

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

RICARDO MEZA, in his capacity as)
EXECUTIVE INSPECTOR GENERAL for)
AGENCIES OF THE GOVERNOR, State)
Of Illinois,)
Petitioner,)
v.)
MICHAEL FREDRICK,)
Respondent.)

RECEIVED
OCT 13 2010
EXECUTIVE
ETHICS COMMISSION

No. 10-EEC-013

DECISION

This cause is before the Administrative Law Judge following a stipulation by the parties. The parties filed a stipulation on September 8, 2010 and have agreed to waive the evidentiary hearing and the filing of briefs.

Petitioner filed a verified complaint with the Commission on March 2, 2010. Respondent filed no objections to the petition, and on May 28, 2010, the Commission determined that the complaint was sufficient to proceed.

Petitioner is represented by Assistant Attorney General Joanna Belle Gunderson. Respondent appears pro se.

FINDINGS OF FACT

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

1. Respondent Michael Fredrick was at all times relevant to the complaint an employee of the Illinois Department of Human Services (DHS). He resigned on November 30, 2009, serving most recently as Business Manager/Director Fiscal Support Service for the Fox Developmental Center.
2. On three occasions: September 3, September 18 and October 9, 2008, respondent was interviewed by investigators of the Office of Executive Inspector General (OEIG) as part of an OEIG investigation.
3. The interviews were part of an investigation which sought, in part, whether respondent had deliberately miscoded and falsified information regarding DHS

expenditures in order to authorize vendor payments without requisite agency approvals.

4. Respondent stated to investigators that certain expenditures made for medical bills were coded "rental" because the DHS accounting does not have a lot of room for a description of the expenditure. He admitted later to miscoding the expenditure, signing other employees' names and using the password of another employee to give the appearance that the expenditure had the requisite agency approval.
5. Respondent stated to investigators that no contract was needed for certain purchases related to facility maintenance. The maintenance items were never delivered, however, and respondent miscoded the expenditure, signed other employees' names and used the password of another employee to give the appearance that the expenditure had the requisite agency approval.
6. The stipulation filed by the parties describes several additional, specific instances in which respondent made false statements to investigators concerning expenditures. In each case, respondent intentionally miscoded the expenditures, signed other employees' names, and used another employee's password to give the appearance that the expenditure had the requisite agency approval.
7. Respondent admits that he violated Section 20-70 and Section 50-5(e) of the State Officials and Employees Ethics Act. (5 ILCS 430/20-70, 5 ILCS 430/50-5(e)).

CONCLUSIONS OF LAW

1. Respondent Michael Fredrick was at all times relevant to this complaint 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 failure to cooperate with the Office of the Executive Inspector General in an investigation undertaken pursuant to the Act. 5 ILCS 430/20-70.
3. The Executive Ethics Commission has jurisdiction over respondent in the matter of his alleged intentional obstruction or interference with an investigation conducted under the Act. 5 ILCS 430/50-5(e).
4. Respondent violated Sections 20-70 and 50-5(e) of the State Officials and Employees Ethics Act when, during interviews conducted by OEIG investigators, he intentionally made several false statements attempting to justify expenditures he had authorized. 5 ILCS 430/20-70, 5 ILCS 430/50-5(e).
5. The complaint in this matter was timely filed.

6. Failure to cooperate with an investigation of the Executive Inspector General is grounds for disciplinary action, including dismissal. 5 ILCS 430/20-70.
7. The Executive Ethics Commission may levy an administrative fine of up to \$5,000 against a person who intentionally obstructs or interferes with an investigation conducted under this Act by an inspector general. 5 ILCS 430/50-5(e).

ANALYSIS

Respondent Michael Fredrick violated Sections 20-70 and 50-5(e) of the State Officials and Employees Ethics Act (5 ILCS 430/20-70; 5 ILCS 430/50-5(e)) when he obstructed the investigation by intentionally making specific, false statements to OEIG investigators who were conducting an investigation pursuant to the Act. The false statements were relevant to the investigation, very specific and clearly intended to obstruct or interfere with the investigation. Respondent has stipulated to these violations.

Considering respondent's stipulation to the violations and cooperation in this administrative action, the Commission will levy an administrative fine of \$500 for intentionally obstructing or interfering with an investigation conducted under this Act by an inspector general. 5 ICLS 430/50-5(e). Since respondent is no longer employed by the State of Illinois, no additional discipline may be imposed pursuant to Section 20-70. 5 ILCS 430/20-70.

WHEREFORE, for the foregoing reasons, the Commission finds that respondent Michael Fredrick violated Section 50-5(e) of the State Officials and Employees Ethics Act (5 ILCS 430/50-5(e)).

IT IS FURTHER ORDERED that an administrative fine of \$500.00 is levied against respondent Michael Fredrick in accordance with his violation of Section 50-5(e) of the State Officials and Employees Ethics Act (5 ILCS 430/50-5(e)).

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

SO ORDERED.