



OFFICE OF EXECUTIVE INSPECTOR GENERAL  
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

69 WEST WASHINGTON STREET, SUITE 3400  
CHICAGO, ILLINOIS 60602  
(312) 814-5600

July 24, 2014

***Via Electronic Mail***

Lisa Madigan  
Attorney General  
Office of the Illinois Attorney General  
100 West Randolph Street, 12<sup>th</sup> Floor  
Chicago, IL 60601

**Re: *Shakman v. Democratic Organization of Cook County et al.*,  
Case No. 69-cv-2145**

Dear Attorney General Madigan:

The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) respectfully requests the Office of Illinois Attorney General file a motion for leave to appear as an *amicus curiae* (friend of the court) in the above-captioned matter on our behalf. In support of this request, we would state as follows:

The Plaintiffs in this matter have filed an Amended Motion for Entry of Supplemental Relief with Respect to the Governor of Illinois, in which they allege that the Governor has “applied prohibited political considerations to reassign numerous State employees from exempt to non-exempt positions[,]” (Plfs’ Amended Mot. for Supp. Relief at 1), in violation of *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), and in violation of a 1972 consent judgment that was entered in this case.

As relief, the Plaintiffs seek, among other things, the appointment of a Special Master to: (1) “investigate and recommend appropriate reforms in the employment practices for non-exempt jobs under the jurisdiction of the Governor within in the Northern District of Illinois”; (2) provide input regarding the development “of a hiring, promotion, reassignment and employment plan for non-exempt positions”; and (3) provide input regarding the development “of a list of employment positions that are properly exempt from the rules against political sponsorship or conditioning employment upon political factors or considerations.” (Plfs’ Amended Mot. For Supp. Relief at 10.)

Under the State Officials and Employees Ethics Act (Ethics Act), the OEIG is charged to,

among other things, “review hiring and employment files of each State agency within the Executive Inspector General’s jurisdiction to ensure compliance with *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), and with all applicable employment laws.” 5 ILCS 430/20-20(9).

The Ethics Act also confers upon the OEIG the jurisdiction to “investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of [the Ethics Act] or violations of other related laws and rules.” 5 ILCS 430/20-10(c). That jurisdiction includes investigations of violations of the Illinois Governors’ Administrative Orders relating to compliance with the *Rutan* decision.

The Ethics Act further provides that the OEIG “shall be a fully independent office with separate appropriations.” 5 ILCS 430/20-10(a). Accordingly, the EIG does not report to the Office of the Governor, even though he is an appointee of the Governor. Nor does the EIG’s five-year appointment coincide with the Governor’s four-year term of office.

The Plaintiffs’ claim in this matter, and in particular their request for the appointment of a Special Master, implicates the OEIG’s jurisdiction and duty under the Ethics Act to ensure compliance with the *Rutan* decision and all other applicable employment laws.

The Respondent’s defense is, in part, based expressly on the Governor’s signing into law legislation that expanded the OEIG’s “jurisdiction to cover *Rutan* hiring and directing the OEIG to investigate allegations of prohibited employment practices.” (Gov. Quinn’s Resp. at 16.) Accordingly, both the claims and the defenses in this matter implicate statutory mandates and executive orders that are administered by the OEIG.

Although confidentiality provisions in the Ethics Act prevent the OEIG from directly commenting on or confirming the existence of an ongoing investigation, or on a completed but not yet released OEIG Final Summary report, the OEIG understands that the Court has been informed about the status of an OEIG investigation that may be related to, or overlap with, allegations that have been made in this matter.

The OEIG therefore believes that appearance as *amicus curiae* may assist the Court with useful information and perspectives that may aid the Court in determining whether any relief should be granted and, if so, what form any such relief should take.

Therefore, for the reasons set forth above, the OEIG respectfully requests that your Office file such a motion. We look forward to your Office representing our agency in this matter.

Sincerely,



Ricardo Meza  
Executive Inspector General