

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: TRICIA REIMER,) OEIG Case #14-00544

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (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 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, pursuant to 5 ILCS 430/20-52, 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 Tricia Reimer at her last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. INTRODUCTION AND ALLEGATIONS

The Office of Executive Inspector General (OEIG) received a complaint alleging that Illinois State University employee Tricia Reimer engaged in prohibited political activity in violation of the State Officials and Employees Ethics Act (Ethics Act).¹ Specifically, it was alleged that Ms. Reimer sent a political email to another Illinois State University employee.

¹ 5 ILCS 430/1-5, *et seq.*

II. BACKGROUND

A. Illinois State University Employee Tricia Reimer

From 1980 until her retirement on May 1, 2014, Tricia Reimer was an Illinois State University employee. Immediately prior to her retirement, Ms. Reimer was the Information Tech Manager in the Office of University Registrar.

B. The March 18, 2014 Primary Election

On November 25, 2013, Illinois State Senator Kirk Dillard filed a nominating petition with the Illinois State Board of Elections stating that he was seeking the Republican nomination for Illinois Governor in the March 18, 2014 primary election.²

C. State Law and University of Illinois Policies Relevant to This Investigation

1. The Ethics Act

The Ethics Act prohibits State employees from intentionally misappropriating “any State property or resources by engaging in prohibited political activity for the benefit of any campaign for elective office or any political organization.”³

2. Illinois State University Policy & Procedures

Illinois State University has a policy specifically governing the use of technology resources and systems, which specifically states that “[i]nappropriate [c]ommunications include any use of ISU Information Technology Resources and Systems that violates local, [S]tate, or federal law, University policies or procedures, or interferes with the University mission.”⁴ The policy states that one example of inappropriate communications includes unethical communications, which are defined as “any communication in violation of the State Officials and Employees Ethics Act, as determined by the University Ethics Officer.”⁵

D. Illinois State University 2013 Ethics Training

All Illinois State University employees are required to complete annual ethics training. The 2013 ethics training for Illinois State University employees contained a section titled, “Ripped from the Headlines: Chief of Staff Resigns,” which stated that Governor Quinn’s Chief of Staff resigned for inappropriately using a State resource, namely his State email account, to conduct prohibited political activity. Also, the ethics training included a section titled, “Sign of Support,” which stated that “[t]he prohibited political activities provision within the Ethics Act,

² Senator Dillard failed to secure enough votes to receive the Republican nomination.

³ 5 ILCS 430/5-15(a).

⁴ Illinois State University Policy & Procedure, Policy on Appropriate Use of Information Technology Resources and Systems 9.2(III)(B)(1).

⁵ *Id.*

among other things, prohibits certain political activities that are for the benefit of any campaign for elective office or any political organization.”

Illinois State University records reveal that Ms. Reimer completed the 2013 Illinois State University ethics training.

III. INVESTIGATION

A. Emails Sent by Tricia Reimer

Investigators obtained and analyzed Ms. Reimer’s State email account for the period of January 1 to April 14, 2014. Investigators discovered that Ms. Reimer used her State email account to send two emails involving political activity, detailed below.

1. First State Account Email: March 18, 2014 “SURS & [V]oting”

Investigators obtained the March 18, 2014 email with the subject “SURS & voting”⁶ from Tricia Reimer’s State email account, which was also attached to the complaint. In that email, Ms. Reimer wrote:

Just sharing information.....

SURS has a facebook page and this is a post from it:

<https://www.facebook.com/pages/SURS-SERS-TRS-Retirees-Class-Action/167091270108868>

Hello. We just want to take this opportunity to ask everyone to please vote in the primary on Tuesday, March 18th. We are asking that you pull a Republican ticket and putting your personal preference aside, vote for Kirk Dillard. At this point, he is the only candidate that has a chance of preventing Bruce Rauner from becoming the Republican candidate. In addition to the unions, he also has the endorsement of former Governor Jim Edgar.

I encouraged (and I believe succeeded) in persuading another 4 people nominally democrats to take the Republican ballot and vote for Dillard. It is vital to up the Dillard vote. Even if Rauner (ugh) prevails, a sizable vote for Dillard will both demonstrate our power and perhaps encourage elected officials with saner views about pensions and public employees. Winning would be nice, but even if we don’t win every vote we can get is a positive message for our cause.

~~Tricia

⁶ “SURS” is an abbreviation for the State Universities Retirement System.

The OEIG also obtained documents from Illinois State University which revealed that Ms. Reimer sent this email to 16 individuals, 13 of whom received the email in their State email accounts.

On April 24, 2014, investigators interviewed one recipient of the “SURS & voting” email, who said she is an employee of Illinois State University. She said that, other than the March 18, 2014 email, she had not received any other emails in support of a specific candidate for elective office.

2. Second State Account Email: March 18, 2014 “SURS FB”

Upon review of Ms. Reimer’s State email account, investigators discovered a second email sent on March 18, 2014 from Ms. Reimer’s account to another State employee. In the email, with the subject “SURS FB,” Ms. Reimer wrote, with the exception of the first line, the exact same content as the “SURS & voting” email detailed above.

B. Tricia Reimer’s Statements to Investigators Relating to Her Political Activity

On July 16, 2014, investigators interviewed former Illinois State University Information Technology Manager Tricia Reimer, who said she was employed by Illinois State University for 34 years prior to her May 1, 2014 retirement.

Ms. Reimer said she recalled taking the ethics training every year. Ms. Reimer said she recalled reading the 2013 ethics training sections titled, “Ripped from the Headlines: Chief of Staff Resigns” and “Sign of Support.” When asked if she complied with the Ethics Act, Ms. Reimer said, “well apparently not, can you get to the point.”

Ms. Reimer was shown the first State Account email, namely the March 18, 2014 “SURS & voting” email. In response, Ms. Reimer said she sent the email from her State email account, but she did not know how many people to whom she sent it. Ms. Reimer said she “assumed” she had sent the email from her State computer, but that she could have sent the email from her home. When asked if she was working at Illinois State University on March 18, 2014, at 9:51 a.m. (the date and time recorded on the email), Ms. Reimer said, “yes, I sent it from work.”⁷ According to Ms. Reimer, she copied all of the information in the email from the SURS Facebook page and pasted it into her email, without adding any information. She said that she forwarded the email to some of her fellow Illinois State University employees who shared similar concerns regarding retirement issues facing Illinois State University employees.

Ms. Reimer was also shown the second State Account email, namely “SURS FB” email, sent on March 18, 2014 at 9:47 a.m. In response, Ms. Reimer said she sent the email from her State email account around the same time that she had sent the “SURS & voting” email. Ms. Reimer said that “FB” in the subject line of the email was a reference to Facebook. Ms. Reimer

⁷ In order to confirm that Ms. Reimer did work on March 18, 2014, the OEIG obtained her timesheet for the week of March 17, 2014 from Illinois State University. The timesheet revealed that Ms. Reimer did not use benefit time on March 18, 2014.

said that she mistakenly sent both the “SURS & voting” email and the “SURS FB” email from her State computer using her State email address and said that she should not have done this.

According to Ms. Reimer, she is not a person who does unethical things and she made a mistake. Ms. Reimer said she had 30 plus years of State service as an excellent employee. Ms. Reimer said she was aware of Illinois State University’s policies regarding the use of email and computers when she sent the March 18, 2014 emails. She said she made a mistake by sending them and she said, “I was wrong.” Ms. Reimer also provided the OEIG with the following voluntary written statement:

I did not type the words below the facebook link in the email. It was copied & pasted from another source which I do not recall.

IV. ANALYSIS

A. Violation Of The State Officials And Employees Ethics Act

The Ethics Act prohibits employees from intentionally “misappropriat[ing] any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office”⁸ “Prohibited political activity” includes “[s]oliciting votes on behalf of a candidate for elective office”⁹

Illinois State University is a public institution of higher learning.¹⁰ As such, it is a State agency,¹¹ and the individuals employed by Illinois State University are State employees. Because Tricia Reimer was employed by Illinois State University until May 1, 2014, she was a State employee.

The evidence in this investigation reveals that, on March 18, 2014, Ms. Reimer used her State computer and State email account to engage in prohibited political activity, in violation of the Ethics Act, despite having completed the ethics training in 2013.

1. The First State Account Email: “SURS & [V]oting” Email

On March 18, 2014, Ms. Reimer used her State computer and State email account to send an email with the subject “SURS & voting” to 16 individuals encouraging them to vote for Kirk Dillard in the March 18, 2014 primary election. Kirk Dillard was a candidate for elective office as that term is defined by the Ethics Act. As such, Ms. Reimer used her State computer for the prohibited political activity of soliciting votes on behalf of a candidate for elective office. Additionally, Ms. Reimer used her State email account for the prohibited political activity of soliciting votes on behalf of a candidate for elective office.

⁸ 5 ILCS 430/5-15(a).

⁹ *Id.* (Prohibited political activity (7)).

¹⁰ 110 ILCS 220/2.

¹¹ 5 ILCS 430/1-5.

During her interview, Ms. Reimer said she was just sharing information and that she copied the information from another source. However, Ms. Reimer admitted that she sent the email from her State email account using her State computer. Thus, the allegation that Ms. Reimer misappropriated State property, namely, her State computer, by engaging in prohibited political activity for the benefit of a campaign for elective office by sending the March 18, 2014 email with the subject “SURS & voting” is **FOUNDED**.

Additionally, the allegation that Ms. Reimer misappropriated State resources, namely, her State email account, by engaging in prohibited political activity for the benefit of a campaign for elective office by sending the March 18, 2014 email with the subject “SURS & voting” is **FOUNDED**.

2. The Second State Account Email: “SURS FB” Email

On March 18, 2014, Ms. Reimer used her State computer and State email account to send an email with the subject “SURS FB” to one State employee encouraging that person to vote for Kirk Dillard in the March 18, 2014 primary election. Ms. Reimer admitted that she sent the email from her State email account using her State computer. Thus, the allegation that Ms. Reimer misappropriated State property, namely, her State computer, by engaging in prohibited political activity for the benefit of a campaign for elective office by sending the March 18, 2014 email with the subject “SURS FB” is **FOUNDED**.

Additionally, the allegation that Ms. Reimer misappropriated State resources, namely, her State email account, by engaging in prohibited political activity for the benefit of a campaign for elective office by sending the March 18, 2014 email with the subject “SURS FB” is **FOUNDED**.

B. Violation Of Illinois State University Policy

Illinois State University has a policy governing the use of technology resources and systems, which states that “[i]nappropriate [c]ommunications include any use of ISU Information Technology Resources and Systems that violates local, [S]tate, or federal law, University policies or procedures, or interferes with the University mission.”¹² The policy states that one example of inappropriate communications includes unethical communications, which are defined as “any communication in violation of the State Officials and Employees Ethics Act, as determined by the University Ethics Officer.”¹³

The evidence in this investigation reveals that Tricia Reimer sent emails that violated the Ethics Act, which in turn violates the Illinois State University policy concerning Appropriate Use of Information Technology Resources and Systems. On March 18, 2014, Ms. Reimer sent an email with the subject “SURS & voting” to 16 individuals encouraging them to vote for Kirk Dillard in the March 18, 2014 primary election. As such, Ms. Reimer sent an unethical communication in violation of the Ethics Act. Thus, the allegation that Ms. Reimer violated

¹² Illinois State University Policy & Procedure, Policy on Appropriate Use of Information Technology Resources and Systems 9.2(III)(B)(1).

¹³ *Id.*

Illinois State University Policy by sending an unethical communication in violation of the Ethics Act is **FOUNDED**.

Additionally, on March 18, 2014, Ms. Reimer sent an email with the subject "SURS FB" to one State employee encouraging that person to vote for Kirk Dillard in the March 18, 2014 primary election. As such, Ms. Reimer sent an unethical communication in violation of the Ethics Act. Thus, the allegation that Ms. Reimer violated Illinois State University Policy by sending an unethical communication in violation of the Ethics Act is **FOUNDED**.

V. FINDINGS AND RECOMMENDATIONS

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – In a March 18, 2014 email with the subject "SURS & voting," Tricia Reimer violated the Ethics Act when she intentionally misappropriated her State computer by engaging in prohibited political activity.
- **FOUNDED** – In a March 18, 2014 email with the subject "SURS & voting," Tricia Reimer violated the Ethics Act when she intentionally misappropriated her State email account by engaging in prohibited political activity.
- **FOUNDED** – In a March 18, 2014 email with the subject "SURS FB," Tricia Reimer violated the Ethics Act when she intentionally misappropriated her State computer by engaging in prohibited political activity.
- **FOUNDED** – In a March 18, 2014 email with the subject "SURS FB," Tricia Reimer violated the Ethics Act when she intentionally misappropriated her State email account by engaging in prohibited political activity.
- **FOUNDED** – In a March 18, 2014 email with the subject "SURS & voting," Tricia Reimer violated Illinois State University "Policy on Appropriate Use of Information Technology Resources" when she sent an email in violation of the Ethics Act.
- **FOUNDED** – In a March 18, 2014 email with the subject "SURS FB," Tricia Reimer violated Illinois State University "Policy on Appropriate Use of Information Technology Resources" when she sent an email in violation of the Ethics Act.

Given that Tricia Reimer retired on May 1, 2014, and is therefore no longer an Illinois State University Employee, the OEIG recommends that a copy of this report be placed in her personnel file.

Finally, although the OEIG has the statutory discretion to refer this matter to the Office of the Illinois Attorney General for prosecution, the OEIG will exercise its discretion to not refer this matter and considers this matter closed.

Date: October 15, 2014

Office of Executive Inspector General
for the Agencies of the Illinois Governor

Laura K. Bautista
Deputy Inspector General &
Chief of Springfield Division

William Parker
Investigator #121



Office of Executive Inspector General
 for the Agencies of the Illinois Governor
 www.inspectorgeneral.illinois.gov

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
 RESPONSE FORM**

Case Number: 14-00544

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

A copy of OEIG Case No. 14-00544 has been placed in the personnel file of Tricia Reimer.

We will implement some or all of the OEIG recommendations but will require additional time to do so.
 We will report to OEIG within _____ days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

Signature [Handwritten Signature]

Ethics Officer, Illinois State University
 Print Agency and Job Title

M. Shane McCreery
 Print Name

12/2/2014
 Date

RECEIVED
 DEC 03 2014