

6. Potential sanctions for non-compliance range from a verbal warning to shutting down a facility.
7. During the year prior to his retirement, Murray inspected facilities for Midwest Bus Sales, Inc. (MBS) on at least nine occasions. Murray found no violations during any of these inspections.
8. Murray has been offered a position at MBS as an “Inside Parts Clerk.”
9. On October 1, 2015, the OEIG made a revolving door determination pursuant to 5 ILCS 430/5-45(f) with respect to Murray’s proposed employment with Midwest Bus Sales, Inc. The OEIG determined that Murray was restricted from accepting that employment opportunity.
10. On October 9, 2015, Murray 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. Michael O. Murray’s appeal of the OEIG’s October 1, 2015 revolving door determination 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. Murray is among those former State employees subject 5 ILCS 430/5-45(c), who, by the nature of his duties, may have 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)

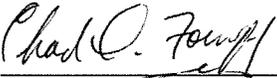
6. Personal and substantial involvement requires more than ministerial activity.
7. A State employee may be personally and substantially involved in a regulatory decision even though he or she was not the final decision maker.
8. A "but for..." analysis is not determinative as to whether an employee 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 on December 31, 2014, was personally and substantially involved in making regulatory or licensing decisions with respect to his prospective employer when he conducted ten separate inspections of MBS.
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 Michael O. Murray participated personally and substantially in making regulatory or licensing decisions that directly applied to MBS, within one year of his termination of State employment.
11. In issuing this Decision, the Executive Ethics Commission does not suggest that Michael O. Murray acted inappropriately in any way as a State employee or toward his prospective employer.
12. Murray's revolving door ban lasts until December 31, 2015, after which he faces no employment restrictions.

WHEREFORE, for the foregoing reasons, the Commission denies Michael O. Murray's appeal and affirms the Office of the Executive Inspector General's October 1, 2015 determination.

ENTERED: October 19, 2015

SO ORDERED.

The Executive Ethics Commission

By: 

Chad D. Fornoff
Executive Director