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EXECUTIVE ETHICS COMMISSION

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: TRACIE MAJORS	)	16-EEC-004
	)	
	)	CPO Petitions to Exempt Individual
	)	From Procurement Code Conflict
	)	Of Interest Prohibitions

ORDER

A status conference regarding the procedure for the November 9, 2015 hearing on the above-captioned matter was held on October 29, 2015 at 9 AM. Participants included Hearing Officer Joanna Belle Gunderson, Tracie Majors, Will Blount for the Procurement Policy Board, Amy Carlucci and Clayton Frick for Deloitte Consulting LLP, and Amy Gerloff for the Department of Central Management Services. The following was discussed.

The Executive Ethics Commission will hold a public hearing at 10:00 a.m. on November 9, 2015 concerning the above-captioned matter. The hearing will be held at 401 S. Spring Street, 349C William Stratton Building, Springfield, Illinois 62706.

The Hearing Officer is Joanna Belle Gunderson, Phone: 217-494-1856, Facsimile: 217-558-1399, e-mail: joanna.gunderson@illinois.gov.

Participation will be in person and by teleconference. Participants on the status conference listed above will receive the call-in information via email. **If an interested party was not on the status conference and wishes to participate in the hearing by teleconference, please contact the hearing officer via email for the call-in information.** Participation is not presently available by videoconference. Requests for a videoconference should be made to the Hearing Officer for consideration. The hearing will be recorded but will not be transcribed. Requests for copies of the audio recording should be made to the Hearing Officer via email.

Anyone wishing to present written or oral testimony is encouraged to notify the Hearing Officer in advance via email. Written testimony is strongly encouraged and favored. **All written testimony is to be submitted to the Hearing Officer via e-mail by Thursday, November 5, 2015.** Paper copies of written testimony are not necessary.

The Hearing Officer has requested the following matters be addressed by the interested parties in writing prior to the hearing:

1. Whether the purpose of the exemption, as set forth in Section 50-20 of the Procurement Code, is supported by the facts of this matter. Specifically, whether the public interest in having Professor Majors in the service of the State outweighs the public policy evidenced in that Section of the Procurement Code. The Commission has previously found the public policy evidence in Section 50-13 of the Procurement Code to be as follows: that

State employees should not be in a position to influence the award of State contracts that inure to their direct benefit or the benefit of family members. (*See* the Bartolomucci Decision, 12-EEC-009, April 27, 2012 available on the Commission's website)

2. Whether the facts at hand fail to trigger the conflict of interest provisions in Sections 50-13(a) and 50-13(b) of the Procurement Code (30 ILCS 500/50-13).

3. Professor Majors' University of Illinois job history and duties. Whether there is any involvement by Professor Majors in the procurement at issue (Procurement Bulletin Reference No. 22036807) or other procurements at Central Management Services or the University? Confirmation of Professor Majors' annual salary and explanation of any recent changes thereto.

4. A description of the procurement method and process. Whether the selection of Deloitte Consulting LLP competitive with as many details regarding the competitive nature of the procurement as possible. Whether there would be an impact to the State should this procurement be unable to proceed. The Hearing Officer noted the understanding that some information about the procurement may still be confidential due to the ongoing status of the procurement.

5. An explanation of the involvement of Mr. Majors in the preparation of Deloitte's offer for the procurement at issue (Procurement Bulletin Reference No. 22036807). Will Mr. Majors be involved in the work to be performed under the contract? Confirmation of the level of Mr. Majors' ownership or entitlement to distributive income and provide a detailed description of how Mr. Majors receives said income (i.e. dividends, distributions, salary, etc.).

Entered this 30th Day of October, 2015

Joanna Belle Gunderson
Hearing Officer

CERTIFICATE OF SERVICE

I, Joanna Belle Gunderson, Hearing Officer, hereby certify that a copy of the foregoing Hearing Information and Written Testimony Order has been sent via the e-mails of record for the following interested parties.

Tracie Majors, Assistant Professor, University of Illinois

Ellen H. Daley, Chief Procurement Officer for General Services

Thomas Sheehan & Clayton Fricke, Deloitte Consulting, LLP

Amy Gerloff, Deputy General Counsel for Central Management Services

Will Blount, Procurement Policy Board

Joanna Belle Gunderson
Hearing Officer