IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

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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-005
RAYMOND RAMSEY, Respondent.	)	

DECISION

This cause is before the Executive Ethics Commission ("Commission") following an evidentiary hearing. This decision will also serve as the Commission's final administrative decision in this matter.

Petitioner filed a verified complaint with the Commission on December 3, 2009 and petitioner's affidavit of service indicates that respondent was served the following day.

Respondent filed no objections to the complaint and on January 20, 2010, the Commission entered an order deeming the amended complaint sufficient and setting the matter for an evidentiary hearing. On February 25, 2010, a telephone conference was held at which respondent appeared pro se, and agreed to the setting of the evidentiary hearing on April 12, 2010. Respondent failed to appear at the April 12, 2010 hearing and has not contacted the Commission about his absence. Following the hearing, the record remained open for seven days for respondent to file any documents in his defense. Respondent has filed nothing and has not contacted the Commission.

Petitioner is represented by Assistant Attorney General Karen McNaught. Respondent appears pro se.

FINDINGS OF FACT

A complete copy of the record of proceedings has been reviewed by all members of the Executive Ethics Commission. Based upon this record, the Commission makes the following findings of fact:

1. Respondent Raymond Ramsey, at all times relevant to the complaint, was employed by the Illinois Department of Agriculture as a Meat and Poultry Inspector.

2. In June of 2008, respondent solicited and accepted a loan of $300 from Santos Rinaldo Grande, an employee of Park Packing Company, a meat packing facility respondent was assigned to inspect (Tr. 11).

3. Respondent worked in close proximity with Grande on the floor of Park Packing Company and Grande lent the money to him because Ramsey was important and influential to the meat packing business. Respondent exercised some control over whether the facility continued to operate in that he could issue reports of violation (Tr. 13).

4. Grande did not speak much English (Tr. 12).

5. The terms of the $300 loan were that it would be repaid within a few weeks and that respondent would not be required to pay any interest (Tr. 12-13).

6. Grande requested respondent repay the loan on at least four occasions between June and November 2008 (Tr. 13). Respondent eventually repaid the loan in December 2008 without interest (Tr. 14).

CONCLUSIONS OF LAW

1. Respondent Raymond Ramsey was at all times relevant to this matter a State employee, 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 respondent in the matter of his alleged violation of the Gift Ban. 5 ILCS 430/10-10.

3. The Gift Ban prohibits State employees from intentionally soliciting or accepting any gift from any prohibited source. 5 ILCS 430/10-10.

4. "Prohibited source" is defined to include a person or entity that "(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee." 5 ILCS 430/1-5.

5. "Prohibited source" is also defined to include a person or entity that "(4) has interests that may be substantially affected by the performance of non-performance of the official duties of the member, officer, or employee." Id.

6. "Gift" is defined to include "any gratuity, discount, entertainment, hospitality, loan..." Id.

7. None of the twelve enumerated exceptions to the Gift Ban apply to this matter.

8. In June 2008, Respondent solicited and accepted a gift from a prohibited source in violation of the Gift Ban.

9. Respondent has violated Section 10-10 of the State Officials and Employees Ethics Act. 5 ILCS 430/10-10.

10. 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

Respondent Raymond Ramsey solicited and accepted a $300 loan from an employee of an entity he was inspecting as part of his official duties. Given the nature of the relationship between Ramsey, Grande and Park Packing Company, the solicitation and acceptance of the loan has the appearance of a "shake down." Ramsey had the authority to assess violations against the company that might result in the company shutting down.

The terms of the loan, including no interest being paid and no definite date for repayment, were structured very favorably to Ramsey. Also, given the fact that the lender spoke little English, it appears that Ramsey took extraordinary advantage of his official position to obtain the loan.

Ramsey did not cooperate in any meaningful way in the prosecution of this matter and has neither admitted any wrongdoing nor expressed any remorse to the Commission.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Commission finds that respondent Raymond Ramsey 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 $1,500.00 is levied against respondent Raymond Ramsey in accordance with his 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: June 16, 2010