



Illinois Ethics Matters

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Honesty, Integrity, Service

A newsletter from the Office of Executive Inspector General for the Agencies of the Illinois Governor

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Recent News

- The OEIG's Hiring & Employment Monitoring (HEM) Division released its quarterly report for the second quarter of 2021. The report is available [here](#).

Revolving Door Developments

Appellate Court Reinstates Revolving Door Fine

The Illinois Appellate Court recently reinstated a \$154,056.10 revolving door fine against a former Illinois Department of Human Services employee who had been found in an OEIG investigation to have violated the Ethics Act.

After receiving a restricted revolving door determination for CRA Consulting (CRA-C) from the OEIG, Mark Doyle submitted another revolving door determination request to the OEIG to provide consulting work for BennBrook, Inc. However, Mr. Doyle did not disclose that BennBrook was contracting with CRA-C to hire Mr. Doyle for the same work he had been restricted from doing. The Executive Ethics Commission agreed with the OEIG's conclusions and found that BennBrook was acting merely as a "pass through" organization or conduit for the improper compensation from CRA-C to Mr. Doyle, and thus violated the revolving door prohibition. [Haling v. Doyle \(17-EEC-003\)](#).

Mr. Doyle sought administrative review of the EEC's decision in Circuit Court. The Circuit Court vacated the EEC's decision on the basis that the compensation did not come directly from the prohibited entity (CRAC-C). In reversing the Circuit Court decision, the Appellate Court held that the EEC's interpretation of the Ethics Act, which does not specify whether or not the compensation is "direct," was not unreasonable. The court focused on the statutory language that the compensation must be "knowingly" received, and pointed to Mr. Doyle's emails to BennBrook indicating that he knew the compensation would be coming from CRAC-C. The decision in *Doyle v. Executive Ethics Commission, et al.* is available [here](#).

EEC Defines "Regulatory"

The Executive Ethics Commission recently upheld an OEIG revolving door determination restricting an employee from accepting non-State employment.

The employee worked for the Illinois Environmental Protection Agency and had inspected facilities operated by her prospective employer four times during the year prior to the termination of her State employment. When appealing the OEIG's restricted determination, the employee argued that her activities were ministerial in that she merely collected information from required facility records and took required photographs and samples. In rejecting this argument, the EEC explained an undefined term in the Ethics Act—"regulatory"—and found that it applied to her activities: "regulatory" in this type of context means 'relating to the activity of checking whether a business is working according to official rules or laws.'"

The EEC's decision provides valuable guidance to employees working in inspection-related roles and how the revolving door prohibition relating to "regulatory decisions" applies to them. It is available [here](#).