IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: LAURA GREENE,	)	OEIG Case #14-00421
LEON DASH, and	)	
NANCY BLAKE	)	

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from the Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (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 the report's factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor's Office of Executive Inspector General ("OEIG") and a response from the University of Illinois in this matter. The Commission, pursuant to 5 ILCS 430/20-52, 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 Laura Greene, Leon Dash and Nancy Blake at their last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. INTRODUCTION

In mid-2013, the Office of Executive Inspector General (OEIG) received a complaint alleging that University of Illinois Professor George Gollin engaged in prohibited political activity in violation of the State Officials and Employees Ethics Act (Ethics Act). That case was assigned unique case number 13-01726[1] (hereinafter "Gollin Investigation"). The OEIG concluded that Professor Gollin did engage in prohibited political activity and referred the Gollin Investigation to the Office of the Illinois Attorney General for prosecution.[2] [This matter was settled as outlined in the Commission's June 25, 2015 Decision, *Meza v. Gollin*, 14-EEC-011.]

[1] The OEIG made 20 separate findings that Professor Gollin violated the Ethics Act.
[2] 5 ILCS 430/1-5, *et seq.*

During the course of the Gollin Investigation, OEIG investigators discovered that other State employees, namely University of Illinois professors, may have also engaged in prohibited political activity in violation of the Ethics Act. The University of Illinois professors appeared to have used State resources to support University of Illinois Professor George Gollin in his effort to secure elective office.[3] As a result, in early 2014, the OEIG self-initiated this investigation.

II. BACKGROUND

A. University of Illinois Employee George Gollin

On July 29, 2013, George Gollin, a tenured University of Illinois physics professor, filed campaign papers seeking elective office. Specifically, Dr. Gollin campaigned for the Democratic nomination for United States Congress District 13 in the March 18, 2014 primary election. Dr. Gollin failed to secure enough votes to win the Democratic nomination.

B. University of Illinois Professors Nancy Blake, Leon Dash, and Laura Greene Use State Resources in Support of Professor Gollin's Campaign

During the Gollin Investigation, the OEIG identified numerous University of Illinois professors who, using State email accounts, may have also engaged in prohibited political activity. In light of the large number of persons that Professor Gollin contacted, investigators limited their investigation to those whose communications were clearly political.

The OEIG's limited investigation identified three professors who appeared to have used State resources for political purposes. Investigators identified the following persons:

University of Illinois Professor Laura Greene: Professor Green is a tenured University of Illinois Swanlund professor of Physics, Center for Advanced Study professor of Physics, and staff member of the University of Illinois Materials Research Laboratory.

University of Illinois Professor Leon Dash: Professor Dash is a tenured University of Illinois Swanlund Chair professor of Journalism.

University of Illinois Professor Nancy Blake: Professor Blake is a tenured University of Illinois professor of Comparative and World Literature.

C. State Law and University of Illinois Policies Relevant to this Investigation

1. State Law—The Ethics Act

State law and, in particular, the Ethics Act, prohibits State employees from intentionally performing "prohibited political activity during any compensated time" or misappropriating "any

[3] Investigators also discovered emails in which State employees, after receiving political emails on their State email accounts, informed Professor Gollin that the Ethics Act prohibited them from using their State email to send political email and requested that they be removed from any email lists. The OEIG does not find their requests to be removed from Professor Gollin's political emails to be a violation of the Ethics Act.

State property or resources by engaging in prohibited political activity for the benefit of any campaign for elective office or any political organization."[4]

2. University of Illinois Policies—Administrative Manual

The University of Illinois Campus Administrative Manual (Campus Manual) has a section titled "Policy on Appropriate Use of Computers and Network Systems at the University of Illinois at Urbana-Champaign," which states that "computing and network services provided by the campus is subject to all applicable state and federal laws, as well as general University and campus policies."

Additionally, the Campus Manual has a section titled "Guidelines Concerning Use of University Resources for Political Campaign Activities," which states that, consistent with the requirements of the Ethics Act, "University property and services (e.g., space and equipment, campus mail, computers and e-mail, postage, photocopying and fax, vehicles, etc.) may not be used for political campaign activities. This stipulation applies both to University faculty, staff and students, and to individuals external to the University." The policy contains no exception allowing tenured professors or, for that matter, anyone to engage in *de minimis*[5] use of University of Illinois property for political campaign activities.

D. University of Illinois Ethics Training: 2012 and 2013

All University of Illinois employees, including tenured professors, are required to complete an annual ethics training program, which includes sections addressing prohibited political activity. The 2012 ethics training for University of Illinois employees contains a section titled, "Petition Problems," which states, in part, that participating in prohibited political activity by misappropriating University of Illinois property or resources is a violation of the Ethics Act and an inappropriate use of University of Illinois resources. It also includes a section titled, "It Really Did Happen," which describes an Executive Ethics Commission decision relating to prohibited political activity. The 2013 ethics training for University of Illinois employees also addresses prohibited political activity.

University of Illinois records reveal that Professors Nancy Blake, Leon Dash, and Laura Greene completed the 2012 and 2013 University of Illinois ethics training.

III. INVESTIGATION

During the Gollin Investigation, the OEIG obtained and reviewed emails from George Gollin's University of Illinois email account for the date range June 1 through November 7, 2013. In addition, investigators obtained Dr. Gollin's campaign emails contained in Dr. Gollin's campaign email account ([redacted]@gmail.com) that were sent to or from State

[4] 5 ILCS 430/5-15(a). In addition, the University of Illinois is a public institution of higher learning that receives State funding and as such, is a State agency. 110 ILCS 220/2; 5 ILCS 430/1-5.

[5] "*De minimis*" is a Latin phrase that means trifling, minimal, a fact or thing so insignificant that a court may overlook it in deciding an issue or case. Black's Law Dictionary (9th ed. 2009).

university email addresses from February through December 2013. Below is a summary of emails investigators discovered.

A. Political Email Communications Between Dr. Gollin's Campaign and Professor Laura Greene and Related Interview

Investigators discovered a series of email exchanges relating to Dr. Gollin's campaign involving Professor Laura Greene. First, investigators discovered an exchange of emails beginning on April 29, 2013 between Dr. Greene, using her State email account, and a non-State employee. Below are the emails:

> *My colleague at the University of Illinois, George Gollin, who is also a Professor or [sic] Physics, is running for US Congress. . . . Prof [sic] Gollin was sending me papers on his stands – to gain support for his campaign. That is what is in the envelope. I told him I would help distribute these materials to the Academy members. Why don't you keep the package and ask Dr.* [redacted] *if he would like to have this material on hand at the Academy? If this is all right, maybe just leaving some of the papers around for the business meeting in the morning.*

Then, using her State email account, Dr. Greene forwarded the above message to George Gollin and wrote the following:

> *Dear George, I did my best. What happened was that it was decided pretty last minute that the President would speak at NAS, so the whole building and surrounding area was under lockdown most of the day. I got in to see him (yay) but had to leave at Noon and our meetings were at the hotels and I could not get back to the NAS. They received the package late in the day due to the lockdown (almost 4:00 pm) and I did the best I could – the meetings were over by then. I tried to have the package cornered to the hotel but it was impenetrable. Sorry – I really tried! Wish you could have gotten these out earlier to* [redacted] *or* [redacted] *– next time!*

Investigators also discovered a May 20, 2013 email exchange with the subject "George the candidate" between Dr. Greene and Dr. Gollin. In the exchange, Dr. Gollin, using a non-State email account, sent an email to Dr. Greene at her State email account and wrote, in part:

> *Do you have suggestions on how I should approach our other UIUC colleagues who are NAS members? I know a number of them at least well enough to chat with at a reception, and some considerably better than that. There are:* [redacted] *and* [redacted] *have already donated to my campaign),* [redacted] *. Would you be willing to put in a good word to them, and let them know I'll be contacting them? Is there a better way to approach this that comes to mind?*

In response, Dr. Greene, using her State email account, wrote the following:

Just call them like you called me and tell them that I donated too ($2500). That should work![6]

On May 28, 2014, investigators interviewed Dr. Greene, who said she was a professor in the University of Illinois' Department of Physics. Dr. Greene recalled taking University of Illinois ethics training every fall and said she was "aware of" the portion of the training related to prohibited political activity. Dr. Greene said that she knows George Gollin and is friends with his wife. Dr. Greene also knew Dr. Gollin was running for Congress.

Investigators asked Dr. Greene about the email exchange beginning on April 29, 2013. According to Dr. Greene, Dr. Gollin asked her to take some of his campaign materials to the National Academy of Sciences meeting in Washington, D.C. Dr. Greene said she told Dr. Gollin he could send the materials to her and said the materials were delivered after she left Washington D.C. When asked if she believed it was appropriate for Dr. Gollin to contact her for political reasons at her State email address, Dr. Greene said, "[w]ell, clearly it's not, but he could've made a mistake too." Dr. Greene added, "[m]y email is pretty intense so this is-measures zero, but that's ok." Dr. Greene also told investigators she receives about 600 emails a day.

Investigators asked Dr. Greene about the May 20, 2013 email exchange. Dr. Greene said that Dr. Gollin must have called her seeking support for his campaign before she sent the email. When asked if using her State email to reply to Dr. Gollin's emails concerning political matters was a violation of the Ethics Act or University of Illinois policy, Dr. Greene said, "[y]eah, I suppose . . . you're not supposed to do that, and I know you're not supposed to do that, but then again, it would be just a miniscule error." Dr. Greene added, "I'm aware that that's in violation, but I didn't give it much thought."

Dr. Greene told investigators that the "University [of Illinois] Ethics Handbook" allows limited use of the State email account, as long as it does not take up a significant amount of time. Dr. Greene said that, based on her belief that her emails to Dr. Gollin were "a fraction" of her email use, she did not believe her limited use of her email violated University of Illinois policy. Dr. Greene said, "I'm perfectly aware of [the University of Illinois Campus Administrative Manual section titled "Guidelines Concerning Use of University Resources for Political Campaign Activities"] but . . . it's my opinion, that when you have 600 emails a day, which are many, many gigabytes, and there's a couple of flip backs in error, I don't consider that a violation."

B. Political Email Communication Between Dr. Gollin and Professor Leon Dash and Related Interview

Investigators discovered an email exchange on April 23 and 26, 2013 between Dr. Gollin and University of Illinois Professor Leon Dash. Specifically, on April 23, 2013, Dr. Gollin, using a non-State email account, sent an email to Professor Dash at his State email account and wrote, in part:

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[6] Federal Election Commission records reveal that Dr. Greene donated a total of $5,100 to the Friends of George Gollin campaign.

The dinner event begins at 5pm on Sunday . . . . The posted schedule (see http://champaigncountydemocrats.org/) is "social hour" at 5, dinner at 6, and speeches at 7. Thank you so much for helping with this – I'll try to have a rough cut of an introduction for you in a day or two. I'd like to have a good draft of my speech ready first, so that the introduction and speech will mesh well.

In response, using his State email account, Professor Dash wrote the following:

Please get the introduction to me tomorrow or early Sunday. Thanks.

On May 5, 2014, investigators interviewed Professor Dash, who said he was a professor in the University of Illinois' Department of Journalism. Professor Dash recalled taking the University of Illinois ethics training every fall, was familiar with the training section involving prohibited political activity, and said he knew Dr. Gollin was running for Congress.

Investigators asked Professor Dash about the April 23 and 26, 2013 email exchange. According to Professor Dash, Dr. Gollin asked him to introduce him (Dr. Gollin) at a local Democratic Party meeting. Professor Dash said that the purpose of this meeting was for Dr. Gollin to announce his congressional candidacy. When asked if he believed it was appropriate for him to use his State email account to discuss a political event, Professor Dash said, "[o]n reflection, no, and I didn't think of it at the time." Professor Dash added it "really didn't" occur to him to use his personal email account to respond to Dr. Gollin.

C. Political Email Communication between Dr. Gollin and Professor Nancy Blake and Related Interview

Investigators discovered an email communication between Dr. Gollin and University of Illinois employee Nancy Blake which occurred on August 29, 2013. Dr. Blake, using her State email account, sent an email to Dr. Gollin at his State email account, and wrote, in part:

Please forward this to [redacted].[7] *She has not sent me her e-mail address.*

The email included an attachment titled, "List of Invitees for George Gollim [sic] meet and greet." The attachment had a list of 27 names and email addresses, the majority of which were University of Illinois email addresses.

On May 5, 2014, investigators interviewed Dr. Blake, who said she is a professor in the University of Illinois' Department of Comparative and World Literature. She recalled taking ethics training and was familiar with the training related to prohibited political activity. In addition, Dr. Blake said she knows University of Illinois Professor George Gollin, but they have not worked together. According to Dr. Blake, she asked Dr. Gollin's wife if there was "anything that I could do to help [with the campaign.]" In response, Dr. Blake stated that someone working on his campaign contacted her about hosting a meet and greet at her house, which she agreed to

[7] Records filed with the Federal Election Commission reveal that [redacted] was Dr. Gollin's Campaign Manager.

host. Dr. Blake stated that the purpose of the meet and greet was for Dr. Gollin to discuss his candidacy for the 13th Congressional District and explain why he was seeking elective office.

Investigators asked Dr. Blake about the August 29, 2013 email exchange, to which she said the Gollin Campaign asked her to compile a list of names to whom they could send paper invitations for the meet and greet she was hosting. When asked how she chose the names listed on the attachment, Dr. Blake replied, "just whatever, whoever came to my mind who would be interested." Dr. Blake told investigators that she did not think using her State email to send the above referenced email was inappropriate or in violation of the Ethics Act or University of Illinois policy, otherwise, she would not "have done it," and told investigators that she could not believe time was being wasted on something so "trivial."

IV. ANALYSIS

A. The State Officials and Employees Ethics Act

The Ethics Act prohibits employees from intentionally "misappropriat[ing] any State . . . resources by engaging in any prohibited political activity for the benefit of any campaign for elective office . . . ."[8] "Prohibited political activity" includes:

- "[p]reparing for, organizing, or participating in any political meeting . . . or other political event[,]"[9]
- "[s]oliciting . . . any thing of value intended as a campaign contribution[,]"[10]
- "[d]istributing, preparing for distribution, or mailing campaign literature . . . or other campaign material on behalf of any candidate for elective office . . .[,]"[11] and
- "[c]ampaigning for any elective office . . . [,]"[12]

"Campaign for elective office" includes "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 or office in a political organization. . . ."[13]

B. Use of State Email Accounts to Engage in Prohibited Political Activity Violated the Ethics Act

As stated above, the Ethics Act prohibits State employees from misappropriating State resources. There is no question that the University of Illinois is a State agency that obtains and uses State resources, namely its computer system and email. In addition, the Ethics Act does not make an exception for a *de minimis* use of State resources for political purposes. In other words, the Ethics Act strictly prohibits State employees from using State resources for prohibited

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[8] 5 ILCS 430/5-15(a).
[9] 5 ILCS 430/1-5. (Prohibited political activity (1)).
[10] *Id.* (Prohibited political activity (3)).
[11] *Id.* (Prohibited political activity (11)).
[12] *Id.* (Prohibited political activity (12)).
[13] *Id.* (Campaign for elective office).

political activity—there is nothing trivial about this State law. Moreover, the Ethics Act does not allow State employees to engage in prohibited political activity even though the employee:

- is a tenured faculty or professors of a State university;[14]
- did not think about what they were doing (or not doing);
- describes their conduct as an error which was "miniscule";
- used State resources that only represented a fraction of their email use; or
- did not think about using their personal email as opposed to their State email.

To be clear – the Illinois General Assembly enacted and prohibited State employees from using State resources to engage in prohibited political activity because it concluded that such activity is an inappropriate use of State resources, plain and simple. At the same time, the General Assembly required State employees to receive annual ethics training so that they would be *reminded*, on a yearly basis, that such use is inappropriate. This reminder and prohibition applies to *all* State employees, including University of Illinois tenured professors who, despite their protestations, must comply with the same laws as other State employees, even though some may prefer not to have to do so.

Since the 2003 enactment of the Ethics Act, State employees at numerous State agencies have been found to have engaged in prohibited political activity. A review of disciplinary decisions of the Executive Ethics Commission reveals that numerous State employees have been fined for using their State email to engage in political activity.[15] In addition, the EEC has also

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[14] Tenured professors are not exempt from this law and in fact, the Executive Ethics Commission found a University of Illinois tenured professor violated the Ethics Act, despite his assertion that, as tenured faculty, he is a citizen of an academic community rather than an employee. See *In re Lou Van Den Dries*, Case 11-EEC-009. The EEC fined Professor Lou Van Den Dries a total of $500.

[15] *See In re Jerome Stermer*, 11-EEC-010 (employee who sent one email from his State-issued cell phone relating to a candidates' questionnaire violated the Ethics Act and fined $500); *In re Mary Thomas*, 09-EEC-011 (employee who forwarded one email from her State computer during compensated time that solicited votes for a candidate for elective office violated the Ethics Act and fined $100); *In re Michael A. Holmes*, 10-EEC-001 (employee who used his personal email account to send one email in furtherance of the election of two candidates for elective office to his own State email account and the State email accounts of four other State employees violated the Ethics Act and fined $250); *In re Kathy Criss and Sally Norris*, 10-EEC-004 (employees who used their State computers and State email accounts during compensated time to forward one email related to a campaign for elective office violated the Ethics Act and each employee fined $100); *In re Judith Frazer*, 10-EEC-014 (employee who used her State email account to forward one email seeking volunteers for a campaign for elective office to several other State employees violated the Ethics Act and fined $100); *In re Khalil Shalabi*, 08-EEC-003 (employee who sent at least four email messages from his State email account on compensated time for the benefit of a campaign for elective office or a political organization violated the Ethics Act and fined $5,000); *In re Robert Daniel*, 08-EEC-010 (employee who sent four email messages from his State computer during compensated time in connection with preparation for a political event violated the Ethics Act and fined $100); *In re Sheila Nix et al.*, 09-EEC-001 (employees who used State email and telephone lines during compensated time to prepare and edit a press release for a campaign for elective office violated the Ethics Act and fined one employee $1,500 and two $1,000 each); *In re Carolyn Brown Hodge*, 11-EEC-008 (employee who used her State computer and, at times, her State email account during compensated time to send 15 emails for the benefit of a campaign for elective office violated the Ethics Act and fined $1,000); *In re Judith Erwin*, 11-EEC-005 (employee who used her State email to obtain information regarding a political fundraiser from another State employee, used her State email to send 18 emails for the benefit of a political organization, instructed a State employee to make travel arrangements for herself and others for the benefit of a political organization, sent and received 22 campaign-related emails on her State email account, repeatedly gave

fined a State employee for using State telephones for prohibited political activity.[16] The EEC has also fined a State employee for using State vehicles to engage in prohibited political activity.[17] Finally, the EEC has fined numerous State employees for engaging in prohibited political activity during compensated time.[18]

Investigative Findings Regarding University of Illinois Professor Laura Greene

On April 29, 2013, University of Illinois Professor Laura Greene used her State email account to communicate with Dr. Gollin and another individual regarding distribution of Dr. Gollin's campaign materials at a National Academy of Sciences meeting in Washington, D.C. Additionally, on May 20, 2013, Dr. Greene used her State email account to communicate with Dr. Gollin regarding how best to solicit campaign donations from other University of Illinois employees and members of the National Academy of Science.

Dr. Greene said she knew "you're not supposed to" use State email in regards to a political matter. Yet despite her knowledge, she did use State resources in violation of State law and appeared to justify her conduct by characterizing it as "just a miniscule error." This so-called error occurred even though Dr. Greene took her 2012 and 2013 ethics training, which clearly reminded her that it was inappropriate to use State resources to engage in prohibited political activity. Unfortunately, ethics training did not help Dr. Greene.

Thus, the allegation that Dr. Greene misappropriated her State email account by engaging in prohibited political activity during the April 29, 2013 email exchange in violation of the Ethics Act is **FOUNDED**.

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her State-issued cell phone number as the method to reach her for campaign matters, and used her State telephone to solicit a donation for a candidate for elective office violated the Ethics Act and fined $4,000).

[16] *See In re Jill Morgenthaler*, 08-EEC-009 (employee who used a State telephone during compensated time to ask another State employee to serve as a spokesperson in a radio commercial for a campaign for elective office violated the Ethics Act and fined $500). The EEC has also fined State employees for using State computers for prohibited political activity. *See In re Carl Thurman*, 09-EEC-010 (employee who used his State computer during compensated time to edit a photograph of a candidate for elective office that was used on the candidate's campaign website violated the Ethics Act and fined $1,000); *In re Nicholas Haddad*, 10-EEC-008 (employee who used his State computer to view two button designs for a campaign for elective office violated the Ethics Act and fined $250).

[17] *See In re Sylvester Hartigan*, 10-EEC-010 (employee who used a State vehicle to obtain documents related to his campaign for elective office violated the Ethics Act and fined $100).

[18] *See In re Stanley Moore*, 09-EEC-012 (employee who made fundraising calls on three separate dates for his own campaign for elective office during compensated time violated the Ethics Act and fined $3,000. The EEC also found that the State employee obstructed and interfered with the OEIG's investigation); *In re Jesus Martinez*, 10-EEC-015 (employee who engaged in activity in furtherance of his campaign for elective office during compensated time on five separate dates violated the Ethics Act and fined $500); *In re Nada Alston*, 10-EEC-016 (employee who distributed one button for a campaign for elective office during compensated time violated the Ethics Act and fined $250); *In re Shaun Stoutamyer*, 11-EEC-002 (employee who, during compensated time, took a photograph that was used in campaign literature of a candidate for elective office violated the Ethics Act and fined $500) *In re Sherri Caffey*, 13-EEC-021 (employee who made one phone call during compensated time in order to plan a political event involving a candidate for elective office violated the Ethics Act and fined $1,500. The EEC also found that the State employee knowingly made numerous material false statements, misstatements, and omissions during the course of her interviews with the OEIG); and *In re Robert Brown*, 14-EEC-003 (employee who made or received at least 54 phone calls related to a campaign for elective office during compensated time, totaling more than 10.5 hours in length, violated the Ethics Act and fined $3,500. The EEC also found that the State employee failed to cooperate and obstructed the OEIG investigation and fined him an additional $500).

Additionally, the allegation that Dr. Greene misappropriated her State email account by engaging in prohibited political activity during the May 20, 2013 email exchange in violation of the Ethics Act is **FOUNDED**.

Investigative Findings Regarding University of Illinois Professor Leon Dash

Between April 23 and 26, 2013, University of Illinois Professor Leon Dash used his State email account to communicate with Dr. Gollin regarding introducing Dr. Gollin at a Democratic Party meeting where Dr. Gollin was going to announce his candidacy for the 13th Congressional District. In other words, Professor Dash used his State email account for the prohibited political activity of preparing for a political meeting.

Professor Dash said he did not think about whether this email was prohibited political activity and that it did not occur to him to use his personal email account to respond to Dr. Gollin. However, Professor Dash said he recalled the taking the ethics training each fall and that he was familiar with the section of the training regarding prohibited political activity. Although Professor Dash's explanation is perplexing, there is little doubt that he misappropriated his State email account by engaging in prohibited political activity during the April 23 and 26, 2013 email exchange and by doing so violated the Ethics Act and thus the allegation is **FOUNDED**.

Investigative Findings Regarding University of Illinois Professor Nancy Blake

On August 29, 2013, University of Illinois Professor Nancy Blake used her State email account to send Dr. Gollin names to whom his campaign could send invitations for a meet and greet. According to Dr. Blake, the purpose of the meet and greet was for Dr. Gollin to discuss his candidacy for the 13th Congressional District and provide the reasons why he was seeking elective office. As such, Dr. Blake used her State email account for the prohibited political activity of preparing for or organizing a political meeting.

During her interview, Dr. Blake said that she could not believe time was being wasted on something so trivial. However, as noted above, a violation of State law is not a trivial matter. In addition, what is also similarly not trivial, is that a tenured professor, who said she completed ethics training each fall and said she was familiar with the training related to prohibited political activity, nevertheless either intentionally disregarded or simply ignored her annual training. Thus, the allegation that Dr. Blake misappropriated her State email account by engaging in prohibited political activity during the August 29, 2013 email exchange in violation of the Ethics Act is **FOUNDED**.

C. Violation of University of Illinois Policy

University of Illinois' Campus Administrative Manual has a section titled "Guidelines Concerning Use of University Resources for Political Campaign Activities," which states that "University property and services (e.g., space and equipment, campus mail, computers and e-mail, postage, photocopying and fax, vehicles, etc.) may not be used for political campaign activities."

For the same reasons as stated above, the evidence in this investigation revealed that Professors Nancy Blake, Leon Dash, and Laura Greene violated the University of Illinois prohibition on using email for political campaign activities.

Thus, the allegation that Dr. Greene used her State email account for political campaign activity during the April 29, 2013 email exchange in violation of the University of Illinois' Campus Administrative Manual is **FOUNDED.**

The allegation that Dr. Greene used her State email account for political campaign activity during the May 20, 2013 email exchange in violation of the University of Illinois' Campus Administrative Manual is **FOUNDED.**

The allegation that Professor Dash used his State email account for political campaign activity during the April 23 and 26, 2013 email exchange in violation of the University of Illinois' Campus Administrative Manual is **FOUNDED.**

Thus, the allegation that Dr. Blake used her State email account for political campaign activity during the August 29, 2013 email exchange in violation of the University of Illinois' Campus Administrative Manual is **FOUNDED.**

V. FINDINGS AND RECOMMENDATIONS

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – In an April 29, 2013 email exchange, Laura Greene intentionally misappropriated her State email account by engaging in prohibited political activity.

- **FOUNDED** – In an April 29, 2013 email exchange, Laura Greene violated University of Illinois "Guidelines Concerning Use of University Resources for Political Campaign Activities" when she used her State email for political campaign activities.

- **FOUNDED** – In a May 20, 2013 email exchange, Laura Greene intentionally misappropriated her State email account by engaging in prohibited political activity.

- **FOUNDED** – In a May 20, 2013 email exchange, Laura Greene violated University of Illinois "Guidelines Concerning Use of University Resources for Political Campaign Activities" when she used her State email for political campaign activities.

- **FOUNDED** – In an April 23 and 26, 2013 email exchange, Leon Dash intentionally misappropriated his State email account by engaging in prohibited political activity.

- **FOUNDED** – In an April 23 and 26, 2013 email exchange, Leon Dash violated University of Illinois "Guidelines Concerning Use of University Resources for Political Campaign Activities" when he used his State email for political campaign activities.

- **FOUNDED** – In an August 29, 2013 email exchange, Nancy Blake intentionally misappropriated her State email account by engaging in prohibited political activity.

- **FOUNDED** – In an August 29, 2013 email exchange, Nancy Blake violated University of Illinois "Guidelines Concerning Use of University Resources for Political Campaign Activities" when she used her State email for political campaign activities.

The OEIG recommends that the University of Illinois take whatever action it deems appropriate in regards to University of Illinois Professors:

- Laura Greene
- Leon Dash
- Nancy Blake

Finally, although the OEIG has the statutory discretion to refer this matter to the Office of the Illinois Attorney General for prosecution, the OEIG will exercise its discretion to not refer this matter and considers this matter closed.

Date: **October 9, 2014**

Office of Executive Inspector General
for the Agencies of the Illinois Governor

Laura K. Bautista
Deputy Inspector General &
Chief of Springfield Division

Melissa Brandenburg
Investigator #160

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AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY RESPONSE FORM

Case Number: 14-00421 Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

X We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

Professors Laura Greene, Leon Dash, and Nancy Blake have each been provided with a copy of the final report for OEIG Investigation Case No. 14-00421 and have been disciplined by way of a letter of expectations from their dean addressing past actions and future expectations.

☐ We will implement some or all of the OEIG recommendations but will require additional time to do so.
We will report to OEIG within _____days from the original return date.

☐ We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

Signature

University of Illinois
Executive Director of Ethics and Compliance
Print Agency and Job Title

Donna S. McNeely
Print Name

October 31, 2014
Date

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: Laura Greene) #14-00421

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

X Below is my public response. Please make this response public if the summary report is also made public; or

_____ Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

Respondent's Signature

Sept 9, 2015
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

See attached Public Response of Dr. Laura Greene to OEIG Final Report

PUBLIC RESPONSE OF DR. LAURA GREENE TO OEIG FINAL REPORT (OEIG Case #14-00421)

The OEIG Final Report ("the report") overlooks critical facts and misapplies the law.

The report finds that I "intentionally misappropriated [my] State email account by engaging in prohibited political activity" on 04/29/13 and 05/20/13. This finding appears to be made under §5-15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a)). A separate finding is made for each date. It is important to note that there was absolutely no finding under §5-15(a) that I intentionally performed prohibited political activity during compensated time.

In my interview with the two OEIG investigators on May 28, 2014, I made it clear that the use of my University email account for the email exchanges on 04/29/13 and 05/20/13 was inadvertent and not intentional. Therefore, no violation of §5-15(a) or any other section of the State Officials and Employees Ethics Act took place. Unless the conduct is intentional, there can be no violation.

I received somewhere around 600 emails a day in April and May of 2013. Emails from my University email account and from my personal Gmail account went to a combined inbox on my iPhone and iPad. I would not look to see which email account they were sent to. Rather, I would just read and respond to the emails as quickly as possible.

The email exchanges on 04/29/13 and 05/20/13 both started when I received an email in my combined inbox. As it turns out, those emails were sent to my University account. The 04/29/13 email exchange began when I received an email while traveling, which advised that a package for me had been delivered to the National Academy of Sciences. I had been attending the NAS annual meeting, but wasn't able to pick up the package. The second email exchange on 05/20/13, which took place late in the evening, involved only two emails. Mr. Gollin sent an email to me, and I replied with a very short response a little over an hour later.

Section 1-5 of the State Officials and Employees Ethics Act (5 ILCS 430/1-5) defines "prohibited political activity," while §5-15 of that Act (5 ILCS 430/5-15) identifies "prohibited political activities." Neither one of those sections mentions email or email servers. It is highly questionable whether even an intentional but minor use of a state email account for political purposes amounts to a misappropriation of State property. Any such "use" of State property would be infinitesimally small and could not be reasonably characterized as a "misappropriation." In any event, it is abundantly clear that an unintentional and inadvertent use of a State email account for a political purpose is not a misappropriation of State property.

The report also finds that I violated the University of Illinois "Guidelines Concerning Use of University Resources for Political Campaign Activities" ("the University Guidelines") when I used my State email "for political campaign activities" on 04/29/13 and 05/20/13. Again, a separate finding is made for each date. These two findings are not tied to the State Officials and Employees Ethics Act in any way. They are totally unsupported by law for several reasons, including the following:

1. The University Guidelines do not have the force of law.

2. OEIG has only the power to enforce the State Officials and Employees Ethics Act. (5 ILCS 430/20-20(1)) It does not have the power to enforce the University Guidelines.

3. No findings were made that I intentionally violated the University Guidelines, and I did not do so. As I explained earlier, the use of my University email account in connection with the emails in question was unintentional and inadvertent.

4. Even if the University Guidelines somehow had the force of law, and even if OEIG had the power to enforce them, intentional conduct is still required under §5-15(a) of the State Officials and Employees Ethics Act for a violation to take place. OEIG has no power to change the law by finding a violation where no intentional conduct has taken place.

5. The University of Illinois publication entitled "A Handbook for Good Ethical Practice" suggests that there is no hard and fast University rule prohibiting the use of University resources to send personal email. In responding to a question about sending personal email to colleagues outside the University, that handbook includes the following statement: "Use of the University's computing and network infrastructure by University employees unrelated to their University positions must be limited in both time and resources and must not interfere in any way with the University's functions or the employee's duties." (See page 28.)

It is interesting to note that the version of the report that the Executive Ethics Commission proposes to publish leaves off the very end of the original report dated October 9, 2014. The last two paragraphs of the original 10/09/14 report read as follows:

> The OEIG recommends that the University of Illinois take whatever action it deems appropriate in regards to University of Illinois Professors:
>
> • Laura Greene • Leon Dash • Nancy Blake
>
> Finally, although the OEIG has the statutory discretion to refer this matter to the Office of the Illinois Attorney General for prosecution, the OEIG will exercise its discretion to not refer this matter and considers this matter closed.

In conclusion, the findings relating to me in the OEIG Final Report ignore both the facts and the law. They also ignore the realities of technology in the modern workplace, as well as the nature of the modern workplace itself. Finally, they represent an affront to me. I have been a long-time zealous advocate for the University of Illinois, as well as a tireless and ethical Professor of Physics. A couple of e-mail exchanges that inadvertently took place on my University email account and that were not even initiated by me simply do not justify the conclusions in the report.