

4. On or about March 22, 2007, respondent Segura-Abernathy sent a recording and a script of a Public Service Announcement (“PSA”) to respondent Trame for approval.
5. On or about March 23, 2007, respondent Trame forwarded the recording to respondent Trent, who approved it.
6. Respondent Trame directed respondent Segura-Abernathy to move forward with the PSA.
7. On March 29, 2008 respondent Trent signed a contract with the Illinois Broadcasters Association for \$25,000 to air the PSA during April, May and June of 2007.
8. The PSA aired on radio stations until May 19, 2007, when it was pulled when a question concerning the Ethics Act was raised.
9. The text of the PSA aired on radio stations read as follows:

The cost of Internet crime in human and economic terms is serious. Internet crimes including credit card fraud and victimization of innocent citizens have become commonplace. Thanks to Governor Rod Blagojevich and the Illinois State Police Internet Crimes Unit, e-criminals will no longer be able to victimize Illinois citizens. If you have been a victim of internet crime, link to us online from any state web page or call the Illinois State Police Internet Crimes Unit at 1-888-70-CRIME. That’s 1-888-702-7463. Sponsored by the Illinois State Police.

CONCLUSIONS OF LAW

1. Respondents Anna Segura-Abernathy, Larry Trent and Jessica Trame were State employees, as “employee” is defined in the State Officials and Employees Ethics Act (5 ILCS 430/1-5) at all times relevant to this matter.
2. The Executive Ethics Commission has jurisdiction over respondents in the matter of their alleged violation of the Public Service Announcements article of the Act. 5 ILCS 430/5-20(a).
3. Section 5-20(a) of the Act provides: “Beginning January 1, 2004, no public service announcement or advertisement that is on behalf of any State administered program and contains the proper name of, image, or voice of any executive branch constitutional officer or member of the General Assembly shall be broadcast or aired on radio or television or printed in a commercial newspaper or a commercial magazine at any time.” 5 ILCS 430/5-20(a).
4. Respondent Anna Segura-Abernathy violated 5 ILCS 430/5-20(a) when she allowed and directed a PSA that contained the proper name of Governor Rod Blagojevich to be broadcast on the radio on behalf of a unit of the Illinois State Police.

5. Respondent Jessica Trame violated 5 ILCS 430/5-20(a) when she allowed and directed a PSA that contained the proper name of Governor Rod Blagojevich to be broadcast on the radio on behalf of a unit of the Illinois State Police.
6. Respondent Larry Trent violated 5 ILCS 430/5-20(a) when he allowed and directed a PSA that contained the proper name of Governor Rod Blagojevich to be broadcast on the radio on behalf of a unit of the Illinois State Police.
7. The Executive Ethics Commission may levy an administrative fine of up to \$5,000 against any person who violates the State Officials and Employees Ethics Act. 5 ILCS 430/50-5(e).

ANALYSIS

As mentioned above, all three respondents have acknowledged violating Section 5-20(a) of the Ethics Act. The only question before the Commission is what penalties, if any, are appropriate in this matter.

Petitioner seeks oral argument or an order imposing a fine for each respondent in the amount of \$10,000. Petitioner alleges that the Commission can impose a fine for a business offense pursuant to Section 50-5(b) of the Ethics Act (5 ILCS 430/50-5(b)) and also under the Commission's authority to impose fines for any violation of the Ethics Act pursuant to Section 50-5(e).

Petitioner also seeks a recommendation from the Commission to the Governor that the Governor: 1) issue formal letters of discipline to each respondent, which shall be placed in their files at the Illinois State Police; 2) require the Illinois State Police to adopt internal protocols that require all press releases, public statements and public service announcements be approved in advance by the Illinois State Police Ethics Officer; and 3) require respondents Segura-Abernathy and Trame to undergo supplementary ethics education covering the requirements of the Ethics Act and internal protocols of the Illinois State Police.

Respondents note that none of them have ever been reprimanded or disciplined. They claim to be embarrassed and remorseful for their error and regret not knowing the prohibitions concerning public service announcements. This appears to be the first and only incident of this nature at the Illinois State Police. It appears that other employees of the Illinois State Police who were not named in the complaint were aware of the PSA in question, but no one raised the issue of the prohibition against the use of the Governor's name. When the prohibition was brought to their attention, respondents acted immediately to correct the error. As to respondent Trame, her only apparent involvement was relaying information from and to respondent Trent.

Respondents have further cooperated in these proceedings by acknowledging the violation and avoiding a lengthy hearing. Respondents also made themselves available to be deposed by petitioner in advance of the pending hearing. There is no evidence that respondents benefited directly or indirectly from this violation, that this violation was part of an on-going scheme or

that respondents took any action to hide their actions. It appears that respondents were simply unaware of the prohibition against using an official's proper name in a public service announcement. This lack of knowledge, however, does not excuse the violation.

Petitioner's request that the Commission impose a fine for a business offense pursuant to Section 5-50(b) cannot be granted. The Commission does not have the authority to impose criminal penalties. Furthermore, the \$5,000 administrative fine sought by petitioner is not proportionate to the offense and not consistent with other fines imposed by the Commission for comparable offenses. As to petitioner's request that the Commission make certain recommendations to the Governor, a copy of this opinion shall be forwarded to the Governor, who can take action that he believes is appropriate.

WHEREFORE, for the foregoing reasons, the Commission finds that respondents Anna Segura-Abernathy, Jessica Trame and Larry Trent violated Section 5-20(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-20(a)).

IT IS FURTHER ORDERED that an administrative fine of \$500.00 is levied against Anna Segura-Abernathy in accordance with her involvement in violating Section 5-20(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-20(a)).

IT IS FURTHER ORDERED that an administrative fine of \$250 is levied against Jessica Trame in accordance with her involvement in violating Section 5-20(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-20(a)).

IT IS FURTHER ORDERED that an administrative fine in the amount of \$500 is levied against Larry Trent, in accordance with his involvement in violating Section 5-20(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-20(a)).

IT IS FURTHER ORDERED that petitioner's request for oral argument is denied.

IT IS FURTHER ORDERED that petitioner's motion to strike portions of respondents' motion for a hearing by stipulation is granted.

IT IS FURTHER ORDERED that petitioner's motion to strike portions of respondents' submission in mitigation is denied.

This is a final administrative decision and subject to the Administrative Review Law.

ENTERED: November 18, 2009