



# ILLINOIS EXECUTIVE ETHICS COMMISSION

## FISCAL YEAR 2010 ANNUAL REPORT



## *Dear Employees and Citizens of the State of Illinois:*

Since the 2003 State Officials and Employees Ethics Act created the Executive Ethics Commission, the commissioners have been working steadily to improve the ethical climate in State government and strengthen its ethics laws.

And we are happy to report significant success.

Many of the ethics initiatives long advocated by the Commission have been enacted by the General Assembly. In partnership with Illinois Attorney General Lisa Madigan, the Commission advanced legislation that deepened and expanded the transparency and oversight of the disciplinary process of State employees who behave unethically on the job.

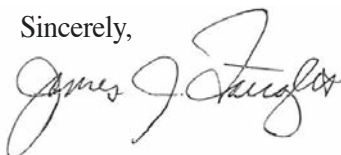
In addition, the Commission was given authority to oversee the purchase of goods and services procured by State agencies under the control of the Governor and State universities. This new authority has vastly expanded the Commission's responsibility to encourage ethical behavior by State employees.

Since its inception, the Commission has worked vigorously to implement the new ethics law and strengthen the law's provisions. Fiscal Year 2010 was no different. In the last year the Commission has:

- Conducted multiple hearings and issued decisions in employee disciplinary cases referred by the Executive Inspectors General and Attorney General.
- Released final investigation reports on State employee misconduct prepared by the Executive Inspectors General, reports that were previously barred by law from publication, but a law the Commission helped to overturn.
- Convened its annual State Ethics Officer Conference for more than 100 Ethics Officers, general counsel and support staff.
- Awarded the fifth annual Abraham Lincoln Ethics Award, which was created by the Commission to recognize State employees who have shown exemplary integrity, fairness and services to the people of Illinois.
- Helped train approximately 150,000 State officers and employees on the ethics rules.
- Provided on-going advice to the dozens of State agency Ethics Officers.

This report summarizes Commission activities since July 2009 and is available on the Commission's website. For more information, please contact Executive Director Chad Fornoff at (217) 558-1393.

Sincerely,



James J. Faught  
Chair  
Executive Ethics Commission

---

## ■ Executive Ethics Commission and Staff—Background

The Executive Ethics Commission comprises nine commissioners appointed by five executive branch Constitutional officers. The Governor appoints five of the nine Commissioners, and the Attorney General, Secretary of State, Treasurer, and Comptroller each appoint one. The Senate confirms commissioners, who serve staggered four-year terms.

No more than five commissioners may be members of the same political party, and commissioners may not engage in any political activity during the term of their appointment.

## ■ Commissioners

- **James Faught, Chair** – Comptroller’s appointee from Wilmette. James Faught is the Associate Dean for Administration at Loyola University Chicago School of Law.
- **MaryNic U. Foster, Vice-chair** – Treasurer's appointee from Elmhurst. MaryNic Foster is the legal counsel and acting director for the Cook County Department of Human Rights, Women's Issues and Ethics.
- **Randal E. Thomas, Secretary** – Governor's appointee from Springfield. Randal Thomas is a retired 30-year educator and Army general officer. He was the 36th Adjutant General of the Illinois National Guard.
- **James Brennan** – Governor’s appointee from Wheaton. James M. Brennan is Director of Compliance for Reyes Holdings LLC.
- **Shawn Denney** – Attorney General’s appointee from Springfield. Father Shawn Denney is Arch-deacon of the Springfield, Illinois Diocese of the Episcopal Church and former Senior Counsel to the Illinois Attorney General.
- **Maria Kuzas** – Secretary of State’s appointee from Chicago. Maria Kuzas is a registered nurse and manager at Northwestern Memorial Hospital.
- **Gayl S. Pyatt** – Governor's appointee from Pinckneyville, Gayl S. Pyatt is a retired attorney, having practiced law in southern Illinois for over 30 years.
- **Gil Soffer**– Governor's appointee from Evanston. Gil Soffer is the Co-Chair of the National White Collar Practice at Katten Muchin Rosenman LLP, and a former Associate Deputy Attorney General of the United States.
- **Stephen John Thurston, Sr.** – Governor's appointee from Olympia Fields. Pastor, New Covenant Baptist Church, Chicago and President of National Baptist Convention of America, Inc. International.
- **Scott F. Turow** – Governor’s appointee from Evanston. Scott F. Turow is an author and partner with the law firm Sonnenshein, Nath and Rosenthal. (Served: 07/01/2004 – 09/30/2009)
- **Ellen C. Craig** – Governor’s appointee from Chicago. Ellen C. Craig is a telecommunications consultant and former Chairman of the Illinois Commerce Commission. (Served: 07/01/2004 – 09/30/2009)

## ■ Staff

- **Chad Fornoff**, Executive Director – Chad is a former Illinois Assistant Attorney General and Chief Legal Counsel to the Illinois Court of Claims. Chad.Fornoff@illinois.gov
- **Whitney Wagner Rosen**, Legal Counsel – Whitney is a graduate of the University of Illinois at Urbana-Champaign (B.A., 1988) and Washington University in St. Louis School of Law (J.D., 1991). Ms. Rosen most recently served as Chief Legal Counsel to the Illinois Office of the Comptroller (2002-2010). Whitney.Rosen@illinois.gov
- **Jeris Gordley**, Office Manager – Jeris is a former 26-year employee of the Illinois Secretary of State who worked in the Court of Claims division and directed the Employee of the Month program for the entire agency. Jeris.Gordley@illinois.gov

## ■ Duties of the Executive Ethics Commission

*The Ethics Act empowers the Commission to:*

1. Promulgate rules governing the performance of Commission duties and governing the investigations of the Executive Inspectors General.
2. Conduct administrative hearings on investigations brought before the Commission by an Executive Inspector General.
3. Receive periodic reports from the Executive Inspectors General and the Attorney General regarding ongoing and completed investigations.
4. Prepare and publish manuals and guides and oversee training of executive agency employees.
5. Prepare public information materials to facilitate compliance, implementation, and enforcement of the Ethics Act.
6. Make rulings, issue recommendations and impose administrative fines, on ethics cases brought before it.
7. Issue subpoenas with respect to matters pending before the Commission.
8. Appoint Special Executive Inspectors General to investigate executive agency inspector generals or to pursue investigations of executive agency ethical misconduct allegations that have failed to be resolved within six-months.
9. Consider appeals of Executive Inspector General determinations concerning the revolving door prohibition.
10. Receive reports of *ex parte* communications that each agency and constitutional officer is required to file with the Commission.
11. Exercise jurisdiction over matters arising under the Illinois Procurement Code.

## ■ Executive Ethics Commission Helps Wins Expanded Transparency and Oversight over State Employee Investigations, Strengthened Goods and Services Purchase Reforms

The Commission won an expansion of its responsibilities and authority by two new pieces of legislation, P.A. 96-555 and P.A. 96-795.

## ■ **P.A. 96-555** **Commission Wins Public Release of Employee Investigation Reports**

Most State employee investigation reports containing serious, confirmed ethical misbehavior, will now be made public, thanks in part to legislative efforts by the Executive Ethics Commission and the Attorney General.

Under the new law, all Executive Inspector General investigation reports of State employee conduct, founded and unfounded, are forwarded to the Executive Ethics Commission for review. If a founded report results in employee discipline of three days' suspension or more, the Commission redacts certain information and sends the proposed redactions out for comment.

A redacted version of the investigation report is now released to the public via the Commission's web site as a result of Commission support for new law that expanded investigation transparency.

\* As of January 26, 2011, the Commission has published fifteen such employee investigation reports on its web site.

## ■ **Commission Secures "Employee Revolving Door" Transparency Changes**

If some key State employees seek to leave their State government job for private sector post, they will now need to disclose more information.

All State employees who have the authority to become personally and substantially involved in contracting, licensing and regulatory decisions are now identified by their agency or constitutional office.

Before these employees leave and accept non-State employment, they must notify the appropriate Executive Inspector General and seek a determination as to whether the proposed employment is permitted.

The determinations made by the Executive Inspector General may be appealed to the Executive Ethics Commission by either the employee or the Attorney General.

## ■ **P.A. 96-795** **Executive Ethics Commission Now Oversees Purchase of State Goods and Services**

The General Assembly removed the authority to procure most goods and services from the State agencies under the Governor's control and tasked that responsibility to the Executive Ethics Commission.

The Commission has appointed four Chief Procurement Officers, who, in turn, have appointed State Purchasing Officers for each State agency. These officials must approve any purchases sought by the agencies in advance of any contract being signed.

The Commission has also appointed Procurement Compliance Monitors for each State agency. The monitors oversee the procurements from inception to ensure that laws, rules and best practices are followed by state employees.

## ■ **Education and Training—Commission Helped Train 150,000 State Employees in 2010**

In Fiscal Year 2010, the Executive Ethics Commission helped train and educate approximately 150,000 State employees on ethical behavior in State government.

To exercise its training oversight responsibility, the Commission established an ethics training committee to review and approve the annual ethics training programs prepared by the five Executive Inspectors General.

In addition, the Commission distributed thousands of brochures to employees, highlighting whistle blowing protections, prohibited political activity, and the ban on gifts. These brochures are also available on the Commission's Web site (<http://www.eec.illinois.gov/>).

## ■ **Fifth Annual Ethics Officer Conference Held; Abraham Lincoln Ethics Award Bestowed on Office of the Illinois Attorney General**

On April 29, 2010 the Commission hosted its fifth annual Ethics Officer Conference in Springfield and bestowed its Abraham Lincoln Ethics award on the Office of the Illinois Attorney General.

In 2009, in partnership with the Executive Ethics Commission, the Illinois Attorney General's office successfully spearheaded a legislative overhaul of the State Officials and Employees Ethics Act. As a result, amendments raise ethical standards for State officers and employees and significantly boost transparency in State government.

The enhanced transparency now permits the Executive Ethics Commission to publish information about serious ethical lapses in State government, now allowing the public to view investigative reports for the first time.

In addition to granting the award, the Commission conference welcomed more than 100 attendees, mostly Ethics Officers, General Counsel and agency support staff, to this all-day conference that featured training on ethics-related issues.

The Commission organized sessions to review *ex parte* communications and revolving door, whistle blowing and employee rights, gift ban and political activities, personnel issues and conflicts of interest, advanced ethics training, techniques and employee surveys.

The conference also featured a roundtable discussion on Ethics Officer best practices.

The Commission will host a sixth training conference for Ethics Officers on March 29, 2011.

## ■ **Executive Ethics Commission Web site Answers Questions, Provides Decisions, Discloses Investigation Reports**

In 2005, the Commission launched its Web site: <http://www.eec.illinois.gov> to provide a window into Illinois ethics for the public.

The web site answers frequently asked ethics questions; provide contact information for ethics organizations, and display the Ethics Act and Commission rules for easy public review.

Additionally, the Commission web site discloses all the Commission decisions and redacted versions of state employee investigation reports.

## ■ **State Agency Ethics Officers, Executive Ethics Commission Working Together**

During Fiscal Year 2010, the Executive Ethics Commission has intensified its work with the State's executive branch agency ethics officers.

The Commission continuously receives inquiries from Ethics Officers concerning the interpretation and implementation of the Ethics Act. It also serves as a clearinghouse among the Ethics Officers for best ethics practices and shares this critical information with the Ethics Officers.

Each State executive agency and constitutional office is required to designate an Ethics Officer whose responsibilities include acting as liaisons between the State agency and the Commission.

As part of the Commission's on-going ethics education strategy, the Commission will host a sixth training conference for Ethics Officers on March 29, 2011.

## ■ **Oversight of Employee Investigations: 14 Complaints Filed with Commission; Dozens of Investigation Reports Received.**

During Fiscal Year 2010, the Office of the Attorney General filed 14 complaints with the Commission, and the Commission closed nine cases, finding a violation of the Ethics Act in eight of those.

Final decisions in these founded cases have been placed on the EEC's web site.

Additionally, the Commission also received 124 final investigation reports from the Executive Inspectors General during Fiscal Year 2010. Of these, 34 reports were determined that wrongdoing had occurred. Most of the founded reports involved relatively minor wrongdoing that resulted in less than three-days' suspension for the employee.

The General Assembly requires the Commission to conduct administrative hearings on investigations of suspected employee wrongdoing, whenever an Executive Inspector General chooses (with the concurrence of the Attorney General) to bring claim before the Commission.

During Fiscal Year 2010, the Commission redacted and made public eight investigation reports and placed the redacted reports on its web site. ([http://www2.illinois.gov/eec/Pages/EIG\\_Founded\\_Reports.aspx](http://www2.illinois.gov/eec/Pages/EIG_Founded_Reports.aspx))



## ■ **Commission Receives 22 Revolving Door Notices**

In Fiscal Year 2010, the Commission received from Executive Inspectors General a total of 22 notices of determination of a State employee job change to the private sector from Executive Inspectors General—15 from the EIG for agencies of the Governor, six from the EIG for the Attorney General, and one from the EIG for the Comptroller.

Of these, one was appealed to the Commission during Fiscal Year 2010.

The revolving door prohibition forbids certain State officers and employees from accepting employment from particular employers for one year after ending their State employment to avoid unethical actions or appearances.

Specifically, the revolving door provisions affect employees who, in the year before termination of State service, had the following interaction with their prospective new employer:

- 1) Participated personally and substantially in the decision to award that entity with State contracts with a cumulative value of over \$25,000; or
- 2) Made regulatory or licensing decisions that directly applied to that entity.

The law also applies to an employee's spouse and immediate family members living at home.

As described above, changes in the new law, P.A. 96-555, require employees with responsibility for making contracting, licensing or regulatory decisions to seek a determination from the appropriate Executive Inspector General prior to leaving State employment and accepting employment from another entity.

## ■ ***Ex parte* Communication Reports Reach 557, Reporting Growth Expected**

During Fiscal Year 2010, the Commission received 557 reports of *ex parte* communications from many different State agencies.

*Ex parte* communications are those oral or written communications made to an agency during the rulemaking period or related to a regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the agency.

Each agency and constitutional officer is required to file reports of *ex parte* communications with the Commission. The Commission Executive Director reviews these reports and forwards significant reports to the Commission for discussion and possible referral.

The Commission expects that the number of reports will increase as more employees and Ethics Officers become aware of this provision. ■



ILLINOIS EXECUTIVE ETHICS COMMISSION • FISCAL YEAR 2010 ANNUAL REPORT

---

Printed by Authority of the State of Illinois  
March 2011, 200

