

January 6, 2010: Celinda Hearn sent home pending investigation.

January 6, 2010: Discussion with [name of employee] regarding access to computers.

E-Mail #1:

January 4, 2010: Email to Celinda Hearn on her State computer from [name redacted] of Teachers Local 4717. Email was notice of phone bank operating out of the IFT Springfield Legislative office as part of IFT primary election efforts. Members were eligible to work the phone banks at \$10 per hour.

Receiving the email is clearly not a violation of the Ethics Act in the one cannot control emails received.

Celinda Hearn however then sent the email to the following Comptroller employees at their Comptroller email addresses:

[names of 22 employees redacted]

Article 5 “ETHICAL CONDUCT,” at 5 ILCS 430/5-15(a) “Prohibited political activities,” of the State Officials and Employees Ethics Act states:

State employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). State employees shall not intentionally misappropriate any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

Finding ONE: Celinda Hearn engaged in unauthorized political activity in violation of the State Ethics Act when she sent the above email from her State computer to the listed State employees at their State email addresses.

A computer search established that some of the above employees actually received the email. However, the Ethics Act does not obligate an employee to report a violation of this kind committed by his/her fellow employee. Therefore, we looked for any computer records that would indicate whether any of the employee-recipients had taken some actionable response to the email. One or two of the recipients responded to Celinda Hearn’s email with a courtesy thank you; however, there was no indication that any recipients sent the notice on to any other fellow employees. Therefore, none of the recipient-employees are in violation of the State Ethics Act with regard to this incident.

Email #2:

Our review of the computer records produced another email communication from Celinda Hearn during State time on a State computer. This email was a request for proof-reading of Celinda Hearn’s draft endorsement of Dan Hynes for Governor by the IFT Local 4717, of which Celinda is the local president. It too, was prompted by an email communication from John Little of Teachers Local 4717.

Finding TWO: Celinda Hearn's drafting of the endorsement on State time on a State computer constitutes a violation of the aforementioned "prohibited political activities" section of the State Ethics Act, as does the act of emailing the same to fellow Comptroller employees at their State email addresses.

The second relevant email was sent to the following Comptroller employees at their State email addresses.

[names of 7 employees redacted]

[This section is redacted at the request of the Executive Inspector General because it concerns alleged violations by an employee who received less than three days' suspension and the employee's name is not required to be disclosed pursuant to subsection 20-52(a) of the State Officials and Employees Ethics Act. *See* 5 ICLS 430/20-52(a).]

Individual interviews of all recipients of the various emails: This provided an opportunity to discuss with each of the recipients the significance of the emails: i.e., that the emails constituted "prohibited political activity" in violation of the State Officials and Employees Ethics Act.

Based on my conversation with those who had received the first email suggests that when each first received it, it was not readily apparent to them that the notice was "political" in nature. Rather, most viewed the email as more union-related and as an opportunity to make additional cash in a difficult economy. Apparently, this phone-banking opportunity had presented itself in the past, although no one could establish that it was communicated by the State computer. Most believed that the information had historically been provided at union meetings.

Those that received the second email regarding the Dan Hynes' endorsement recognized that such communication was obviously "political" in nature; however, they acknowledged that in hindsight only. They claimed not to have viewed the email as such when it was first received.

Interview of Celinda Hearn: Celinda Hearn was very cooperative in her interview with the EIG. She was interviewed on January 14, 2010 after her rights were given to her in writing. She chose to have fellow union member Clarence Williams present for the interview. With respect to the first email, Celinda Hearn did not think of the information as "political" because it did not reference a particular political party or candidate. Nor did she think the phone banking would promote any particular party or candidate. Celinda Hearn had seen the opportunity presented in the past as a money-making opportunity for the members of her local union. She saw this as the same kind of opportunity.

Celinda Hearn violated the State Officials and Employees Ethics Act in this particular incident. I do not believe that she set out to violate the Act intentionally or knowingly. I believe that she failed to recognize the "political" nature of the communication. Rather, she was focused on the opportunity being present to her fellow union members. Celinda Hearn acknowledges her lack of sensitivity and will attempt to be more cautious in the future.

With respect to the "endorsement" issue, Celinda Hearn violated the State Officials and Employees Ethics Act. I believe that Celinda Hearn's lack of sensitivity is less excusable in this instance. The political nature of the material is obvious. Celinda Hearn's conduct was at best

reckless, but again I do not find that she set out to knowingly and intentionally violate the State Officials and Employees Ethics Act.

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With respect to Celinda Hearn, I recommend a 4-day suspension without pay for the two violations of the State Ethics Act discussed above. The sending of the emails was prompted in both cases by emails first being sent to her from outside the State office. These were from the IFT's local organization. Perhaps if those emails had not been sent to Celinda Hearn's office email address, the improper "political activity" that followed would not have occurred. Moreover, there has been a policy in place at the Comptroller's Office which allows for some union activity to be performed on site, including the use of State computers. Perhaps such an exception created a false impression in the minds of the union members which allowed them to mistakenly view as union work, what otherwise be improper political activity. It is my strong recommendation that the Comptroller revisit the policies which allow union work on State property during limited periods of the working day. It is not necessarily my recommendation that the Comptroller do away with this courtesy to the union. Rather, I think that the parameters need to be more clearly defined, and once defined, more stringently enforced.

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OFFICE OF THE COMPTROLLER

DANIEL W. HYNES
COMPTROLLER

ROOM 201
STATE HOUSE
SPRINGFIELD, ILLINOIS 62706

March 3, 2010

Mr. Michael J. Drake
Executive Inspector General
9 South Old State Capitol Plaza
Springfield, Illinois 62701

Re: Final Summary Report of Complaint #2010-1
Subjects: Celinda Hearn and [redacted]

Dear Mr. Drake:

I am in receipt of your cover letter and Final Summary Report relative to the matter referenced above. I adopt your recommendations with respect to discipline of Celinda Hearn and [redacted]

Additionally, I adopt your recommendation to review current office policies related to "acceptable union work", including better definition and stringent enforcement of the policies' parameters.

Please contact me if you would like to further discuss the implementation of the recommendations.

Very truly yours,

A handwritten signature in cursive script that reads "Daniel W. Hynes".

Daniel W. Hynes
Comptroller
State of Illinois

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: Celinda Hearn)

2010-01

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

X Below is my public response. Please make this response public if the summary report is also made public; or

_____ Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

Celinda C Hearn
Respondent's Signature

6/4/10
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

I take responsibility for my error in judgment. I should of thought about my actions. ~~Only~~ My only thoughts were to help others. I never gained anything financially. I have learned from my mistakes. I will never use my state computer - in violation of the office policies.