

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: SHAUN SAVILLE

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No. 13-EEC-009

Appeal of OEIG
Revolving Door
Determination

DECISION

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

FINDINGS OF FACT

The record of proceedings has been reviewed by the members of the Executive Ethics Commission. The record consists of the Attorney General’s November 8, 2012 Brief in Support of Appeal, the Office of the Executive Inspector General for Agencies of the Illinois Governor’s November 13, 2012 Comment to Appeal of Revolving Door Determination, and Shaun Seville’s November 15, 2012 Memorandum of Support of Objection to Appeal of Revolving Door Determination.

Based upon this record, the Commission makes the following findings of fact:

1. On October 29, 2012, the Office of the Executive Inspector General for Agencies of the Illinois Governor (OEIG) made a revolving door determination pursuant to 5 ILCS 430/5-45(f) with respect to Shaun Saville’s (Saville) proposed employment with Chicago Public Schools (CPS) at the McNair Elementary School.
2. The determination concluded that “**you are not restricted** from accepting the employment opportunity described in your materials by the Revolving Door prohibitions of the State Officials and Employees Ethics Act.” (emphasis in original).
3. On November 8, 2012, the Office of the Illinois Attorney General filed a brief in support of its appeal.
4. Saville was employed with the Illinois State Board of Education (ISBE) as a Principal Education Consultant. She has served in this capacity since February 1, 2005.
5. As a Principal Education Consultant, Saville’s job responsibilities included conducting focus monitoring evaluations of CPS schools to determine whether those schools were in compliance with the Disabilities Education Act. She also provides technical support to those schools that are not in compliance.

6. Saville's monitoring activity consists of being a member of a two or three person team that conducts a two to four-day on-site review of a school, and drafting a final report containing recommendations for the school to become compliant. This report is edited by her supervisor and entered into the ISBE Internal Reporting System. The report is shared with the school and the monitors continue to work with the school help the school become compliant. If the school is not compliant within two years, it may be subject to progressive changes and possible loss of special education funding.
7. In the past year, Saville completed final reports for three CPS schools: Schurz High School, Penn Elementary and Gale Elementary. She has not monitored McNair Elementary School.
8. On October 12, 2012, Saville interviewed with the Principal of McNair Elementary School and received a verbal offer of employment as a special education teacher. No one from CPS administrative office was present at the interview.
9. For 2010 and 2011, the State Board of Education submitted lists of employees who had, by the nature of their duties, the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. In both of these lists, Saville is identified as an employee who had the authority to participate personally and substantially in the award of contracts, but not in regulatory or licensing decisions.
10. On Saville's RD-101 report notifying the OEIG of her prospective employment, Saville checked that she did have signatory or actual authority to issue regulatory or licensing decisions. Saville's supervisor stated in an interview with an OEIG investigator that Saville does not have the authority to make regulatory or licensing decisions.
11. Saville states that she would be receiving a pay cut to take the position with Chicago Public Schools.
12. Saville states that the offer of employment was made by the principal at McNair Elementary School and that the CPS central office had no involvement in the matter of her employment.
13. In her brief, Saville argues that she lacks regulatory or licensing authority for one of her three monitoring projects involving CPS schools, which rests, instead, with a court-appointed monitor. Saville also argues that no regulatory or licensing decision has been made, since these decisions will only be made after a two-year opportunity to remedy her recommendations.
14. The Commission has sought written public opinion on this matter by posting the appeal on its website and posting a public notice at its offices in the William Stratton Building.

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 October 29, 2012 revolving door determination made by the OEIG pursuant to 5 ILCS 430/5-45(f) with respect to Shaun Saville's proposed employment is properly before the Commission and the Commission has jurisdiction to consider the appeal.
3. Subsection (b) of the revolving door section of the State Officials and Employees Ethics Act provides:

(b) No former officer of the executive branch or State employee of the executive branch with regulatory or licensing authority, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in making a regulatory or licensing decision that directly applied to the person or entity, or its parent or subsidiary.

5 ILCS 430/5-45(b)

4. The Commission is not required to find evidence of a quid pro quo or an actual effect of the prospective employment upon a licensing decision made by the employee in order to reverse a determination by the Executive Inspector General.
5. Subsection (g) of the same section provides:

(g)...In deciding whether to uphold an Inspector General's determination, the appropriate Ethics Commission or Auditor General shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in subsections (a) and (b), based on the totality of the participation by the former officer, member, or State employee in those decisions.
6. An employee is not required to make final regulatory decisions in order for the employee to be subject to the revolving door prohibition, but rather, the employee must have participated personally and substantially in making a regulatory decision in order to be subject to the revolving door prohibition.


7. Saville engaged in activity that directly applied to her prospective employer when she, during the year prior to her termination of State employment, conducted on-site reviews and completed final reports for three CPS schools: Schurz High School, Penn Elementary and Gale Elementary.
8. Considering all relevant information and the effect of the prospective employment upon the regulatory or licensing decisions referred to in subsection (b) of 5 ILCS 430/5-45, based upon the totality of the participation by the employee in those decisions, the Commission finds that Saville did not participate personally and substantially in making a regulatory or licensing decision that directly applied to her prospective employer within one year of her termination of State employment.

WHEREFORE, for the foregoing reasons, the Commission denies the Attorney General's appeal and affirms the Office of the Executive Inspector General's October 29, 2012 determination. Saville's proposed employment with Chicago Public Schools would violate not the State Officials and Employees Ethics Act's revolving door prohibition.

ENTERED: November 19, 2012

SO ORDERED.

The Executive Ethics Commission

By: 

Chad D. Fornoff
Executive Director