

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

IN RE: MARK DOYLE,

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No. 15-EEC-007

Appeal of OEIG  
Revolving Door  
Determination

DECISION

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

FINDINGS OF FACT

The record of proceedings has been reviewed by the members of the Executive Ethics Commission. The record consists of the OEIG’s February 13, 2015 determination letter, Doyle’s February 19, 2015 appeal, the OEIG’s decision file, filed by the Attorney General on February 19, 2015, Doyle’s February 23, 2015 brief, and the Attorney General’s February 26, 2015 Objections.

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

1. Doyle was employed by the State of Illinois through an Inter-Governmental Agreement (IGA). He was paid and supported by DHS but detailed to the Governor’s Office with the title of Transition of Supports/Care, Project Manager. In this capacity, Doyle was responsible for implementing and overseeing the closure of certain State-operated developmental disability and psychiatric care centers and moving the residents of these centers to community-based care facilities and small group homes.
2. Doyle’s employment was terminated on February 15, 2015 as part of the change in the State administrations.
3. Doyle is among those State employees who has been designated as a member of the “C-List” and is therefore subject to and has certain duties to report prospective employment under the Revolving Door Prohibition of the State Officials and Employees Ethics Act (5 ILCS 430/ 5-45(c)).
4. The Department of Human Services issued a series of no-bid contracts and contract amendments to Community Resource Associates (CRA) starting in 2012 and amended

each subsequent year. The most recent award of \$1,182,125 ran from July 1, 2014 through August 30, 2014 and was extended until January 31, 2015.

5. The contracts and contract amendments provided that the vendor, CRA, would assess the residents of Jacksonville Development Center and assist in transitioning them to other facilities in the State of Illinois.
6. Doyle did not sign the contracts and contract amendments or extensions awarded to CRA and lacked authority to do so.
7. A Department of Human Services Director who worked with Doyle stated to an OEIG investigator that Doyle was “very involved” in awarding the contract to CRA and that Doyle assisted in supervising CRA from 2012 until the contract terminated in 2015. The Director also stated that Doyle “pushed strongly to have CRA receive the contract” and wanted the contract renewed in 2015, though a decision was made not to renew it.
8. According to Doyle’s former supervisor in the Office of the Governor, Doyle recommended contracting with CRA to help close down the Jacksonville Developmental Center. Doyle “brought CRA to the table and made a strong case why DHS should select them.” Doyle’s supervisor also stated that Doyle met regularly with CRA.
9. Doyle stated to OEIG investigators that he “oversaw the project” but did not “handle the contracting.” He admitted, however, that he verbally supported continuing contract renewals for CRA. He also stated that he reviewed requests for proposals (RFPs) to ensure that they properly conveyed the services the agency needed.
10. In his brief, Doyle states that he “did enthusiastically encourage the Division of Developmental Disabilities to consider looking at CRA as a possible option.”
11. Doyle has been offered an employment opportunity in Georgia under the name of CRA Consulting, Inc. (CRA-C). CRA-C, according to Doyle, is “the same entity essentially” as CRA. CRA is a national company with contracts in several other states.
12. On February 13, 2015, the OEIG made a revolving door determination pursuant to 5 ILCS 430/5-45(f) with respect to Doyle’s proposed employment with CRA-C. The OEIG determined that Doyle was restricted from accepting that employment opportunity.
13. On February 19, 2015, Doyle filed the present appeal with the Commission.

#### 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. Mark Doyle's appeal of the OEIG's February 13, 2015 revolving door determination 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 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. Doyle is among those former State employees subject 5 ILCS 430/5-45(c), who, by the nature of his duties, may have had the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions.
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.  
  
5 ILCS 430/5-45(g)
6. Doyle did not have signature authority to enter into contracts.
7. A State employee may be personally and substantially involved in the decision to award a State contract, or the issuance of State contract change orders, even though he or she was not the final decision maker.
8. A "but for..." analysis is not determinative as to whether an employee was personally and substantially involved in a decision. The fact that the same decision might have been made without the employee's involvement does not necessarily mean that the employee could not have been personally and substantially involved in the decision.

9. During the year prior to his termination of State employment, February 15, 2015, Doyle participated personally and substantially in a decision to make contract change orders/amendments to contracts to CRA.
10. For purposes of the revolving door prohibition, CRA Consulting, Inc. (CRA-C) is the same entity as CRA.
11. 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 Mark Doyle participated personally and substantially in the decision to award contracts or contract change orders in excess of \$25,000 to CRA-C within one year of his termination of State employment.

WHEREFORE, for the foregoing reasons, the Commission denies Mark Doyle's appeal and affirms the Office of the Executive Inspector General's February 13, 2015 determination. Doyle's proposed employment opportunity would violate the Revolving Door Prohibition of the State Officials and Employees Ethics Act.

ENTERED: March 2, 2015

SO ORDERED.

The Executive Ethics Commission

By:



Chad D. Fornoff  
Executive Director