

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: JAMES GRAHAM

)

OEIG Case # 10-01004

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Commission to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut its factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission (“Commission”) received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to James Graham at his last known address.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission’s determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. Allegation

The Office of Executive Inspector General (OEIG) received a complaint alleging that Illinois Department of Corrections (IDOC) employee James Graham used state property for prohibited political activity in violation of the State Officials and Employees Ethics Act (Ethics Act).¹

II. Background

¹ 5 ILCS 430/5-15, *et seq.*

On June 8, 2010, [redacted], an IDOC employee [redacted], reported that, on approximately January 15, 2010, he found a document on an IDOC printer. The document contained the following information:

As a registered Democrat in Precinct #71, I would greatly appreciate you signing my petition to run for your Democratic Precinct Committeeman. Please sign the petition and place it in the self addressed stamped envelope and mail it back to me. Thank you, and feel free to call me at any time that you wish to give me guidance or to encourage my bringing up a subject for discussion at the Democratic Precinct Committee meetings.

Your vote on a Democratic ballot February 2, 2010 will be invaluable.

Thank you

Jim Graham
[Address and phone number
redacted]

[The employee] also stated that he found multiple copies of the aforementioned document on a paper cutter located in the same location where the office printer was located.

III. OEIG's Interview of James Graham

On January 26, 2011, OEIG investigators interviewed James Graham. OEIG investigators presented Mr. Graham with a copy of the aforementioned document and asked him if he had ever seen it before. Mr. Graham stated that his wife drafted the document regarding his candidacy for Democratic Precinct Committeeman. He further stated that, during his lunch break, he mailed the documents to registered Democratic voters as part of his candidacy. Mr. Graham also stated that he did not distribute the document to any co-workers and confirmed that he had likely used IDOC equipment to produce copies of the document.

IV. Legal Analysis

The Ethics Act prohibits state employees from intentionally performing "prohibited political activity" during their working hours.² Included in the definition of "prohibited political activity" is the preparation of campaign material for a candidate.³ Mr. Graham's intentional use of IDOC equipment during work hours to make copies of documents needed in his campaign for Democratic Precinct Committeeman IDOC is "prohibited political activity" within the meaning of the Ethics Act. Accordingly, the allegation is therefore **FOUNDED**.

² *Id.* at 5-15(a).

³ *Id.* at 1-5(11).

State regulations provide that IDOC employees are only allowed to use state equipment “as authorized by the job assignment.”⁴ As noted above, the document Mr. Graham reproduced was not associated with his assignments, but, instead, was created solely for the purpose of trying to get him elected as Democratic Precinct Committeeman. Accordingly, the OEIG finds that Mr. Graham misused state resources in violation of state regulations and the allegation is therefore **FOUNDED**.

V. Conclusions and Recommendations

As a result of its investigation, the OEIG issues these findings:

- **FOUNDED** – James Graham used state property for prohibited political activity in violation of the State Officials and Employees Ethics Act.
- **FOUNDED** – James Graham misused state resources in violation of state regulations.

Although Mr. Graham’s actions violated the Ethics Act and state regulations, pursuant to section 20-50(c) of the Ethics Act, the OEIG will not request that the Illinois Attorney General petition the Executive Ethics Commission to file a complaint alleging a violation of the Ethics Act by Mr. Graham.

The OEIG, however, recommends that IDOC discipline Mr. Graham as to the provisions of the Ethics Act regarding prohibited political activity and state regulations prohibiting the use of state property for reasons other than those authorized by job assignments.

No further investigative action is needed and this case is considered closed.

⁴ Ill. Admin. Code tit. 20, § 120.40(d) (2006).



OFFICE OF EXECUTIVE INSPECTOR GENERAL
for the Agencies of the Illinois Governor
Ricardo Meza, Executive Inspector General • www.inspectorgeneralillinois.gov

OEIG RESPONSE FORM

Case Number: 10-01004

Due 20 Days after Receipt of Report

Please check the box that applies.

- We have implemented all of the OEIG recommendations:
(Provide details regarding action taken.)

BASED ON THE O.E.I.G.'S FINDING'S OF MR. GRAHAM'S VIOLATION OF PROHIBITED POLITICAL
ACTIVITIES, MR. GRAHAM WAS TERMINATED FROM EMPLOYMENT BY THE ILLINOIS DEPARTMENT
OF CORRECTIONS, EFFECTIVE MARCH 1, 2011.

- We are implementing the OEIG recommendations however, we seek to deviate as follows:
(Provide details regarding action planned / taken and proposed alternate(s).)

- We do not wish to implement any of the OEIG recommendations and seek to deviate as

