

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

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

EXECUTIVE  
ETHICS COMMISSION

No. 11-EEC-011

ORDER

This cause is before the Executive Ethics Commission (Commission) pursuant to a settlement agreement and an agreed motion for a decision of the Commission.

Petitioner filed the present verified complaint with the Commission on May 25, 2011. A certificate of service indicates that respondent's attorney was served a copy of the complaint on June 23, 2011. Respondent filed an answer on July 22, 2011.

On September 21, 2011, the Commission entered an order finding the complaint sufficient to proceed with respect to Sections 10-10 and 20-70 of the State Officials and Employees Ethics Act (Ethics Act). 5 ILCS 430/10-10 and 20-70.

On April 16, 2012, the parties filed a settlement agreement in which they agreed that paragraphs 22-25 of the complaint, relating to certain gifts and respondent's alleged failure to cooperate, be dismissed. The parties also agreed that respondent violated Section 10-10 of the Ethics Act if respondent failed to dispose of the gift of baseball tickets in a manner permissible under Section 10-30. The parties also sought oral argument on this matter, which was held on April 17, 2012.

The parties submitted post-argument briefs on May 21, 2012.

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. The respondent, Carrie Nelsen, is employed by the Illinois Department of Transportation ("IDOT") as District Nine Bureau Chief of Program Development.
2. IDOT suspended respondent without pay for two weeks, effective February 7, 2011, based on the allegations set forth in the Verified Complaint.

3. GeoTech Engineering and Testing, Inc. ("GeoTech") is a road construction consulting firm that has contracts with the Illinois Department of Transportation. In 2008 and 2009, GeoTech had ongoing contracts with IDOT in District Nine.
4. In March of 2009, respondent agreed to accept four St. Louis Cardinals baseball tickets from Mark Workman (Workman), GeoTech's Executive Vice President.
5. In July of 2009, respondent received four tickets valued at \$70 each to a September 18, 2009 St. Louis Cardinals/Chicago Cubs game from Workman.
6. The tickets were for her personal use.
7. Respondent did not pay Workman for the tickets to the Cardinals/Cub game.
8. In March of 2010, respondent attended a charity event for the DuQuoin Youth Club. She purchased \$100-worth of raffle tickets at this event.
9. Respondent has in her possession a letter from the DuQuoin Youth Club that she maintains is an acknowledgment of a \$200 cash donation at the March 2010 charity event.
10. The DuQuoin Youth Club has no independent record in its possession verifying that this or any other cash donation of any amount was made at this event by respondent. According to the Office of the Executive Inspector General for the Agencies of the Illinois Governor ("OEIG") investigative report regarding the interview of Kristie Kuhnert, the DuQuoin Youth Club Charity Auction Chairperson: due to the large number of individuals attending the Charity event, Ms. Kuhnert's practice was to sign letters acknowledging a donation and leave the signed letters at a table during the fundraiser. Individuals making a contribution could then fill in the amount. Ms. Kuhnert only sent personally addressed letters acknowledging donations when donations exceeded \$250.
11. Unless the alleged contribution to the DuQuoin Youth Club complied with Section 10-30 of the Act, respondent Carrie Nelsen violated the Illinois State Officials and Employees Ethics Act 5 ILCS 430/10-10, which states,

Gift ban. Except as otherwise provided in this Article, no officer, member, or State employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the officer, member, or State employee. No prohibited source shall intentionally offer or make a gift that violates this Section,

in that respondent, Carrie Nelsen, an employee of the State of Illinois, accepted a gift of Cardinal's baseball tickets from GeoTech, which is a prohibited source.

## CONCLUSIONS OF LAW

1. Respondent Carrie Nelsen 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 her alleged violation of Section 10-10 (Gift Ban) of the Act (5 ILCS 430/10-10).
3. By accepting baseball tickets valued at \$280.00 from a prohibited source in July of 2009, respondent violated Section 10-10 (Gift Ban) of the Ethics Act unless she acted in accordance with one or more of the procedures for disposing of improper gifts identified in Section 10-30 of the Ethics Act.
4. Section 10-30 of the Ethics Act provides that an employee does not violate the Ethics Act if he or she “gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered or succeeded.” 5 ILCS 430/10-30.
5. Respondent’s March 2010 purchase of raffle tickets to the DuQuoin Youth Club does not constitute a gift to an appropriate charity for purposes of Section 10-30 of the Ethics Act.
6. Respondent’s March 2010 \$200 cash donation to the DuQuoin Youth Club is not an amount equal to the value of the baseball tickets respondent received for purposes of Section 10-30 of the Ethics Act.
7. The complaint in this matter was timely filed.
8. The Executive Ethics Commission may levy an administrative fine of up to \$5,000 against a person who violates the Act. 5 ILCS 430/50-5(e).

## ANALYSIS

In July of 2009, respondent Carrie Nelsen violated Section 10-10 of the State Officials and Employees Ethics Act (5 ILCS 430/10-10) when she accepted baseball tickets from a prohibited source for her personal use.

Some questions remain about the promptness of respondent’s contribution to a 501(c)(3) charity and respondent’s evidence to support that this contribution was actually made. The Commission does not base its decision on an interpretation of these facts. Instead, the Commission determines, as a matter of law, that respondent’s \$200 cash donation to

the DuQuoin Youth Club is not an amount equal to the value of the baseball tickets (\$280). Also, respondent's purchase of raffle tickets from the DuQuoin Youth Club is not a gift to an appropriate charity. Therefore, respondent has not complied with any of the procedures for disposing of improper gifts provided in Section 10-30 of the Ethics Act.

Considering all relevant facts, including respondent's stipulation in this administrative action, the Commission sets an administrative fine of \$250. 5 ILCS 430/50-5(e).

WHEREFORE, for the foregoing reasons, the Commission finds that Carrie Nelsen violated Section 10-10 of the State Officials and Employees Ethics Act (5 ILCS 430/10-10).

IT IS FURTHER ORDERED that an administrative fine of \$250.00 is levied against respondent Carrie Nelsen in accordance with her 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.

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