



5. On December 31, 2012, the date of her retirement from the Illinois Department of Public Health, Inman was offered employment with East Moline.
6. On January 10, 2013, Inman was offered employment by Knox County.
7. As a Health Facility Surveillance Nurse, Inman was responsible for surveying and inspecting nursing homes for compliance with regulations. Her duties included, along with a team of three to five reviewers, reviewing records of a preselected sample of residents, interviewing staff and residents, and surveying facilities for compliance with annual licensing and/or certification requirements.
8. For calendar year 2012, pursuant to 5 ILCS 430/5-45(c), the Office of the Governor filed a policy with the Executive Ethics Commission delineating which State positions under his jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. This policy identified Inman and her position of Health Facilities Surveillance Nurse as such, with respect to licensing and regulation.
9. In the year prior to Inman's retirement from the State of Illinois, Inman participated in two surveys of East Moline, one on February 9, 2012 and one on August 9, 2012.
10. In the year prior to Inman's retirement from the State of Illinois, Inman participated in one survey of Knox County, on July 26, 2012.
11. According to her supervisor, Inman and the other members of her team could cite a facility for failing to comply with federal and State rules and regulations. Citations are referred to as deficiencies. Both East Moline and Knox County were cited with Level One deficiencies, which required instituting corrective action plans within six months. If a plan is not submitted within 90 days, the federal government will start to deny payment to the facility.
12. Inman submitted two notifications for an OEIG determination (RD-101). One application, signed by Inman on January 7, 2013, was related to her prospective employment with East Moline. The second application, also signed by Inman on January 7, 2013, was related to her prospective employment with Knox County.
13. Inman's signature on both documents are contained within a section entitled "Certification" that contains the following language: "I (print full name) \_\_\_\_\_, certify and solemnly affirm that all the information provided in this State Employee or Former State Employee Form (RD-101) and attachments regarding my job responsibilities while employed by the state is true, accurate, complete, and reflects the full extent of my participation in the award of any State contracts, grants, or the issuance of state contract change orders with a cumulative value of \$25,000 or more, or regulatory or licensing decisions applicable to the prospective employer or its parent, affiliate or subsidiary during the preceding year or during the year preceding termination of my state

employment and all the information regarding my prospective employer is true, accurate, and complete to the best of my knowledge and belief.”

14. Also appearing in the paragraph preceding Inman’s signatures is the text: “I certify, under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, that the statements set forth in the foregoing Revolving Door Offer Notification, and all attachments and interviews are true and correct, except as to matters therein stated to be on information and belief, and as to such matters, I certify, as aforesaid, that I believe the same to be true.”
15. Inman’s notification regarding prospective employment at Knox County contains a box checked “No” following the question: “In the year prior to termination of State employment, have you had any interaction with employees or agents of the prospective employer (or its subsidiary, parent or affiliate entities)?
16. Inman’s notification regarding prospective employment at Knox County contains a box checked “No” following the question: “In the year prior to termination of State employment, were you a member of any committees or work groups that participated in any regulatory or licensing decisions?”
17. Inman’s notification regarding prospective employment at Knox County contains a box checked “No” following the question: “In the year prior to termination of State employment, did you sit on any committees or work groups that may have participated in the activities described in Questions 1-3 in this section?”
18. Inman’s notification regarding prospective employment at East Moline contains a box checked “No” following the question: “In the year prior to termination of State employment, have you had any interaction with employees or agents of the prospective employer (or its subsidiary, parent or affiliate entities)?
19. Inman’s notification regarding prospective employment at East Moline contains a box checked “No” following the question: “In the year prior to termination of State employment, were you a member of any committees or work groups that participated in any regulatory or licensing decisions?”
20. Inman’s notification regarding prospective employment at East Moline contains a box checked “No” following the question: “In the year prior to termination of State employment, did you sit on any committees or work groups that may have participated in the activities described in Questions 1-3 in this section?”
21. Elsewhere on the notifications Inman acknowledges that she did have contact with staff and engaged in decision making with respect to her prospective employer, but only insofar as it was related to her regulatory and licensing duties.
22. Inman stated to an OEIG investigator that she is seeking to supplement her income because she is not currently eligible for Social Security until May, 2013

23. 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 Office of the Attorney General's appeal of the OEIG's January 25, 2013 revolving door determination with respect to Debra Kay Inman'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. 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.

5 ILCS 430/5-45(g)

5. 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 that an employee is restricted from taking a position.


6. During the year prior to his termination of State employment, Inman performed the acts listed below, which include acts constituting participation in making a regulatory or licensing decision that directly applied to her prospective employers:
  - a. participating in a survey of East Moline on February 9, 2012
  - b. participating in a survey of East Moline on August 9, 2012
  - c. participating in a survey of Knox County on July 26, 2012
7. The Commission notes that Inman resigned from State employment, effective December 31, 2012 knowing that she was not eligible to receive Social Security for five months, and intending to work to supplement her income.
8. The Commission notes that Inman received a job offer from East Moline on December 31, 2012, the same day she retired from State employment. She also received a job offer from Knox County on January 10, 2013.
9. The Commission notes that Inman's two notifications for an OEIG determination (RD-101), which she certified to be true and accurate statements, contain a number of inaccuracies.
10. 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 Barbra Kay Inman participated personally and substantially in making regulatory or licensing decisions that directly applied to her prospective employer within one year of his termination of State employment.

WHEREFORE, for the foregoing reasons, the Commission grants the Office of the Attorney General's appeal and reverses the Office of the Executive Inspector General's January 25, 2013 determination. Debra Kay Inman's proposed employment with East Moline Nursing and Rehab and with Knox County Nursing Home would violate the State Officials and Employees Ethics Act's revolving door prohibition.

ENTERED: February 14, 2013

SO ORDERED.

The Executive Ethics Commission

By:   
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Chad D. Fornoff  
Executive Director