

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

OFFICE OF THE ILLINOIS TREASURER, )  
Appellee, )  
v. ) No. 15-EEC-003  
)  
)  
PATRICK CARLSON, )  
Respondent/Appellant. )

DECISION

This cause is before the Executive Ethics Commission (“Commission”) for purposes of considering appellee’s motion to dismiss Respondent/Appellant’s appeal. This decision will also serve as the Commission’s final administrative decision in this matter.

Respondent/Appellant filed the present notice of appeal of his July 2, 2014 termination with the Commission on July 18, 2014. The Office of the Illinois Treasurer filed the present motion to dismiss on August 1, 2014. Respondent/Appellant has not responded to this motion.

Respondent/Appellant appears pro se. The Office of the Illinois Treasurer is represented by Neil P. Olson.

DISCUSSION

Respondent/Appellant filed the present appeal of his termination pursuant to 5 ILCS 430/20-55(c) and (d). Section 20-55(c) provides that “[d]isciplinary action under this Act against a person subject to the...State Treasurer Employment Code is within the jurisdiction of the Executive Ethics Commission and is not within the jurisdiction of those Acts. Section 20-55(d) continues that “[a]ny hearing to contest disciplinary action for a violation of this Act against a person subject to the ...State Treasurer Employment Code pursuant to an agreement between an Executive Inspector General and an ultimate jurisdictional authority shall be conducted by the Executive Ethics Commission and not under any of those Acts.

The Commission adopted rules at 2 Ill. Admin. Code 1620.1100 governing hearings related to Ethics Act disciplinary action imposed by executive branch officers. These rules require that appeals from such disciplinary action be filed with the Commission within 15 days. The Appellee has 15 days to file a response to any appeal.

The Office of the Treasurer’s motion to dismiss is based upon the Commission’s lack of jurisdiction over the appeal. As noted above, the appeal process authorized by statute and rule is

available only to those employees against whom disciplinary action for alleged violation of the Ethics Act is taken pursuant to an executive branch employment code.

According to the affidavit attached to the Appellee's motion to dismiss, Respondent/Appellant's position was exempt from the State Treasurer's Employment Code. Since the Respondent/Appellant is not subject to the Code, the appeal of his termination provided in statute and rule is not available to him. The Commission, therefore, lacks jurisdiction to consider this appeal.

In the absence of evidence to the contrary, the Commission agrees that it lacks jurisdiction to consider this appeal.

WHEREFORE, for the foregoing reasons, the Commission grants Appellee's motion to dismiss. This matter is dismissed with prejudice.

ENTERED: August 20, 2014