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EXECUTIVE
ETHICS COMMISSION

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: ARIANA JAUPI

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No. 12-EEC-001

Appeal of OEIG
Revolving Door
Determination

DECISION

This cause is before the Executive Ethics Commission (“Commission”) on appeal from a determination by the Office of the Executive Inspector General for Agencies of the Illinois Governor (OEIGG).

FINDINGS OF FACT

A complete copy of the record of the proceedings has been reviewed by the Executive Ethics Commission. Based upon this record, the Commission makes the following findings of fact:

1. On June 29, 2011, the Office of the Executive Inspector General for Agencies of the Illinois Governor (OEIGG) made a revolving door determination pursuant to 5 ILCS 430/5-45(f) concerning Ariana Jaupi’s (Jaupi) employment-related opportunity with respect to City Colleges of Chicago.
2. The determination concluded that Jaupi did not have any personal or substantial involvement in the award of State contracts or in any regulatory or licensing decision with respect to City Colleges.
3. The determination further concluded that as Jaupi failed to make a timely notification of her employment relationship with City Colleges she was “ineligible from accepting the employment opportunity with City Colleges.”
4. On July 7, 2011, Jaupi filed an appeal of this determination with the Commission.
5. Jaupi was employed by the Illinois State Toll Highway Authority until June 24, 2011. On June 20, 2011, Jaupi submitted a completed revolving door notification to the OEIGG indicating her upcoming June 27, 2011 start date of employment with the City Colleges of Chicago.
6. Jaupi admits accepting employment with the City Colleges of Chicago prior to submission of her revolving door notification to the OEIGG.
7. On June 27, 2011, Jaupi began her employment with City Colleges of Chicago.

8. The Commission has sought written public comment on this matter by placing the appeal on the Commission's web site. The Commission also posted public notices at its office in the William Stratton Building. No public comments have been forwarded to the Commission to accept or consider.
9. No objection to the appeal was filed by any person.

CONCLUSIONS OF LAW

1. An Executive Inspector General's determination regarding revolving door restrictions may be appealed to the Commission by the person subject to the decision or the Attorney General no later than the 10th calendar day after the date of the determination. 5 ILCS 430/5-45(g).
2. The present appeal of the June 29, 2011 revolving door determination made by the OEIGG pursuant to 5 ILCS 430/5-45(f) is properly before the Commission and the Commission has jurisdiction to consider the appeal.
3. Employees in positions subject to policies required by (c) [5 ILCS 430/5-45(c)] who are offered non-State employment during State employment or within one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate Executive Inspector General. 5 ILCS 430/5-45(f) (emphasis added).
4. Employees in positions subject to policies required by subsection (c) [5 ILCS 430/5-45(c)] are required to notify the appropriate Executive Inspector General of all offers of non-State employment, and not just those that may violate subsections (a) and (b) of the revolving door prohibition. 5 ILCS 430/5-45(a) and (b).
5. The Governor adopted a policy, pursuant to 5 ILCS 430/5-45(c), delineating Jaupi's position as one, by the nature of her duties, that may have the authority to participate personally and substantially in the award of State contracts. This policy was filed with the Executive Ethics Commission on February 18, 2010.
6. Jaupi is subject to policies required by 5 ILCS 430/5-45(c) and accepted non-State employment within one year immediately after her termination of State employment.
7. Jaupi was required to notify the OIEGG, in accordance with 5 ILCS 430/5-45(f), prior to accepting employment with the City Colleges of Chicago.

8. In violation of 5 ILCS 430/5-45(f), Jaupi failed to notify the OEIGG prior to accepting her employment with the City Colleges of Chicago. Instead, she notified the OEIG only after accepting employment with the City Colleges of Chicago.
9. Jaupi's notification to the OEIGG of her employment with the City Colleges of Chicago was untimely.

DISCUSSION

The Commission agrees with the analysis made by the OEIGG in its June 29, 2011 determination insofar as it states that employees in Jaupi's position are required to notify the OEIGG in advance of accepting a non-State employment opportunity and that Jaupi made an untimely notification. Jaupi's own appeal indicates that when she notified the OEIGG on June 20, 2011, she had already accepted employment with the City Colleges of Chicago.

The Commission finds no reason to disagree with the determination made by the OEIGG that Jaupi has not had any personal or substantial involvement in the award of any State contracts or in any regulatory or licensing decisions involving the City Colleges of Chicago.

WHEREFORE, for the foregoing reasons, the Commission determines that Jaupi's failure to timely notify the OEIGG in advance of accepting a non-State employment opportunity does not render Jaupi ineligible for employment with the City Colleges of Chicago. The Commission concludes that as Jaupi has not had any personal or substantial involvement in the award of any State contracts or in any regulatory or licensing decisions involving the City Colleges of Chicago, Jaupi is eligible to accept employment with the same.

The OEIGG's June 29, 2011 determination is affirmed insofar as it concludes that the notification made by Ariana Jaupi was untimely for purposes of 5 ILCS 430/5-45(f). The Commission invites the OEIGG to consider whether (a) Jaupi's failure to notify constitutes a violation of the Ethics Act, and (b) if so, whether the OEIGG wishes to pursue a complaint with the Attorney General.

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

ENTERED: July 15, 2011

The Executive Ethics Commission

By:


Chad D. Fornoff
Executive Director