

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: AGNES MROZOWSKI)
)
) No. 14-EEC-002
) Appeal of OEIG
) Revolving Door
) Determination

DECISION

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

The record of proceedings has been reviewed by the members of the Executive Ethics Commission. The record consists of Agnes Mrozowski’s August 16, 2013 appeal of the Office of the Executive Inspector General for the Agencies of the Illinois Governor’s August 12, 2013 determination, the Executive Inspector General for the Agencies of the Illinois Governor’s investigative file, and the Attorney General’s August 22, 2013 Comment.

FINDINGS OF FACT

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

1. On August 12, 2013, the Office of the Executive Inspector General for Agencies of the Illinois Governor (OEIG) issued a revolving door determination pursuant to 5 ILCS 430/5-45(f) with respect to Agnes Mrozowski’s (Mrozowski) proposed employment with Ameren Illinois (Ameren).
2. The determination concluded that “you are restricted from accepting the employment opportunity described in your materials pursuant to 5 ILCS 430/5-45(a).”
3. On August 16, 2013, Ms. Mrozowski filed her appeal with the Executive Ethics Commission.
4. Ms. Mrozowski has worked for the Illinois Department of Commerce and Economic Opportunity’s Bureau of Energy and Recycling (DCEO/BER) since November 2009, and remains employed there at the present time.
5. Ms. Mrozowski has served as an Assistant Deputy Director, and during the year immediately preceding her planned termination from State employment, is serving as DCEO/BER’s Acting Deputy Director.

6. In her capacity as Acting Deputy, Ms. Mrozowski oversees all aspects of the State's Energy Office, with signature authority to approve all matters handled through the Energy Office. These facts were confirmed by the DCEO Ethics Officer.
7. In March 2013, DCEO, through its Energy Efficient Trust Fund, approved a grant increase or modification of approximately \$500,000 to Ameren for energy-related assistance to Illinois residents affected by a tornado in the previous year.
8. The record indicates that Ms. Mrozowski was one of four DCEO officials or employees who approved the grant increase in March 2013.
9. This grant increase was approved by Ms. Mrozowski, who explained that "in determining whether to approve the modification, she ensured that Ameren met the qualifications to be awarded the modification[,]... reviewed Ameren's quarterly reports to ensure that grant funds were being spent in accordance with the terms of the 2012 grant[,] and ensured that Ameren was adhering to the scope of the initial grant as well as complying with agency requirements."
10. DCEO Director Adam Pollet noted that the decision to award the Ameren grant increase "was not an independent decision by Mrozowski to modify Ameren's contract," but instead was the result of a "policy decision." Pollet acknowledged the role Mrozowski played as Acting Deputy Director, but asserted that "the subject of the grant modification to Ameren was ultimately approved and signed by me, Adam Pollet, Director."
11. Ms. Mrozowski has been identified by DCEO as a "c-list" employee. This means that her position at DCEO is among those that, by the nature of her duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. See. 5 ILCS 430/5-45(c).
12. 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 August 12, 2013 revolving door determination made by the OEIG pursuant to 5 ILCS 430/5-45(f) with respect to Agnes Mrozowski's proposed employment is properly before the Commission and the Commission has jurisdiction to consider the appeal.

3. Subsection (a) of the revolving door section of the State Officials and Employees Ethics Act currently provides:

(a) No former officer, member or State employee, 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, member, or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award of State contracts, or the issuance of state contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

5 ILCS 430/5-45(a)

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)

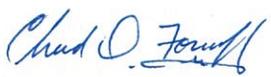
5. The Commission is not required to find evidence of a quid pro quo or an actual effect of the prospective employment upon a contracting decision made by the employee in order to affirm the Executive Inspector General's determination that an employee is restricted from taking a position.
6. Even though an employee may not have been the final decision maker with respect to the award or increase in the amount of a contract, the employee may still have participated personally and substantially in the award of State contracts.
7. During the year prior to her proposed termination of State employment, Ms. Mrozowski personally reviewed and approved a \$500,000 grant increase for Ameren, which constitutes personal and substantial involvement in the issuance of a State contract change order with a cumulative value of \$25,000 or more to her prospective employer.
8. Considering all relevant information and the effect of the prospective employment upon the contracting decisions referred to in subsection (a) of 5 ILCS 430/5-45, based upon the totality of the participation by the employee in those decisions, the Commission finds that Agnes Mrozowski participated personally and substantially in making regulatory or licensing decisions that directly applied to his prospective employer within one year of her termination of State employment.

WHEREFORE, for the foregoing reasons, the Commission denies the appeal of Agnes Mrozowski and affirms the Office of the Executive Inspector General's August 12, 2013 determination. Agnes Mrozowski's proposed employment would violate the State Officials and Employees Ethics Act's revolving door prohibition.

ENTERED: August 26, 2013

SO ORDERED.

The Executive Ethics Commission

By: 
Chad D. Fornoff
Executive Director