IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

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EXECUTIVE
ETHICS COMMISSION

JAMES A. WRIGHT, in his capacity as EXECUTIVE INSPECTOR GENERAL for AGENCIES OF THE GOVERNOR, State Of Illinois, Petitioner,	)	
v.	)	No. 10-EEC-004
KATHY CRISS and SALLY NORRIS, Respondents.	)	

DECISION

This cause is before the Commission following a stipulation of the parties. The parties agreed to waive the evidentiary hearing and proceed by filing joint stipulations. The stipulations were filed on June 28.

Petitioner is represented by Assistant Attorney General Thomas H. Klein and respondents are represented by Scott Miller.

FINDINGS OF FACT

The stipulations and record of proceedings have been reviewed by the members of the Executive Ethics Commission. Based upon this, the Commission makes the following findings of fact:

1. Respondent Kathy Criss has been employed by the Illinois Department of Public Health since March 2006 and has been an employee of the State of Illinois since 1985. Her present title is Staff Development Specialist I.

2. Respondent Sally Norris has been employed by the Illinois Department of Public Health since September 1990. Her present title is Administrative Assistant I.

3. On September 18, 2008, at 10:36 a.m., Criss received an email message from a person not employed by the State of Illinois with the subject line "FW:***Must see pics of Biggest Rally in Alaska's History – Opposing Palin." Attached to this message was a document discussing the "Alaska Women Reject Palin" rally, along with several photographs of people holding signs disparaging then-vice presidential candidate Sarah Palin and/or supporting then-presidential candidate Barack Obama. The document encourages recipients to "spread the pictures

around to anyone who needs to know that Sarah Palin most definitely does not speak for all Alaskans."

4. Criss forwarded the message, using her State email account on her State computer during State time, to the State email account of Norris on September 22, 2008 at 9:56 a.m.

5. Norris forwarded the message, using her State email account on a State computer during State time, to the State email account of another State employee on September 22, 2008, at 12:08 p.m.

CONCLUSIONS OF LAW

1. Respondents Kathy Criss and Sally Norris were at all times relevant to this complaint State employees, as "employee" is defined in the State Officials and Employees Ethics Act ("Act") to include regular employees and appointees. 5 ILCS 430/1-5.

2. The Executive Ethics Commission has jurisdiction over respondents in the matters of their alleged performance of prohibited political activity during compensated time (other than vacation, personal, or compensatory time off) and their alleged misappropriation of State property or resources to engage in prohibited political activity. 5 ILCS 430/5-15(a).

3. "Prohibited political activity" means, among other things, "(12) Campaigning for any elective office or for or against any referendum question" and "(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office…" 5 ILCS 430/1-5.

4. "Campaign for elective office" is defined as "any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, State, or local public office…" 5 ILCS 430/1-5.

5. On or about September 18 and September 22, 2008, respondents Kathy Criss and Sally Norris intentionally misappropriated State property or resources during compensated time by forwarding emails related to Sarah Palin's candidacy for Vice President of the United States.

6. Respondents Kathy Criss and Sally Norris violated Section 5-15(a) of the State Officials and Employees Ethics Act. 5 ILCS 430/5-15(a).

7. The Executive Ethics Commission may levy an administrative fine of up to $5,000 for a violation of the State Officials and Employees Ethics Act. 5 ILCS 430/50-5(e).

ANALYSIS

The parties have agreed to the levying of a fine of $100 each for respondents Kathy Criss and Sally Norris. While the Commission is not bound by this agreement, it does not desire to prolong this matter unnecessarily. The Commission approves this settlement as in keeping with its decisions in similar, prior matters and also in the interest of judicial economy.

WHEREFORE, for the foregoing reasons, the Commission finds that respondents Kathy Criss and Sally Norris violated Section 5-15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a)).

IT IS FURTHER ORDERED that an administrative fine of $100.00 is levied against respondent Kathy Criss in accordance with her violation of Section 5-15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a)).

IT IS FURTHER ORDERED that an administrative fine of $100.00 is levied against respondent Sally Norris in accordance with her violation of Section 5-15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a)).

This is a final administrative decision and subject to the Administrative Review Law.

ENTERED: August 18, 2010