in its discretion, may waive this fee when providing electronic copies of Advisory Opinions.

Proposal 3: Clarification and revision of ethics investigation process (reordering investigative rules to follow a chronological process; incorporation of investigative inquiries; clarification of subpoena rules).

*Existing rules:*

SECTION 5 INVESTIGATIONS

Section 5.1 Request for Investigation

Consistent with Sec. 2-591(7) of the Ethics Ordinance, the Board shall receive all complaints of violations of the Ethics Ordinance, including anonymous complaints, for the purpose of investigation by the Executive Director, subject to determination by the Board that the allegations are of sufficient specificity as to establish credibility and protect the due process rights of the subject of the investigation.

The ability to receive ethics complaints from parties known and unknown shall in no way limit the authority of the Executive Director to initiate an investigation on the basis of specific allegations of an ethics violation known to her or him or any member of the Staff. The Executive Director may not investigate any complaint initiated by her or him unless said complaint is presented in the format set forth in Section 5.7 and presented to the Board for review and approval at the next regular or special meeting.

Section 5.2 Effect of Filing a Request for Investigation

The filing of a request for Investigation or the failure to file a request for Investigation with the Board does not bar any person from seeking any other remedy that may be provided by law.

Section 5.3 Scope of Investigation

A Board Investigation may include, but is not limited to:

- (A) Interviews with or requests for additional information from the person filing the request for investigation;
- (B) Requests for cooperation from County agencies, Officials or Employees reasonably related to the subject of the Investigation;
- (C) Interviews with or requests for information from the respondent or any other person reasonably related to the Investigation;
- (D) Subpoenas for information when the persons involved in the Investigation fail to cooperate. The Executive Director shall have the authority to issue

subpoenas on behalf of the Board. Service of subpoenas shall be in accordance with Rule 204 of Supreme Court of Illinois.

An Investigation of an alleged violation of the Ethics Ordinance shall be completed no later than one (1) year from the date the Investigation was initiated; provided that, the time during which the Board has suspended its Investigation in accordance with Section 5.14 of these rules shall not be counted toward the one (1) year. The Board may extend the one (1) year time limit for completion of the Investigation when there is good cause shown to warrant such an extension.

Section 5.4 Maintenance of Records

Once a person knows or has reason to know that he or she is the subject of an Investigation, the person shall preserve all records and other material which may be relevant and necessary to the case until the matter has been closed. Failure to preserve records shall be a violation of Section 2.1 of the Ethics Ordinance and the violator shall be subject to the penalties as set forth in the Ethics Ordinance.

Section 5.5 Cooperation Required

County agencies, Employees and Officials shall cooperate with the Board in the Investigation of alleged violations of the Ethics Ordinance to the extent permitted by law. Failure to cooperate could result in employment sanctions. Upon written request, information necessary to any Investigation shall be made available to the Board. Alteration, modification, adjustment or destruction of evidence necessary and relevant to the Investigation shall be a violation of Section 2.1 of the Ethics Ordinance and the violator shall be subject to penalties as set forth in the Ethics Ordinance.

Section 5.6 Referral of Complaints

- (A) The Board may refer the subject matter of any Investigation to the appropriate County agency for an investigation.
- (B) The referral of the subject matter of an Investigation in no way affects the Board's power to continue its own Investigation.
- (C) Any conflict which may arise between the procedures of the Board and the procedures of an investigating unit of a County agency shall be resolved in favor of the Board.

Section 5.7 Content of Request for Investigation

A request for Investigation shall be in writing and shall include:

- (A) The full name and address of the person entering the request (provided that the person entering the request may ask the Board to keep this information confidential);
- (B) The full name and, to the extent known, the address and telephone number of the person whose conduct is to be investigated, as well as any other available information that would assist in the identification of that person; and
- (C) A clear statement of the facts alleged to constitute the violation of the Ethics Ordinance, including the date(s) and place(s) thereof, and the basis of the violation.

Section 5.8 Staff Assistance

In its discretion, the Staff may provide assistance in its offices to persons desiring to file a request for Investigation and may furnish forms for that purpose.

Section 5.9 Docketing of Request for Investigation

Each request for Investigation, once filed, shall be docketed and assigned a case number by the Staff.

Section 5.10 Review of Requests for Investigations

- (A) The Executive Director shall consider a request for Investigation within thirty (30) days of receipt to determine if there is reasonable cause for an Investigation. If the request is incomplete or frivolous, the Executive Director shall reject the request and promptly notify the complainant of the reason for such rejection. A request is incomplete if it does not contain all of the information specified in Section 5.7 of these rules. A request is frivolous if the information contained in the request is so weak, attenuated and insubstantial that the request must be deemed absolutely without merit. Notice of all such rejections shall be given to the Board.
- (B) The Executive Director shall not initiate an Investigation on the basis of any request in which the alleged conduct, even if true, would not violate the Ethics Ordinance or if previous decisions of the Board preclude there being any possibility of noncompliance with the Ethics Ordinance.

Section 5.11 Notice of Investigation and Opportunity to Present Information

Prior to the conclusion of an Investigation, if the Staff anticipates reporting to the Board of Ethics that a violation is found, the Executive Director shall give the respondent notice of the substance of the Investigation and an opportunity to

present such written information as the respondent may desire, including the name of any witnesses whom the respondent believes should be interviewed, prior to that report being made to the Board of Ethics. The Executive Director shall also give the respondent under investigation a copy of the Ethics Ordinance and these rules, and shall promptly respond to any procedural or substantive questions of the respondent. If the Staff does not report that a violation has been found to the Board of Ethics, the Executive Director is not required to provide such notice to the respondent if the respondent had not been contacted by the Board or Staff in the course of the Investigation.

Section 5.12 Right to Representation

The respondent may be represented by a duly licensed attorney at any stage of the proceedings before the Board. Such counsel must file with the Board his or her appearance form before the Executive Director will discuss the case with him or her or provide him or her with information about the Investigation, or be permitted to attend a hearing on behalf of his or her client.

Section 5.13 Policy of Confidentiality

Investigations and consideration by the Board of potential violations of the Ethics Ordinance shall be conducted confidentially and shall not be disclosed to the public, except as necessary to carry out the powers and duties of the Board. The final determination of the Board on an Investigation shall be made available to the public with such deletions as may be necessary to prevent disclosure of any information the Board determines to be confidential, in accordance with the Freedom of Information Act, 5 ILCS 140/1 et seq., as amended.

Section 5.14 Suspension of Investigation

The Board may determine to suspend an Investigation for a specified period of time not to exceed one year. The conditions under which an investigation may be suspended include, but are not limited to, the availability of evidence; pending litigation; and substantial steps taken toward remediation and restitution by a respondent.

Section 5.15 Hearing

At its discretion, the Board may determine in the course of an Investigation that a hearing is necessary to aid it in its fact finding function. Such hearing shall be conducted by the Board or by a hearing officer designated by the Board for this purpose in accordance with Section 5.16.

Section 5.16 Hearing Procedure

A hearing shall be conducted in such a manner as to ensure a fair hearing, to avoid delay, to maintain order, and to ensure development of a clear and complete record. Each Board member may question any person believed to have information relevant to the Investigation. Such questions shall be limited to the issues involved in the Investigation. The hearing may provide for:

- (1) the prior submission of testimony and exhibits in writing;
- (2) the examination of witnesses under oath;
- (3) a limitation on the amount of time each witness may testify; and
- (4) a limitation on testimony which is merely cumulative.

All hearings shall be recorded. The recording or transcript, all written testimony, all exhibits offered in connection with the hearing, all written submissions, the notice of hearing, any prehearing orders, and any findings and determination of the Board shall constitute the record of the hearing.

#### Section 5.17 Hearing Officer

The Board shall have the authority to assign hearings to a hearing officer. The hearing officer shall have the same powers and duties relating to the hearing procedure as the Board.

The hearing officer shall prepare, within ninety (90) days of the conclusion of the hearing, a timely written report including all findings of fact based upon the testimony and evidence presented at the hearing and a discussion of the application of the Ethics Ordinance to the facts. The report may also contain recommendations for Board action.

The hearing officer's report shall be delivered to the Executive Director and the Board only.

#### Section 5.18 Conclusion of Investigation

##### (A) Investigation Report

At the conclusion of an Investigation, if the Staff believes that a violation of the Ethics Ordinance has been found, the Executive Director shall provide a report of the Investigation to each Board member as expeditiously as possible. The report shall include a summary of the facts and evidence, discussion of the application of the Ethics Ordinance to the facts, conclusions of the Investigation, a complete

copy of all relevant documentation and transcripts of hearings, a copy of the hearing officer's report, if any, and recommendations for further Board action.

(B) No Violation Found

If, upon reviewing the report of the Investigation and the evidence underlying it and following due deliberation, a majority of the Board concludes that no further action is required, the Investigation shall be terminated. The Board may conclude that no further action is required when the Investigation shows that there is no violation of the Ethics Ordinance. The respondent and the complainant (if any) shall be promptly served with a notice of the Board's determination of no violation setting forth the facts and the provisions of the Ethics Ordinance upon which the determination is based.

(C) Violation Found

If, upon reviewing the report of the Investigation and the evidence underlying it and following due deliberation, a majority of the Board determines that a violation of the Ethics Ordinance has occurred, the Board may:

- (1) notify the respondent and, if appropriate, recommend corrective action or a plan for compliance;
- (2) recommend to the appropriate appointed Official, as well as the President or other Elected Official, that disciplinary or other appropriate action be taken;
- (3) recommend to the appropriate appointed Official, as well as the President or other Elected Official, such other remedies as shall be appropriate; or
- (4) impose appropriate sanctions as authorized by the Ethics Ordinance.

All determinations and recommendations of the Board shall be in writing and shall be set forth with specificity, including a statement of reasons in support of the decision.

A copy of the Board's order and any Investigation report shall be sent to respondent.

In addition, the Board may forward copies of its recommendations, Investigation report and all related documentation to the Office of the U.S. Attorney, the Office of the Cook County State's Attorney, Office of the Independent Inspector General and any other appropriate agency for further investigation.

Section 5.19 Request for Reconsideration

(A) No Violation Found

After the Board has served a notice of its determination of no violation of the Ethics Ordinance, any complainant who is not the Executive Director may within thirty (30) days of receipt of the Board's notice, file with the Board a request for reconsideration.

(B) Violation Found

After the Board has issued its notice of determination in cases where a violation is found, the respondent may within thirty (30) days of the date of the order, file with the Board a request for reconsideration.

(C) Content of Request for Reconsideration

The party requesting review must state with specificity the reason(s) supporting the request for reconsideration. Requests for reconsideration shall be granted only in limited circumstances, such as, but not limited to, the discovery of new, relevant evidence.

(D) Grant or Denial of Request for Reconsideration

The Board shall consider the Request for Reconsideration within sixty (60) days of receipt or as expeditiously as possible. The Board shall promptly notify the parties of its determination. If the Board determines that there are sufficient grounds to reopen the matter, the Board shall institute further proceedings as necessary.

*New rule:*

## SECTION 5 INVESTIGATIONS

### Section 5.1 Request for Investigation

Consistent with Sec. 2-591(7) of the Ethics Ordinance, the Board shall receive all complaints of violations of the Ethics Ordinance, including anonymous complaints, for the purpose of examination~~investigation~~ by the Executive Director.

A request for Investigation shall be in writing and shall include:

(A) ~~The full name and address of the person entering the request (provided that the person entering the request may ask the Board to keep this information confidential);~~

(B) ~~—The full name and, to the extent known, the address and telephone number of the person whose conduct is to be investigated, as well as any other available information that would assist in the identification of that person; and~~

(C) ~~A clear statement of the facts alleged to constitute the violation of the Ethics Ordinance, including the date(s) and place(s) thereof, and the basis of the violation.~~

The Board shall make a request for Investigation form available online and at its office for this purpose. In its discretion, the Staff may provide assistance in its offices to persons desiring to file a request for Investigation ~~and may furnish forms for that purpose.~~ The filing of a request for Investigation or the failure to file a request for Investigation with the Board does not bar any person from seeking any other remedy that may be provided by law.

### Section 5.240 Review of Complaint Requests for Investigations

(A) The Executive Director shall consider a complainant's request for Investigation within thirty (30) days of receipt to determine if there is reasonable cause ~~for~~ to conduct an investigative inquiry or initiate an Investigation. If the request is incomplete or frivolous, the Executive Director shall reject the request and promptly notify the complainant of the reason for such rejection. A request is incomplete if it does not contain all of the information specified in Section 5.7 of these rules.—A request is frivolous if the information contained in the request is so weak,

attenuated and insubstantial that the request must be deemed absolutely without merit. Notice of all such rejections shall be given to the Board.

(B) The Executive Director shall not seek Board approval to initiate an Investigation on the basis of any request in which the alleged conduct, even if true, would not violate the Ethics Ordinance, as interpreted by past decisions of the Board of Ethics or if previous decisions of the Board preclude there being any possibility of noncompliance with the Ethics Ordinance.

(C) If review of the request for Investigation leads the Executive Director to conclude that the matter should be further examined, he or she may conduct an investigative inquiry to determine whether cause exists to initiate an Investigation with Board approval. Such an inquiry may include interviews with the complainant or the respondent, or requests for cooperation (including requests for interviews or documents) from County agencies, Officials or Employees reasonably related to the subject of the Investigation.

### Section 5.3 Self-Initiated Inquiries

~~, subject to determination by the Board that the allegations are of sufficient specificity as to establish credibility and protect the due process rights of the subject of the investigation.~~

The ability to receive ethics complaints from parties known and unknown shall in no way limit the authority of the Executive Director to initiate an investigation an audit of available information sources to detect potential violations and/or open an investigative inquiry on the basis of specific allegations of an ethics violation known to her or him or any member of the Staff.

### Section 5.4 Opening an Investigation

When the Executive Director has reasonable cause to believe that a violation of the Ordinance has occurred, and/or when the Executive Director believes that the Board's subpoena power is needed to conduct the requisite fact-finding to determine whether a violation has occurred, he or she shall request Board approval to open an Investigation. An Investigation may be initiated by majority vote of the Board. Each request for Investigation, once approved by the Board, ~~once filed,~~ shall be docketed and assigned a case number by the Staff.

No subpoena shall be issued in connection with a matter prior to the opening of an Investigation~~The Executive Director may not investigate any complaint initiated~~

by her or him unless said complaint is presented in the format set forth in Section 5.7 and presented to the Board for review and approval at the next regular or special meeting.

~~Section 5.2~~ Effect of Filing a Request for Investigation

~~The filing of a request for Investigation or the failure to file a request for Investigation with the Board does not bar any person from seeking any other remedy that may be provided by law.~~

Section 5.53 Scope of Investigation

A Board Investigation may include, but is not limited to:

- (A) Interviews with or requests for additional information from the ~~person filing the request for investigation~~ complainant, if any;
- (B) Requests for cooperation from County agencies, Officials, Appointees or Employees reasonably related to the subject of the Investigation;
- (C) Interviews with or requests for information from the respondent or any other person reasonably related to the Investigation; and
- (D) Document requests, written questionnaires and sSubpoenas for information ~~when the persons involved in the Investigation fail to cooperate. The Executive Director shall have the authority to issue subpoenas on behalf of the Board. Service of subpoenas shall be in accordance with Rule 204 of Supreme Court of Illinois.~~

~~An Investigation of an alleged violation of the Ethics Ordinance shall be completed no later than one (1) year from the date the Investigation was initiated; provided that, the time during which the Board has suspended its Investigation in accordance with Section 5.14 of these rules shall not be counted toward the one (1) year. The Board may extend the one (1) year time limit for completion of the Investigation when there is good cause shown to warrant such an extension.~~

Section 5.64 Cooperation Required Maintenance of Records

~~Once a person knows or has reason to know that he or she is the subject of an Investigation, the person shall preserve all records and other material which may be relevant and necessary to the case until the matter has been closed. Failure to preserve records shall be a violation of Section 2.1 of the Ethics Ordinance and the violator shall be subject to the penalties as set forth in the Ethics Ordinance.~~

~~Section 5.5~~ Cooperation Required

County agencies, Officials, Appointees or Employees~~Employees and Officials~~ shall cooperate with the Board in the Investigation of alleged violations of the Ethics Ordinance to the extent permitted by law. Upon written request, information necessary to any Investigation shall be made available to the Board.

Once a person knows or has reason to know that he or she is the subject of an investigative inquiry or an Investigation, the person shall preserve all records and other material which may be relevant and necessary to the case until the matter has been closed.

Failure to cooperate with an investigative inquiry or Investigation, failure to preserve records as set forth in this section, and any attempt to interfere with or obstruct an inquiry or Investigation shall be a violation of Section 2-591(7)-2.1 of the Ethics Ordinance punishable pursuant to Sections 601 and 602 of and the violator shall be subject to the penalties as set forth in the Ethics Ordinance.

Failure to cooperate could result in employment sanctions. ~~Upon written request, information necessary to any Investigation shall be made available to the Board.~~ Alteration, modification, adjustment or destruction of evidence necessary and relevant to the Investigation shall be a violation of Section 2.1 of the Ethics Ordinance and the violator shall be subject to penalties as set forth in the Ethics Ordinance.

#### Section 5.7 Subpoenas

The Board may issue a subpoena on its own initiative at any time, for the appearance of witnesses, the production of evidence, or both. The Executive Director shall have the authority to issue subpoenas on behalf of the Board. If a person does not comply with a subpoena on the date set for compliance, whether because of refusal, neglect, a change in the compliance date, or for any other reason, the subpoena shall continue in effect for up to one year, and a new subpoena need not be issued.

Subpoenas shall be served in person or by certified or registered mail at least 7 days before the date on which appearance or production of documents is required. A check or money order shall be enclosed for witness and mileage fees. The Board shall pay a witness fee of \$20.00 per day and mileage fees of \$.20 per mile to the person subpoenaed. Service shall be effective if delivery was made to the person to whom the subpoena was directed, a member of his or her household who is over 14 years of age, or his or her agent.

The person to whom the subpoena is directed may object to the subpoena, in whole or in part, by written objection made to the Board no later than five days

prior to the time for appearance or production required by the subpoena. The objection shall specify the grounds for the objection. The Board of Ethics shall consider the objection and render a decision on it.

Failure to comply with a subpoena issued by the Board shall constitute a separate violation of the Ethics Ordinance. Every day that a person fails to comply with said subpoena shall constitute a separate and distinct violation punishable by a fine imposed by the Board, pursuant to Section 2-602. In addition, the Executive Director may also seek judicial enforcement of the subpoena.~~Service of subpoenas shall be in accordance with Rule 204 of Supreme Court of Illinois.~~

Section 5.86 Referral of Complaints

- (A) The Board may refer the subject matter of any Investigation to the appropriate County agency for an investigation.
- (B) The referral of the subject matter of an Investigation in no way affects the Board's power to continue its own Investigation.
- (C) Any conflict which may arise between the procedures of the Board and the procedures of an investigating unit of a County agency shall be resolved in favor of the Board.

~~Section 5.7 Content of Request for Investigation~~

~~A request for Investigation shall be in writing and shall include:~~

- ~~(A) The full name and address of the person entering the request (provided that the person entering the request may ask the Board to keep this information confidential);~~
- ~~(B) The full name and, to the extent known, the address and telephone number of the person whose conduct is to be investigated, as well as any other available information that would assist in the identification of that person; and~~
- ~~(C) A clear statement of the facts alleged to constitute the violation of the Ethics Ordinance, including the date(s) and place(s) thereof, and the basis of the violation.~~

~~Section 5.8 Staff Assistance~~

~~In its discretion, the Staff may provide assistance in its offices to persons desiring to file a request for Investigation and may furnish forms for that purpose.~~

Section 5.9 Docketing of Request for Investigation

~~Each request for Investigation, once filed, shall be docketed and assigned a case number by the Staff.~~

Section 5.10 Review of Requests for Investigations

~~(A) The Executive Director shall consider a request for Investigation within thirty (30) days of receipt to determine if there is reasonable cause for an Investigation. If the request is incomplete or frivolous, the Executive Director shall reject the request and promptly notify the complainant of the reason for such rejection. A request is incomplete if it does not contain all of the information specified in Section 5.7 of these rules. A request is frivolous if the information contained in the request is so weak, attenuated and insubstantial that the request must be deemed absolutely without merit. Notice of all such rejections shall be given to the Board.~~

~~(B) The Executive Director shall not initiate an Investigation on the basis of any request in which the alleged conduct, even if true, would not violate the Ethics Ordinance or if previous decisions of the Board preclude there being any possibility of noncompliance with the Ethics Ordinance.~~

Section 5.911 Notice of Investigation and Opportunity to Present Information

Prior to the conclusion of an Investigation, if the Staff anticipates reporting to the Board of Ethics that a violation is found, the Executive Director shall give the respondent notice of the substance of the Investigation and an opportunity to present such written information as the respondent may desire, including the name of any witnesses whom the respondent believes should be interviewed, prior to that report being made to the Board of Ethics. The Executive Director shall also give direct the respondent under investigation the location of a copy of the Ethics Ordinance and these rules, and shall promptly respond to any procedural or substantive questions of the respondent. If the Staff does not report that a violation has been found to the Board of Ethics, the Executive Director is not required to provide such notice to the respondent if the respondent had not been contacted by the Board or Staff in the course of the Investigation.

Section 5.102 Right to Representation

The respondent may be represented by a duly licensed attorney at any stage of the proceedings before the Board. Such counsel must file with the Board his or her appearance form before the Executive Director will discuss the case with him or

her or provide him or her with information about the Investigation, ~~or~~ and before counsel shall be permitted to attend a hearing on behalf of his or her client.

Section 5.113 Policy of Confidentiality

Investigations and consideration by the Board of potential violations of the Ethics Ordinance shall be conducted confidentially and shall not be disclosed to the public, except as necessary to carry out the powers and duties of the Board. The final determination of the Board on an Investigation that results in a finding of a violation shall be made available to the public with such deletions as may be necessary to prevent disclosure of any information the Board determines to be confidential, in accordance with the Freedom of Information Act, 5 ILCS 140/1 et seq., as amended.

~~Section 5.14~~ Suspension of Investigation

~~The Board may determine to suspend an Investigation for a specified period of time not to exceed one year. The conditions under which an investigation may be suspended include, but are not limited to, the availability of evidence; pending litigation; and substantial steps taken toward remediation and restitution by a respondent.~~

Section 5.125 Hearing

At its discretion, the Board may determine in the course of an Investigation that a hearing is necessary to aid it in its fact finding function. Such hearing shall be conducted by the Board or by a hearing officer designated by the Board for this purpose in accordance with Section 5.136.

Section 5.136 Hearing Procedure

A hearing shall be conducted in such a manner as to ensure a fair hearing, to avoid delay, to maintain order, and to ensure development of a clear and complete record. Each Board member may question any person believed to have information relevant to the Investigation. Such questions shall be limited to the issues involved in the Investigation. The hearing may provide for:

- (1) the prior submission of testimony and exhibits in writing;
- (2) the examination of witnesses under oath;
- (3) a limitation on the amount of time each witness may testify; and
- (4) a limitation on testimony which is merely cumulative.

All hearings shall be recorded. The recording or transcript, all written testimony, all exhibits offered in connection with the hearing, all written submissions, the notice of hearing, any prehearing orders, and any findings and determination of the Board shall constitute the record of the hearing.

Section 5.147 Hearing Officer

The Board shall have the authority to assign hearings to a hearing officer. The hearing officer shall have the same powers and duties relating to the hearing procedure as the Board.

The hearing officer shall prepare, within ninety (90) days of the conclusion of the hearing, a timely written report including all findings of fact based upon the testimony and evidence presented at the hearing and a discussion of the application of the Ethics Ordinance to the facts. The report may also contain recommendations for Board action.

The hearing officer's report shall be delivered to the Executive Director and the Board only.

Section 5.15 Time to Complete Investigation and Suspension of Investigation

An Investigation of an alleged violation of the Ethics Ordinance shall be completed no later than one (1) year from the date the Investigation was initiated; provided that, the time during which the Board has suspended its Investigation in accordance with Section 5.14 of these rules this section shall not be counted toward the one (1) year. The Board may extend the one (1) year time limit for completion of the Investigation when there is good cause shown to warrant such an extension.

The Board may determine to suspend an Investigation for a specified period of time not to exceed one year. The conditions under which an Investigation may be suspended include, but are not limited to, the availability of evidence; pending litigation; and substantial steps taken toward remediation and restitution by a respondent.

Section 5.168 Conclusion of Investigation

(A) Investigation Report

At the conclusion of an Investigation, if the Staff believes that a violation of the Ethics Ordinance has been found, the Executive Director shall provide a report of

the Investigation to each Board member as expeditiously as possible. The report shall include a summary of the facts and evidence, discussion of the application of the Ethics Ordinance to the facts, conclusions of the Investigation, a complete copy of all relevant documentation and transcripts of hearings, a copy of the hearing officer's report, if any, and recommendations for further Board action.

(B) No Violation Found

If, upon reviewing the report of the Investigation and the evidence underlying it and following due deliberation, a majority of the Board concludes that no further action is required, the Investigation shall be terminated. The Board may conclude that no further action is required when the Investigation shows that there is no violation of the Ethics Ordinance. The ~~respondent and the~~ complainant (if any) and the respondent, if he or she has been notified of the pendency of the investigation, shall be promptly served with a notice of the Board's determination of no violation setting forth the facts and the provisions of the Ethics Ordinance upon which the determination is based.

(C) Violation Found

If, upon reviewing the report of the Investigation and the evidence underlying it and following due deliberation, a majority of the Board determines that a violation of the Ethics Ordinance has occurred, the Board may:

- (1) notify the respondent and, if appropriate, recommend corrective action or a plan for compliance;
- (2) recommend to the appropriate appointed Official, as well as the President or other Elected Official, that disciplinary or other appropriate action be taken;
- (3) recommend to the appropriate appointed Official, as well as the President or other Elected Official, such other remedies as shall be appropriate; or
- (4) impose appropriate sanctions as authorized by the Ethics Ordinance.

All determinations and recommendations of the Board shall be in writing and shall be set forth with specificity, including a statement of reasons in support of the decision.

A copy of the Board's order and any Investigation report shall be sent to respondent.

In addition, the Board may forward copies of its recommendations, Investigation report and all related documentation to the Office of the U.S. Attorney, the Office of the Cook County State's Attorney, Office of the Independent Inspector General and any other appropriate agency for further investigation.

Section 5.179 Request for Reconsideration

(A) No Violation Found

After the Board has served a notice of its determination of no violation of the Ethics Ordinance, any complainant who is not the Executive Director may within thirty (30) days of receipt of the Board's notice, file with the Board a request for reconsideration.

(B) Violation Found

After the Board has issued its notice of determination in cases where a violation is found, the respondent may within thirty (30) days of the date of the order, file with the Board a request for reconsideration.

(C) Content of Request for Reconsideration

The party requesting review must state with specificity the reason(s) supporting the request for reconsideration. Requests for reconsideration shall be granted only in limited circumstances, such as, but not limited to, the discovery of new, relevant evidence.

(D) Grant or Denial of Request for Reconsideration

The Board shall consider the Request for Reconsideration within sixty (60) days of receipt or as expeditiously as possible. The Board shall promptly notify the parties of its determination. If the Board determines that there are sufficient grounds to reopen the matter, the Board shall institute further proceedings as necessary.