

THE COOK COUNTY BOARD OF ETHICS
69 W. Washington Street, Suite 3040
Chicago, Illinois 60602



AMENDED
RULES AND REGULATIONS

Effective April 13, 2017

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(Ord. No. 93-0-29, enacted September 1, 1993)

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SECTION 1 RULEMAKING

Section 1.1 Introduction

The Cook County Board of Ethics was established by 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 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 1.3 Construction of Rules

These rules shall be liberally construed to accomplish the purposes of the Ethics Ordinance.

Section 1.4 Scope of Rules

These rules set forth herein shall constitute the policy and practice of the Board and shall govern activities of the Board, provided such rules are consistent with the Ethics Ordinance.

Section 1.5 Amendments to Rules

Upon proper notice, changes in these rules may be made by a vote of a majority of the full membership of the Board at a regular or special meeting.

Section 1.6 Availability of Rules

The rules of the Board shall be available from the office of the Board and accessible from any website dedicated to the Board's activities.

SECTION 2 DEFINITIONS

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 Section 2-591(11) of the Ethics Ordinance, concerning any subject covered by the Ethics Ordinance.
- (B) “BOARD” means the Cook County Board of Ethics as established by Section 2-591 of the Ethics Ordinance.
- (C) “CHAIR” means the Chairperson of the Board.
- (D) “ELECTED OFFICIAL” means any elected Cook County official.
- (E) “ETHICS ORDINANCE” means Cook County Ethics Ordinance 93-0-29 adopted September 1, 1993, as amended.
- (F) “EXECUTIVE DIRECTOR” means that person appointed by the President pursuant to Section 2-591(1) 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.
- (G) “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.
- (H) “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.
- (I) “INVESTIGATION” means any formal fact-finding process approved and conducted by the Board of Ethics 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.
- (J) “PRESIDENT” means the President of the Cook County Board of Commissioners.
- (K) “RESPONDENT” means any person who is the subject of an investigation before the Board.

(L) “STAFF” means those persons who shall perform investigative, clerical, administrative or other duties as described and required by the Board through the Executive Director.

(M) “VIOLATION” means one or more acts prohibited by the Ethics Ordinance.

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

SECTION 3 BOARD MEETING PROCEDURES

Section 3.1 Notice of Meetings

Meetings of the Board shall be held at a regularly scheduled date and time determined by the Board and said dates and times shall be posted in the office of the Cook County Board of Commissioners and the office of the Board. Further meetings may be scheduled, provided that the scheduling complies with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.

Section 3.2 Board Sessions

The business of the Board shall be conducted in two separate sessions:

(A) Open Session

To provide an open meeting in which non-confidential matters are presented to the Board and public.

(B) Executive Session

To ensure the confidentiality of the proceedings, the Board, upon majority vote, shall meet in executive session; provided, however, that any such session shall comply with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.

Section 3.3 Governing Procedures

Whenever these rules are silent, the Board shall conduct its meetings in accordance with the current edition of “Robert’s Rules of Order.”

Section 3.4 Chair

A Chair of the Board shall be elected by a majority of the full membership of the Board and shall serve as Chair for a period of one year from the date of election or until a new election is held. Elections for Chair shall be held each year at the first regularly scheduled meeting of the Board. The Board may select one of its members to serve as the Chair Pro Tem when the Chair is unavailable.

Section 3.5 Quorum

Three members of the Board present at a meeting or hearing shall constitute a quorum. No meeting shall continue in the absence of a quorum.

Section 3.6 Minutes

- (A) Minutes of both the open and executive sessions shall be kept by the Staff.
- (B) The minutes of all open Board meetings shall be available to the public for inspection at the office of the Board during regular office hours. Upon request, a copy of the minutes of any open session meeting of the Board shall be provided to the public at no more than cost.
- (C) The minutes of all Board meetings conducted in Executive Session shall be available only to members of the Board and authorized personnel; provided, however, that this procedure is conducted consistent with the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., as amended, and the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.

Section 3.7 Conflict of Interest

It shall be the policy of the Board that no member shall participate in the consideration of or vote on any matter if that matter or vote:

- (A) Concerns a business or legal relationship of that member;
- (B) Involves an person with whom the member has or expects to have significant dealings in a public or private capacity; or
- (C) Would cause the appearance of impropriety on the part of that member or of the Board in general.

A conflict of interest shall be determined by a majority of all disinterested members.

Section 3.8 Majority Vote

A majority of the Board present at a meeting, provided there is a quorum, can render a determination on matters presented to the Board, except that (1) no final determination or recommendation regarding an Investigation conducted by the Board pursuant to Section 5 of these rules shall be rendered without the approval of a majority of the full membership of the Board; and (2) no amendments to these rules, in accordance with Section 1.5 of these rules, shall be made without a majority vote of the full membership of the Board at a regular or special meeting.

Section 3.9 Distance Participation

Members of the Board may participate in and act at any meeting of the Board

through the use of a conference telephone or other audio and/or video communications equipment by means of which all persons in the meeting can hear each other in accordance with the applicable provisions of the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.

Specifically, the Board, by majority vote, may allow a member to attend by video or audio conference, based on reasons of illness, disability, employment or public body business, family or other emergency. The member shall give advance notice of his or her distance attendance to the Executive Director, if practical. In all cases, a quorum of members of the public body must be physically present.

Section 3.10 Statements by the General Public at Board Meetings

(A) Public Statements

The Chairperson, with the consent of the members, shall recognize a presenter who asks to address the Board and has completed a Notice of Public Statement form. Notice forms will be available at all Board meetings and may be obtained in advance at the Board office. The Board will accept public statements prior to the commencement of, or at the conclusion of, the Board's official business as set forth in the Board agenda. Where a public speaker wishes to address the Board with respect to an agenda item that the Board will discuss in executive session, the Board may receive this comment in executive session if (1) the Board so desires, (2) the public speaker so desires, and (3) doing so would be consistent with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.

Anyone seeking to make a public statement is obligated to comply with the provisions set forth in this Rule. Failure to abide by any of the provisions set forth herein may be grounds for denial of the opportunity to make a public statement before the Board.

(B) Subject Matter of Statements

The Notice of Public Statement form shall include the name and address of the person wishing to speak, the name of the organization to be represented, if any, and a summary of the presentation, with sufficient specificity as to apprise the Board of the nature of the presentation. Presentations must be limited to issues of concern relating to Board business and jurisdiction.

All presenters are encouraged, but not required, to submit their comments in writing. Presentations shall not contain comments of a personal nature, including but not limited, to attacks on character or motives directed toward individual Board members or Board staff.

(C) Time Allotted for Presentation

All presentations shall be limited to a maximum of five (5) uninterrupted minutes unless leave is granted by the Board for an extended presentation. This time allocation may be reduced if an individual presenter fails to comply with Section (B) of this Rule. When more than three persons desire to comment for or against a given issue/item, the Chairperson may direct the group of similar voice to designate representatives so as not to exceed three voices for or three voices against the issue/item.

Section 3.11 Access to Documents at Board Meetings

Members of the public attending Board meetings are entitled to a copy of the Board agenda for that meeting. During the course of a Board meeting, members of the public are not entitled to documentation disseminated to members of the Board as support materials for agenda items or other materials submitted to members of the Board by the Board staff.

Section 3.12 Recordings of Board Meetings

Any person may record the proceedings of a Board meeting by tape, film or other means subject to the following rules:

- (A) Meetings, or any portions of a meeting, which are closed to the public may not be recorded except as required and authorized by the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.
- (B) A person intending to record a Board meeting shall provide prior written notice to the Executive Director of his or her intent to record, and shall also give a verbal indication at the start of the meeting to the Chairperson or other person running the meeting that he or she will record the meeting.
- (C) The Chairperson or the Executive Director may designate a location for recording equipment, restrict the movements of individuals who are using the recording equipment or take other steps that are deemed necessary to preserve the decorum of the meeting and facilitate the conduct of business.
- (D) At the start of any meeting which is to be recorded, the Chairperson shall notify all present of the recording, and advise any witnesses of their right to refuse to testify during any recording.
- (E) If a witness refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he or she is testifying, the Chairperson or other person running the meeting shall prohibit such

recording during the testimony of the witness.

- (F) The Chairperson or other person running the meeting shall order the immediate termination of any recording which is disruptive to the meeting, or which distracts, disturbs or is offensive to the Board members, witnesses, or other members of the public in attendance.
- (G) No recording shall be used for a commercial for-profit enterprise, without the prior written approval of the Executive Director.

SECTION 4 ADVISORY OPINIONS

Section 4.1 Authority to Render Advisory Opinions

The Board shall render Advisory Opinions with respect to the provisions of the Ethics Ordinance based upon a real or hypothetical set of circumstances, when requested in writing by a person authorized to request an Advisory Opinion as stated in Section 4.2 below.

Section 4.2 Persons Authorized to Request Advisory Opinions

The Board has authority to render Advisory Opinions based on requests from:

- (A) Officials, Employees, or candidates for County office;
- (B) Former Officials or Employees while governed by the Ethics Ordinance;
- (C) Attorneys making requests on behalf of their clients who are persons governed by the Ethics Ordinance;
- (D) County contractors;
- (E) Any other person who falls under the jurisdiction of the Board;
- (F) Any other person who has personal and direct involvement in the subject matter of the request.

Section 4.3 Routine Questions

Routine questions and inquiries about the Ethics Ordinance may be answered by the Staff. Staff shall keep records of its handling of such routine questions and inquiries. Summaries of the query file shall be submitted to the Board at regular intervals.

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 4.6 Examination of Requests for Advisory Opinions

- (A) The Executive Director and the Staff will review each request for an Advisory Opinion to determine whether it satisfies all requirements of Section 4.5 of these rules.
- (B) If the Executive Director, in consultation with the Staff, determines that a request has not satisfied the rules governing requests, the requesting person shall be notified by a letter explaining why the request was unacceptable. The Board shall be notified of all such rejections of requests.

Section 4.7 Draft Opinions

- (A) Working drafts of Advisory Opinions shall be prepared by the Staff and shall be confidential.
- (B) When a working draft of the Advisory Opinion is completed, copies will be delivered to each Board member.
- (C) If, after discussion of the draft Advisory Opinion, the Board determines that additional information is needed, the Board may request that the Staff obtain such additional information.

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. 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 4.9 Reconsideration of Adopted Advisory Opinions

- (A) The person requesting an Advisory Opinion or the person whose actions are the subject of an Advisory Opinion, if different, may request a reconsideration of any decision of the Board regarding an Advisory Opinion by sending written notice to the Board within twenty (20) days of that decision. Such notice must contain an explanation of material facts or circumstances which were not before the Board in its deliberations on the Advisory Opinion.
- (B) No requests for reconsideration shall be reviewed by the Board if received more than twenty (20) days from the date of the Board decision, except at the discretion of the Board.
- (C) A timely request for reconsideration shall be forwarded to the Board by Staff in time for consideration at the next Board meeting after receipt of the request. If the Board determines that these additional facts may alter its Advisory Opinion, it may instruct the Staff to redraft the Advisory Opinion for later consideration.
- (D) If the Board finds that these material facts or circumstances do not alter its decision, it shall deny the request and so notify the person requesting such reconsideration.

Section 4.10 Advisory Opinions and the Policy of Confidentiality

- (A) The identity of a person requesting an Advisory Opinion and the identity of any person whose conduct is involved in the set of circumstances described in the request, shall remain confidential. However, any person may waive his or her confidentiality by filing written notice with the Board.

- (B) A person whose conduct is the subject of an Advisory Opinion may disseminate that Advisory Opinion, provided that the person does not reveal the identity of any other person whose conduct is involved in the set of circumstances described in the request unless such other person waives the confidentiality of his or her identity.
- (C) The Board may disseminate any Advisory Opinion provided that the confidentiality requirements of the Ethics Ordinance and these rules are observed.

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.
- (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. The Staff, in its

discretion, may waive this fee when providing electronic copies of Advisory Opinions.

SECTION 5 INVESTIGATIONS

Section 5.1 Request for Investigation

Consistent with Section 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 by the Executive Director.

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

- (A) 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
- (B) A clear statement of the facts alleged to constitute the violation of the Ethics Ordinance.

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. 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 5.2 Review of Complainant 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 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 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.
- (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. 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 investigative inquiry.

Section 5.3 Self-Initiated Inquiries

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 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, 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.

Section 5.5 Scope of Investigation

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

- (A) Interviews with or requests for additional information from the complainant, if any;
- (B) Requests for cooperation from County agencies, Officials, Board or Commission 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 subpoenas for information.

Section 5.6 Cooperation Required

County agencies, Officials, Board or Commission Appointees or Employees 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 deemed by the Board to be relevant 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, including but not limited to alteration, modification, adjustment or destruction of evidence relevant to the inquiry or Investigation, shall be a violation of Section 2-591(7) of the Ethics Ordinance punishable pursuant to Sections 601 and 602 of 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.

Section 5.8 Referral of Complaints

- (A) The Board may refer the subject matter of any Investigation to the Office of the U.S. Attorney, the Office of the Cook County State's Attorney, the Office of the Independent Inspector General, and/or any other appropriate agency for further 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 5.9 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 direct the respondent to the location 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 5.10 Right to Representation

The respondent may be represented by a duly licensed attorney or accompanied by an authorized union representative at any stage of the proceedings before the Board. Such counsel or representative 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, and before such counsel or representative shall be permitted to attend a hearing on behalf of

his or her client or union member.

Section 5.11 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 5.12 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 5.13.

Section 5.13 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 5.14 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 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 5.16 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 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, the Office of the Independent Inspector General, and/or any other appropriate agency for further investigation.

Section 5.17 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.

Section 6 [RESERVED]

Section 7 LIMITATIONS ON GIFTS

Section 7.1 Ban on Receiving and Soliciting Gifts

Section 2-574 of the Ethics Ordinance imposes limitations on the solicitation or acceptance by County Employees and Officials of gifts from certain persons. The Staff may audit public disclosure records, such as lobbyist expenditure reports filed with the Cook County Clerk, as well as any gift disclosure or reimbursement disclosure forms filed with the Board, to determine whether there is compliance with these limitations on gifts.

Section 7.2 Notification of Noncompliance

If, based on the audit of such records or forms described in Section 7.1 of these rules, the Board determines that it appears that a County Employee or Official has solicited or received a gift that does not comply with Section 2-574 of the Ethics Ordinance, the Board shall send notice to the Employee or Official of that determination. The notification shall also provide information regarding the factual basis of the determination, the Employees or Officials opportunity to refute the Board determination, and the Board's recommendation regarding compliance if the determination is correct, and the time by which the Employee or Official must respond to the notification.

Section 7.3 Opportunity to Respond

An Employee or Official who the Board has determined may not have complied with the gift ban shall be afforded the opportunity to make a timely response to the allegation in order to demonstrate (1) the Board's determination is incorrect; or (2) the Employee or Official has complied with the Ethics Ordinance by returning the gift, paying market value for the gift, or giving the gift or an amount equal to its value to an appropriate charity.

Section 7.4 Failure to Respond to Notification

The case of any Employee or Official who fails to respond to notification under this section of the rules shall be referred to a quorum of the Board for further action.

Section 7.5 Exception for Educational Materials and Missions

- (A) Section 2-574(b) of the Ethics Ordinance contains an exception for gifts of “educational materials and missions,” an exception which “may be further defined by rules adopted by the Board of Ethics.” Whether a gift qualifies under this exception shall be determined by the totality of the circumstances. Relevant factors shall include, but are not limited to:
- 1) The amount and type of business that the County transacts with the source of the gift, or that the person or entity is seeking to transact with the County;
 - 2) Whether the County uses competitive bidding to procure the source’s products or services;
 - 3) The monetary value of the gift offered;
 - 4) The educational value to the County of the gift;
 - 5) The type and value of any non-educational aspects of the gift, including but not limited to entertainment and meals at a conference.
- (B) An individual seeking an exception for a gift of “educational materials and missions” from a prohibited source shall submit a written request to the Executive Director containing the following:
- 1) A description of the County’s relationship with the prohibited source, including annual expenditures to the prohibited source, and whether competitive bidding was used to procure the products or services provided by the source;
 - 2) The date and location of the proposed mission;
 - 3) The agenda, if available, for all activities associated with the mission, including social or entertainment components;
 - 4) The market value of the mission and materials, with a breakout, where possible, of the various components of the gift (*e.g.*, travel, meals, educational sessions, promotional materials, entertainment, *etc.*);
 - 5) Contact information for the prohibited source and a representative from the prohibited source who is knowledgeable about items (2)-(4) above;
 - 6) A description of the educational value that the individual seeking an exception for a gift of educational materials and missions from a

prohibited source believes shall be realized by the County from his or her participation in the mission and/or acceptance of materials.

- (C) Prior to approving participation in a mission and/or acceptance of material from a prohibited source as exempt from the County's gift ban under the educational materials and missions exception, the Executive Director may require that the individual seeking the exception provide either or both of the following:
- 1) A certification from the prohibited source to the effect that the prohibited source understands that the gift of the educational mission and/or materials to the requesting individual is purely voluntary and will not adversely or beneficially impact any current or future business with the County or any current or future official action by Cook County or any County official, employee or board or commission appointee, and that such prohibited source has been provided with the contact information for the Board of Ethics to communicate directly with the Board in the event that the prohibited source believes that it has been promised or threatened with any official action by Cook County or any County official, employee or board or commission appointee in exchange for the offer of such gift.
 - 2) A certification from the County supervisor of the individual seeking the exception that receipt of the gift of the educational mission and/or materials from the prohibited source by the individual seeking the exception has educational value to the County and has been disclosed to the individual's supervisor.

Section 7.6 Exception for Certain Travel Expenses

- (A) Section 2-574(b) of the Ethics Ordinance contains an exception for gifts of "[t]ravel expenses for a meeting to discuss County or Board or Commission business," an exception which "may be further defined by rules adopted by the Board of Ethics." To fall within this exception, the travel must be reasonably necessary for the efficient and effective conduct of County business, as determined by the Executive Director. All travel expenses paid for by the prohibited source must be reasonable and appropriate. First class and private air travel are prohibited. This exception only covers travel and lodging. Food and refreshments provided in the course of the travel are subject to the restrictions set forth in Section 2-574(b)(8).
- (B) An individual seeking an exception for a gift of travel expenses from a prohibited source shall submit a written request to the Executive Director containing the following:

- 1) A description of the County's relationship with the prohibited source, including annual expenditures to the prohibited source, and whether competitive bidding was used to procure the products or services provided by the source;
 - 2) The date(s) and location(s) of the proposed travel;
 - 3) The purpose of the travel, including the specific County, Board, or Commission business to be discussed, and why the meeting must or should occur outside of Cook County;
 - 4) The agenda, if available, for all activities associated with the travel, including social or entertainment components;
 - 5) The market value of the travel, with a breakout, where possible, of the various components of the gift (*e.g.*, travel, meals, promotional materials, entertainment, *etc.*);
 - 6) Contact information for the prohibited source and a representative from the prohibited source who is knowledgeable about items (2)-(5) above.
- (C) Prior to approving participation in travel paid by a prohibited source as exempt from the County's gift ban under the travel exception, the Executive Director may require that the individual seeking the exception provide either or both of the following:
- 1) A certification from the prohibited source to the effect that the prohibited source understands that the gift of travel to the requesting individual is purely voluntary and will not adversely or beneficially impact any current or future business with the County or any current or future official action by Cook County or any County official, employee or board or commission appointee, and that such prohibited source has been provided with the contact information for the Board of Ethics to communicate directly with the Board in the event that the prohibited source believes that it has been promised or threatened with any official action by Cook County or any County official, employee or board or commission appointee in exchange for the offer of such gift.
 - 2) A certification from the County supervisor of the individual seeking the exception that receipt of the gift of travel from the prohibited source by the individual seeking the exception has value to the County and has been disclosed to the individual's supervisor.

SECTION 8 LIMITATIONS ON POLITICAL CONTRIBUTIONS

Section 8.1 Limitations on Contributions

Section 2-585 of the Ethics Ordinance imposes limitations on the amount of political contributions to candidates for County office and County Elected Officials by persons who have done or are seeking to do business with the County. The Staff may audit public campaign contribution disclosure records to determine whether contributions to candidates for County office and County Elected Officials are in compliance with Section 2-585.

Section 8.2 Notification of Noncompliance

If, based on the audit of such records described in Section 8.1 of these rules, the Board determines that it appears a contributor has exceeded the limitations set forth in Section 2-585 of the Ethics Ordinance, the Board shall send notice to the contributor. The notice shall provide information regarding the factual basis of the determination, the contributor's opportunity to refute the Board's determination, and the Board's recommendation regarding compliance if the determination is correct, and the time by which the contributor must respond to the notification. A copy of the notice shall be sent to the candidate or Elected Official who received the contribution.

Section 8.3 Opportunity to Respond

A contributor who the Board has determined may have exceeded the contribution limitation shall be afforded the opportunity to make a timely response to the allegation in order to demonstrate the (1) the Board's determination is incorrect; or (2) the contributor has complied with the Ethics Ordinance by obtaining reimbursement of the excessive contribution.

Section 8.4 Failure to Respond to Notification

The case of any person who fails to respond to the notice under this section of the rules shall be referred to a quorum of the Board for further action.

SECTION 9 MISCELLANEOUS

Section 9.1 Interpreters

- (A) If a qualified sign language or foreign language interpreter is required at any time, the Board of Ethics shall provide one at no cost to the parties upon request at least 48 hours in advance of the event at which it is needed.
- (B) The Board of Ethics will provide a foreign language interpreter or a qualified sign language interpreter at all public meetings of the Board upon request at least 48 hours in advance of the event at which it is needed.

Section 9.2 Accessibility

All hearings and Board sessions shall be held in buildings accessible to persons with disabilities.

Section 9.3 Effect of Other Laws

In interpreting the Ethics Ordinance, the Board shall look to decisions interpreting other relevant laws for guidance.

Section 9.4 Severability

In the event any provision or term of these rules, or any amendment thereto is determined by a court or other authority of competent jurisdiction to be illegal or unenforceable, such determination shall not affect the remaining provisions which shall continue in full force and effect.

Section 9.5 Open Meetings Act Training Requirements

Each member of the Board must register as an “OMA Public Body Member” and complete the Illinois Attorney General’s online training program on the Open Meetings Act (available at the Public Access Counselor’s website, <http://foia.ilattorneygeneral.net/default.aspx>). Board members must complete this training within 90 days after assuming Board member responsibilities, and must print and file a copy of the certificate of completion with the Executive Director.

Section 9.6 Delegation

Except as to those matters specifically enumerated below, the Board may delegate to the Staff, as the Board considers necessary, any matter properly before the Board. Such delegation to the Staff, where permissible, shall be presumed, subject to recall as to specific items at any time by a vote of the majority of members present at a regular or special meeting of the Board. Any delegation of authority by the Board to the Staff shall be effectuated in accordance with both the Ethics Ordinance and the rules adopted and approved by the Board.

The following matters are reserved for consideration of and disposition by the Board:

- (A) Rulemaking and similar proceedings involving the promulgation of Commission rules;
- (B) Conducting Board meetings;
- (C) Reviewing complaints initiated by the Executive Director;
- (D) Rendering final orders finding violations of the Ethics Ordinance and imposing any sanctions or recommendations; and
- (E) Rendering any final order regarding any Request for Reconsideration.

Section 9.7 Defining Senior Administrative Service Positions for the Purpose of Required Ethics Training

Pursuant to Section 2-587(b) of the Cook County Ethics Ordinance, “senior administrative service position” is defined as:

Persons who are employed by the County and are compensated for services as employees and not as independent contractors and who:

- (1) are, or function as, the head of a department, division, bureau, authority or other administrative unit within the unit of local government, or who exercise similar authority within the unit of local government;
- (2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the unit of local government in the amount of \$1,000 or greater;
- (3) have authority to approve licenses and permits by the unit of local government; this item does not include employees who function in a

ministerial capacity;

- (4) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the unit of local government;
- (5) have authority to issue or promulgate rules and regulations within areas under the authority of the unit of local government; or
- (6) have supervisory responsibility for 20 or more employees of the unit of local government.

Section 9.8 Providing Further Guidelines for Board's Waiver of Post-Employment Restrictions.

- (A) Officials or employees who seek a waiver from the Board shall petition the Board in writing as soon as practicable upon learning of a specific opportunity of employment that absent a waiver would violate the restrictions of Section 2-580. Requests for waiver must include all of the following information:
 - (1) A description of the petitioner's County job duties, including whether those job duties involved substantial decision-making authority over policies, rules, or contracts and/or participation in judicial or administrative proceedings;
 - (2) A description of any type of business-related interactions the petitioner had with the prospective employer on behalf of the County in the prior three years, including, but not limited to, whether the petitioner was involved in any manner in awarding a contract to, or granting any official action sought by, the prospective employer;
 - (3) A description of the type of confidential information, if any, the petitioner was exposed to as a County official or employee;
 - (4) The nature of the duties to be performed by the petitioner as an employee of the prospective employer, including whether the petitioner will be exposed to the County's confidential information;
 - (5) Whether the prospective employment is likely to involve substantial contact with the petitioner's former government department or agency, and the extent to which any such contact is likely to involve matters where the department or agency has the discretion to make decisions based on the work product of the petitioner;

- (6) Whether the prospective employment may be beneficial to the County or its residents, specifically stating how the prospective employment is consistent with the public interest; and

Failure to provide this information will result in denial of waiver.

- (B) Officials or employees seeking waiver shall not commence any employment or work opportunity in violation of Section 2-580 prior to obtaining a waiver. The Board will maintain any request for waiver as confidential while the petitioner remains an official or employee of Cook County unless the petitioner requests otherwise or the petitioner attempts to enter into employment that would violate Section 2-580.
- (C) The Board shall consider a request for waiver and respond in writing within 30 days of receipt, unless extenuating circumstances require an extension of up to 30 additional days. The Board's failure to affirmatively grant a timely waiver is presumed to be a denial of petitioner's request for waiver. A waiver shall be granted only if the petitioner has met his or her burden to demonstrate that:
 - (1) The prospective employment would not result in a conflict of interest or disclosure of the County's confidential information, and
 - (2) Any appearance of impropriety raised by such employment is outweighed by the grounds for waiver, which may include public benefit from the employment if waiver is granted.
- (D) The Board may impose conditions upon the grant of waiver to safeguard against actual or potential conflicts of interest, disclosure of the County's confidential information, and/or an appearance of impropriety. The petitioning official or employee shall affirm his or her agreement to such conditions prior to the waiver becoming effective.