

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: NORMAJEAN NIEBUR and )  
BOBBIE FULTS )

OEIG Case # 10-00095

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Commission to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission (“Commission”) received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Normajean Niebur and Bobbie Fults at their last known addresses.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission’s determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

**FINAL REPORT**

**I. Initial Allegations and Subsequent Allegations**

The OEIG received a complaint alleging that University of Illinois-Springfield (“University”) employee Normajean Niebur was using State resources to engage in prohibited political activity. In particular, it was alleged that, on February 1, 2010, Ms. Niebur forwarded an e-mail from her State account soliciting recipients to work on candidate Dan Hynes’s gubernatorial campaign. During the investigation, the OEIG investigators discovered that

another University employee, Bobbie Fults, sent emails using her State computer regarding work on Mr. Hynes's campaign.

## **II. Background**

Normajeane Niebur is an Office Support Specialist for the University and is also the president of the University's chapter of the University Professionals of Illinois ("UPI") Local 4100.<sup>1</sup> Bobbie Fults is an Office Support Specialist for the University. Ms. Fults is also a member of UPI Local 4100.

## **III. Investigation**

### **A. Review of Normajeane Niebur's Email Records**

OEIG investigators obtained and reviewed email messages from Ms. Niebur's University email account dating from December 1, 2009, to February 3, 2010. Included in these records is a February 1, 2010, email to Ms. Niebur from [redacted] of the Illinois Federation of Teachers ("IFT"). [Redacted] solicited union members and their families to work as paid "volunteers" on February 2, 2010, the date of Illinois' primary elections, in support of Dan Hynes's gubernatorial campaign by either working directly with the Hynes campaign or working at the IFT phone bank in support of the Hynes campaign. [Redacted] describes the effort as "making sure Hynes' [sic] supporters are getting to the polls." Later that day, Ms. Niebur forwarded [redacted's] solicitation to at least 89 people, most of whom were also State employees, writing, "FYI below—extra money."

Ms. Fults, one of the 89 individuals to whom Ms. Niebur forwarded the email message, sent a reply to Ms. Niebur from her State email account which stated, "Thank you very much. I contacted [the person coordinating the union phone bank in support of Hynes's campaign]." Ms. Niebur in turn sent a reply thanking Ms. Fults for volunteering for the campaign.

### **B. Interview of Normajeane Niebur**

On June 24, 2010, OEIG investigators interviewed Ms. Niebur. During this interview, Ms. Niebur stated that she did not use her State computer or email for political purposes and did not send political information to fellow union members. When shown her February 1, 2010, e-mail, Ms. Niebur said that she had received and forwarded the email regarding Hynes's campaign. Ms. Niebur explained that she forwarded the email because union members were among the lowest paid employees at the University and that they could probably use the money offered for volunteering.

### **C. Interview of Bobbie Fults**

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<sup>1</sup> University of Professionals of Illinois ("UPI") is affiliated with the American Federation of Teachers ("AFT") as is the Illinois Federation of Teachers ("IFT"). <http://il.aft.org/041000/index.cfm?action=cat&categoryID=4651bda0-3be6-49f9-b7b3-7ee2c2da570e>; <http://www.ift-aft.org/AboutIFT/Leadership.aspx>.

On August 10, 2010, OEIG investigators interviewed Ms. Fults. During this interview, Ms. Fults stated that she did not use her State computer and/or email for political purposes. When shown her February 1, 2010, email with Ms. Niebur, Ms. Fults said that she had received Ms. Niebur's email and responded as shown in the email records. Ms. Fults indicated that she did not believe the email was inappropriate, because (1) it had originated from the union and (2) Ms. Fults had received it from the union president (Ms. Niebur). Ms. Fults also stated that she did, in fact, work the phone bank for the Hynes gubernatorial campaign on February 2, 2010, and was paid \$80 for her work. Ms. Fults said that she used benefit time to volunteer on February 2, 2010.

#### **D. Investigative Activity Following Ms. Fults' Interview**

OEIG investigators obtained and reviewed time records for Ms. Fults, which showed that she was absent on February 2, 2010, and used vacation time.

#### **IV. Analysis**

The State Officials and Employees Ethics Act ("Ethics Act") defines "prohibited political activity" to include "preparing for, organizing, or participating in any ... political event" and "helping in an effort to get voters to the polls." 5 ILCS 430/1-5. "Political" is defined by the Ethics Act as "any activity in support of or in connection with any campaign for elective office." 5 ILCS 430/1-5. An employee is prohibited from misappropriating State property or resources by using them to engage in prohibited political activity. 5 ILCS 430/5-15(a).

The email Ms. Niebur forwarded solicits workers to work directly for Hynes's campaign or to assist at a union phone bank "for Hynes." The plain language of the email makes clear that the events for which volunteers were sought were political events as defined by the Ethics Act. Both the election day efforts by the Hynes campaign and IFT's phone bank operation in support of Hynes concerned efforts to get voters to the polls in support of and in connection with Hynes's gubernatorial bid. Ms. Niebur engaged in prohibited political activity when she used her State computer and State email system to solicit individuals to work in primary election day events in support of Hynes's campaign for elective office. Accordingly, the allegation that Ms. Niebur engaged in prohibited political activity by using her State computer and the State email system to circulate the February 1, 2010, solicitation is FOUNDED.

Ms. Fults also engaged in prohibited political activity when she responded to Ms. Niebur's email. Ms. Fults used her State computer to correspond regarding participation in events to support Hynes's campaign by getting voters to the polls. Accordingly, the allegation that Ms. Fults engaged in prohibited political activity when she used her State computer and the State email system to respond to the February 1, 2010, solicitation is FOUNDED.

#### **V. Recommendations**

Following due investigation, the OEIG issues these findings:

➤ **FOUNDED** – Normajean Niebur engaged in prohibited political activity when she used her state computer to forward electronic messages soliciting recipients to work on Dan Hynes’s gubernatorial campaign event.

➤ **FOUNDED** – Bobbie Fults engaged in prohibited political activity when she used her state computer to respond to Ms. Niebur’s electronic message relating to Dan Hynes’s gubernatorial campaign.

The OEIG recommends that Normajean Niebur and Bobbie Fults be subject to discipline for using State resources to engage in prohibited political activity.

Under the circumstances, the OEIG will not request the Illinois Attorney General file a complaint against Ms. Niebur and Ms. Fults with the Illinois Executive Ethics Commission.

No further investigative action is warranted and this case is considered closed.

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

IN RE: NORMAJEAN NIEBUR )

10-00095

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

Below is my public response. Please make this response public if the summary report is also made public; or

Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

*[Normajean Niebur, signed]*  
Respondent's Signature

7-15-11  
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission  
401 S. Spring Street, Room 513 Wm. Stratton Building  
Springfield, IL 62706

The people I sent the email to are the lowest paid people on the campus. Some are working two jobs and some are getting food stamps. This was a way for them to earn extra money and not a political statement for the candidate if they chose to apply. It was not a political statement on my part either.



OFFICE OF EXECUTIVE INSPECTOR GENERAL  
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900  
CHICAGO, ILLINOIS 60601  
(312) 814-5600

RICARDO MEZA  
EXECUTIVE INSPECTOR GENERAL

OEIGG RESPONSE FORM

Case Number:  
10-00095

Return By:  
20 Days After Receipt of Report

Please check the box that applies.

We have implemented all of the OEIGG recommendations.  
(Provide details regarding action taken.)

Ms. Normajeane Niebur was disciplined on April 7, 2011, via verbal reprimand in accordance with established policies and procedures and collective bargaining agreement for her engagement in prohibited political activity.

Ms. Bobbie Fults was disciplined on June 1, 2011, via verbal reprimand in accordance with established policies and procedures and collective bargaining agreement for her engagement in prohibited political activity. Ms. Fults discipline was delayed as a result of approved leave from the University.

We will implement all of the OEIGG recommendations but will require additional time. We will report to OEIGG within 30 days from the original return date.  
(Provide details regarding action planned / taken.)

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(over)

We are implementing one or more of the OEIGG recommendations, however, we plan to depart from other OEIGG recommendations.

(Provide details regarding action planned / taken and any alternate plan(s).)

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We do not wish to implement any of the OEIGG recommendations.

(Explain in detail why and provide details of any alternate plan(s).)

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Signature

Donna S. McNeely  
\_\_\_\_\_  
Print Name

University Ethics Officer,  
University of Illinois  
\_\_\_\_\_  
Print Agency and Job Title

06/06/11  
\_\_\_\_\_  
Date



OFFICE OF EXECUTIVE INSPECTOR GENERAL  
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900  
CHICAGO, ILLINOIS 60601  
(312) 814-5600

RICARDO MEZA  
EXECUTIVE INSPECTOR GENERAL

OEIGG RESPONSE FORM

Case Number:  
10-00095

Return By:  
20 Days After Receipt of Report

Please check the box that applies.

- We have implemented all of the OEIGG recommendations.  
(Provide details regarding action taken.)

Ms. Normajeane Niebur was disciplined on April 7, 2011, via verbal reprimand in accordance with established policies and procedures and collective bargaining agreement for her engagement in prohibited political activity.

Ms. Bobbie Fults is currently on approved FMLA leave. Upon her return, Ms. Fults will be disciplined in accordance with established policies and procedures and collective bargaining agreement for her engagement in prohibited political activity.

- We will implement all of the OEIGG recommendations but will require additional time. We will report to OEIGG within 30 days from the original return date.  
(Provide details regarding action planned / taken.)

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(over)

- We are implementing one or more of the OEIGG recommendations, however, we plan to depart from other OEIGG recommendations.  
(Provide details regarding action planned / taken and any alternate plan(s).)

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- We do not wish to implement any of the OEIGG recommendations.  
(Explain in detail why and provide details of any alternate plan(s).)

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Signature  
Donna S. McNeely  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
University Ethics Officer,  
University of Illinois  
Print Agency and Job Title  
  
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04/13/11  
Date