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SPRINGFIELD

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GOVERNMENTAL ETHICS:
Representation of Association
in Contract Negotiations

Honorable Michael M. Mihm
State's Attorney
Peoria County
Peoria, Illinois 61602

Dear Mr. Mihm:

I have your letter wherein you ask whether a commissioner of a housing authority violates section 3 of "AN ACT to prevent fraudulent and corrupt practices, etc." (Ill. Rev. Stat. 1975, ch. 102, par. 3) (hereinafter referred to as the Corrupt Practices Act) when he represents a labor union in contract negotiations with the housing authority. Section 3 prohibits a public official from representing an association in the making of any contract on which the

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official may be called upon to vote. The section reads in pertinent part as follows:

"No person holding any office, either by election or appointment under the laws or constitution of this state, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. * * *"
(Emphasis added.)

It is my opinion that section 3 of the Corrupt Practices Act is violated when a housing authority commissioner represents a labor union in contract negotiations with the housing authority. A housing authority commissioner is a public official for the purposes of the Corrupt Practices Act (Ill. Att'y. Gen. Op. No. NP-596, issued May 31, 1973.) A commissioner is responsible for voting on the hiring of housing authority employees. (Ill. Rev. Stat. 1975, ch. 67 1/2, par. 6.) When a commissioner represents an association, such as a labor union, in contract negotiations with

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the housing authority of which he is a member he is in clear violation of the second sentence of section 3 of the Corrupt Practices Act. The commissioner represents an association with respect to the application for a contract in regard to which he may be called upon to vote.

It should be noted that section 3 of the Corrupt Practices Act was recently amended by Public Act 80-938. That Act provides that a public official, under certain circumstances, may contract with the governing body of which he is a member; however, the Act does not affect the prohibition in the second sentence of section 3. Public officials continue to be barred from representing associations with respect to contracts on which they may be called upon to vote.

Very truly yours,

A T T O R N E Y G E N E R A L