

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

RICARDO MEZA, in his capacity as )  
EXECUTIVE INSPECTOR GENERAL, )  
Petitioner, )

v. )

No. 14-EEC-006

JOHN REDNOUR, Jr., and )  
AMY BLIEFNICK, )

Respondents.

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JUL 24 2014

EXECUTIVE  
ETHICS COMMISSION

DECISION

This cause is before the Executive Ethics Commission (“Commission”) for purposes of considering Petitioner’s motions for summary judgment. This decision will also serve as the Commission’s final administrative decision in this matter.

Petitioner filed the complaint against John Rednour, Jr. (“Rednour”) with the Commission on January 10, 2014 and filed an amended complaint against both John Rednour and Amy Bliefnick (“Bliefnick”) on January 31, 2014. On March 31, 2014, the Commission determined that the amended complaint was sufficient to proceed.

As to Respondent Rednour, the parties entered into a joint stipulation of undisputed material facts that formed the basis for Petitioner’s motion for summary judgment, both of which were filed on July 9, 2014. As to Respondent Bliefnick, the parties entered into a separate joint stipulation of undisputed material facts that formed the basis for Respondent Bliefnick’s June 17, 2014 motion to enter final order and Petitioner’s July 9, 2014 motion for summary judgment. Respondent Bliefnick also filed a July 15, 2014 memorandum to petitioner’s motion for summary judgment. Respondent Rednour filed a response to petitioner’s motion for summary judgment on July 18, 2014.

These matters were filed together for purposes of judicial economy. While the respondents allegedly engaged in similar activity, the events underlying the separate causes of action are unrelated. Petitioner is represented by Assistant Attorney General Neil MacDonald. Respondent Bliefnick is represented by Carl Draper and Respondent Rednour is represented by Ed Gower.

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:

## FINDINGS OF FACT CONCERNING JOHN REDNOUR

1. John Rednour was employed by the Illinois Department of Agriculture (“IDOA”) as the Manager of the DuQuoin State Fair (the “DuQuoin Fair”) from 2003 until January 17, 2014, when he resigned from IDOA. Rednour is no longer employed by the State of Illinois.

2. As the Fair Manager, Rednour was responsible for overseeing all aspects of the DuQuoin Fair’s management. This responsibility includes, by way of example and not limitation, supervision and management of all fair employees, functions, and activities; employee compliance with all fair-related IDOA policies and procedures; promotion of the fair through media events and other press management and publicity activities; oversight and implementation of the overall fair budget; fair entertainment booking; and the exercise of signatory authority on behalf of IDOA in connection with the DuQuoin Fair contracts.

3. No later than May 2010, Rednour began to take an annual, computer-based IDOA ethics training program which included sections on the Ethics Act’s gift ban proscriptions. At all times relevant to the allegations in Petitioner’s Amended Complaint, Rednour had knowledge of the restrictions imposed by the Ethics Act’s gift ban prohibitions on State employees.

4. Prior to 2012, a not-for-profit organization known as the Combined Veterans Association of Illinois (“CVA”) was a party to one or more contracts with the State of Illinois that authorized it to sell beer to DuQuoin Fair patrons. In 2012, the State of Illinois determined that the DuQuoin Fair beer vending contracts should be subject to competitive bidding as a way to maximize potential IDOA fair revenues.

5. Pursuant thereto, a privately-owned DuQuoin restaurant named “Alongi’s Since 1933” (“Alongi’s”) submitted a bid for the 2012 DuQuoin Fair beer vending contract. Alongi’s was the winning bidder for the 2012 DuQuoin Fair beer vending contract, and was notified in mid-2012 that its bid to be the DuQuoin Fair’s 2012 beer vendor had been accepted by IDOA.

6. The Alongi’s Beer Contract obligated Alongi’s to pay IDOA a fixed price for each keg of beer that was tapped at the DuQuoin Fair, and a lesser fixed price per opened case of bottled or canned beer, without regard to how much beer was actually sold from the keg or case. The Alongi’s Beer Contract likewise provided that Alongi’s would pay, in full, IDOA’s fees per tapped keg or opened case, without regard to whether Alongi’s made or lost money on the DuQuoin Fair. In return, Alongi’s was granted an exclusive right to provide beer at certain areas on the fairgrounds during the DuQuoin Fair. Nothing in the Alongi’s Beer Contract suggests or provides that Alongi’s was under any obligation to provide or pay for goods or services not otherwise expressly identified in its IDOA contract.

7. In connection with IDOA's award of the Alongi's Beer Contract, Alongi's obtained ticket rolls, of 1,000 tickets per roll, which it sold, on a ticket-by-ticket basis to the public at \$4.00 per ticket.

8. On or about July 12, 2012, Rednour contacted Guy Alongi ("Guy"), one of Alongi's managing partners, and requested a meeting to discuss matters related to the Alongi's Beer Contract. During the course of this pre-Fair meeting, Rednour told Guy and John Alongi that he wanted Alongi's to give him a free "roll or two" of DuQuoin Fair beer tickets, *i.e.*, 1,000 to 2,000 free beer tickets. Rednour made these statements to Guy and John Alongi in his official capacity as the DuQuoin Fair Manager.

### **FINDINGS OF FACT CONCERNING AMY BLIEFNICK**

1. At all times relevant to the allegations in Petitioner's Amended Complaint, Amy Bliefnick ("Bliefnick") has been employed by the Illinois Department of Agriculture ("IDOA") as a Senior Public Service Administrator, whose working title is the Manager of the Illinois State Fair (the "Fair Manager") in Springfield, Illinois (the "Illinois State Fair"). She remains in that position to this date.

2. As the Fair Manager, Bliefnick is responsible for overseeing all aspects of Illinois State Fair management. These responsibilities include, by way of example and not limitation, supervision and management of all fair employees, functions, and activities; employee compliance with all fair-related IDOA policies and procedures; promotion and marketing of the Illinois State Fair through media events and other press management and publicity activities; oversight and implementation of the overall Illinois State Fair budget; and fair entertainment booking.

3. At all times relevant to the allegations in Petitioner's Amended Complaint, Bliefnick has taken an annual, computer-based IDOA ethics training program. Each of these IDOA ethics programs included sections on the Ethics Act's gift ban proscriptions.

4. At all times relevant to the allegations in Petitioner's Amended Complaint, Bliefnick had knowledge of the restrictions imposed by the Ethics Act's gift ban prohibitions on State employees.

5. Since at least 2005, a not-for-profit organization known as the Combined Veterans Association of Illinois ("CVA") was a party to one or more contracts with the State of Illinois that authorized it to sell beer to Illinois State Fair patrons.

6. The CVA Springfield Contract obligated CVA to pay IDOA a fixed price for each keg of beer that was tapped at the Illinois State Fair, and a lesser fixed price per opened case of

bottled or canned beer, without regard to how much beer was actually sold from the keg or case. The CVA Springfield Contract likewise provided that CVA would pay, in full, IDOA's fees per tapped keg or opened case, without regard to whether CVA made or lost money on the Illinois State Fair.

7. In return, CVA was granted an exclusive right to provide beer at certain areas on the fairgrounds during the Illinois State Fair. Pursuant to the CVA Springfield Contract, CVA sold tickets to fair patrons, who redeemed the tickets for beer in CVA's beer tent. CVA provided its own rolls of tickets, of 2,000 tickets per roll, which it sold to the public for approximately \$4.50 per ticket at the Illinois State Fair.

8. Each year since Bliefnick became the Illinois State Fair Manager in 2005, through at least the Fair that was held between August 9-18, 2013, she has accepted free beer tickets in excess of \$100 per calendar year from CVA officials in connection with the Illinois State Fair. For statute of limitations purposes, however, Petitioner is alleging a violation of the Ethics Act gift ban prohibition only in connection with the 2013 Illinois State Fair.

9. In August 2013, Bliefnick accepted at least 120 beer tickets from CVA officials in connection with her management of the 2013 Illinois State Fair, which she distributed to senior IDOA officers, members of her own staff, Illinois State Fair volunteers, and Fair patrons. Bliefnick distributed these tickets to IDOA personnel because of their work at the Illinois State Fair. The market value of the tickets received by Bliefnick during the 2013 Illinois State Fair was at least \$540.00.

10. There is nothing in the 2013 CVA Springfield Contract that obligated CVA to provide free beer tickets to anyone, including IDOA management and staff. In addition, it is impermissible under the CVA Springfield Contract to ask a fair vendor to provide goods or services not otherwise identified in the vendor's contract with the State.

11. The 2013 CVA Springfield Contract expressly provides that "[f]ree tickets are not to be given to anyone." A copy of the CVA Springfield Contract was attached to an IDOA Contracts and Other Legal Agreements Routing Form, which was signed on behalf of IDOA by Bliefnick, on June 19, 2013.

12. The free beer tickets were offered to Bliefnick by CVA officials; Bliefnick did not request or demand the tickets from CVA officials.

13. Based on the allegations in Petitioner's Amended Complaint, IDOA suspended Bliefnick for two days without pay, an amount totaling approximately \$754.00.

**CONCLUSIONS OF LAW AND MIXED QUESTIONS OF  
LAW AND FACT CONCERNING JOHN REDNOUR**

1. Pursuant to 5 ILCS 430/20-5(d), the Commission has jurisdiction over “all officers and employees of State agencies” for purposes of any matter arising under or involving the Ethics Act. Consequently, the Commission’s authority extends to officers and employees of IDOA.

2. As an IDOA Fair Manager, Rednour was a State employee, and thus subject to the provisions of the Ethics Act and the jurisdiction of the Commission with respect to matters arising under the Ethics Act. *Id.* §§ 20-5(d), 55(c)-(d).

3. As an IDOA Fair Manager, Rednour’s “ultimate jurisdictional authority” is the Governor. *Id.* §§ 1-5, 20-10(c).

4. Petitioner Ricardo Meza is the Executive Inspector General for the Office of Executive Inspector General for the Agencies of the Governor (“OEIG”), duly appointed by the Governor of the State of Illinois. 5 ILCS 430/20-10.

5. The Ethics Act provides, in relevant part, that OEIG has jurisdiction over “all officers and employees of . . . executive branch State agencies under the jurisdiction of the Executive Ethics Commission,” *id.* § 20-10(c), and authorizes OEIG to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, violations of the Act, or violations of other related laws and rules. *Id.*; *accord id.* § 20-20. Consequently, OEIG’s authority extends to IDOA and its officers and employees.

6. At all times relevant to the allegations in Petitioner’s Amended Complaint, Rednour had a duty to comply with the provisions of the Ethics Act, and with all policies adopted and implemented pursuant thereto. In relevant part, the Ethics Act provides that “no officer, member, or State employee shall intentionally solicit or accept any gift from any prohibited source.” 5 ILCS 430/10-10. In this regard,

“Gift” means *any* gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, . . . [and]

“Prohibited source” means any person or entity who . . .

(1) is seeking official action (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;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee; . . . [or]

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee

....

*Id.* § 1-5 (emphasis added).

7. For purposes of matters related to the 2012 DuQuoin Fair, Alongi's was a "prohibited source" under the Ethics Act because Alongi's did business with IDOA and Rednour pursuant to the Alongi's Beer Contract; and had material interests that could have been substantially affected by the performance or non-performance by Rednour or IDOA of their respective official duties. 5 ILCS 430/1-5, 10-10.

8. Rednour violated the Ethics Act's gift ban prohibition when he intentionally solicited Guy and John Alongi for a free "roll or two" of DuQuoin Fair beer tickets, *i.e.*, 1,000 to 2,000 free beer tickets. These solicited tickets had a market value of \$4.00 per ticket, or \$4,000.00 to \$8,000.00 in total.

9. The Ethics Act provides that "[a]n ethics commission may levy an administrative fine of up to \$5,000 against any person who violates this Act." *Id.* § 50-5(e). Section 50-10 of the Ethics Act similarly authorizes the Commission to order "appropriate injunctive relief up to and including discharge of a State employee" for a violation of the Ethics Act. *Id.* § 50-10(a).

### **CONCLUSIONS OF LAW AND MIXED QUESTIONS OF LAW AND FACT CONCERNING AMY BLIEFNICK**

1. Pursuant to 5 ILCS 430/20-5(d), the Commission has jurisdiction over "all officers and employees of State agencies" for purposes of any matter arising under or involving the Ethics Act. Consequently, the Commission's authority extends to officers and employees of IDOA.

2. As an IDOA employee, Bliefnick was subject to the provisions of the Ethics Act, and therefore subject to the jurisdiction of the Commission with respect to matters arising under the Act. *Id.*

3. The "ultimate jurisdictional authority" for IDOA officers and employees, including Bliefnick, is the Governor of the State of Illinois. *Id.* § 1-5 (defining and identifying the "ultimate jurisdictional authority" for various state officers, employees, and the entities for which they work).

4. Petitioner Ricardo Meza is the Executive Inspector General of OEIG, duly appointed by the Governor of the State of Illinois. *Id.* § 20-10(a)-(b).

5. The Ethics Act provides, in relevant part, that OEIG has jurisdiction over “all officers and employees of . . . executive branch State agencies under the jurisdiction of the Executive Ethics Commission,” *id.* § 20-10(c), and authorizes OEIG to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, violations of the Act, or violations of other related laws and rules. *Id.*; *accord id.* § 20-20. Consequently, OEIG’s authority extends to IDOA and its officers and employees.

6. At all times relevant to the allegations in Petitioner’s Amended Complaint, Bliefnick had a duty to comply with the provisions of the Ethics Act, and with all policies adopted and implemented pursuant thereto. In relevant part, the Ethics Act provides that “no officer, member, or State employee shall intentionally solicit or accept any gift from any prohibited source . . . . No prohibited source shall intentionally offer or make a gift that violates this Section.” *Id.* § 10-10. In this regard,

“Gift” means *any* gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, . . . [and]

“Prohibited source” means any person or entity who . . .

(1) is seeking official action (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;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee; . . . [or]

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee

. . . .

*Id.* § 1-5 (emphasis added).

7. Bliefnick violated the Ethics Act’s gift ban prohibition when she intentionally accepted at least \$540.00 in free beer tickets from CVA, a prohibited source, in connection with the 2013 Illinois State Fair.

8. The Ethics Act provides that “[a]n ethics commission may levy an administrative fine of up to \$5,000 against any person who violates this Act.” *Id.* § 50-5(e). Section 50-10 of the Ethics Act similarly authorizes the Commission to order “appropriate injunctive relief up to and including discharge of a State employee” for a violation of the Ethics Act. *Id.* § 50-10(a).

### STANDARD OF REVIEW

Granting summary disposition in an administrative proceeding is comparable to granting summary judgment under Section 2-1005 of the Code of Civil Procedure. *Bloom Tp. High School v. Illinois Commerce Com'n* (1999), 309 Ill. App. 3d 163, 177; 242 Ill. Dec. 892, 903; *Cano v. Village of Dolton* (1993), 250 Ill.App.3d 130, 138; 189 Ill.Dec. 883, 620 N.E.2d 1200. Because of the similarities in the two procedures, it is appropriate to apply the standards applicable to granting summary judgment under Section 2-1005 when reviewing a summary determination entered by an administrative agency. See *Cano*, 250 Ill.App.3d at 138, 189 Ill.Dec. 883, 620 N.E.2d 1200.

Summary judgment is appropriate only where “the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” 735 ILCS 5/2-1005(c)

In determining whether a genuine issue as to any material fact exists, a court must construe the pleadings, depositions, admissions, and affidavits strictly against the movant and liberally in favor of the opponent. A triable issue precluding summary judgment exists where the material facts are disputed, or where, the material facts being undisputed, reasonable persons might draw different inferences from the undisputed facts. The use of the summary judgment procedure is to be encouraged as an aid in the expeditious disposition of a lawsuit. However, it is a drastic means of disposing of litigation and, therefore, should be allowed only when the right of the moving party is clear and free from doubt. *Adams v. Northern Illinois Gas Company* (2004), 211 Ill. 2d 32, 43; 284 Ill. Dec. 302, 310.

### ANALYSIS

Respondents Rednour and Bliefnick stipulated to a series of facts from which the Commission concludes that both violated Section 10-10 of the State Officials and Employees Ethics Act (5 ILCS 430/10-10). The Commission is not bound by these stipulations, but neither does it desire to prolong litigation unnecessarily.

The Ethics Act does not provide any guidance for the Commission to consider when levying a fine. The Commission has, however, adopted rules found at 2 Ill. Admin. Code

1620.530(b), that outline 14 aggravating and mitigating factors that the Commission may consider in assessing an appropriate fine.

For Respondent Rednour, these factors include:

- (2) the “scope of the violations.” Respondent Rednour admits that he solicited beer tickets with a value of between \$4,000.00 and \$8,000.00 from a prohibited source.
- (3) “the use of title and position.” Respondent Rednour possessed and exercised his position of authority when he solicited the beer tickets from a vendor.
- (6) “premeditation.” Respondent Rednour contacted the winning vendors and scheduled a meeting with them during which he solicited the beer tickets.
- (10) “years of service and type of service with the State.” Respondent Rednour held the position of State Fair Manager for over ten years. This position comes with great authority and responsibility. During that time, Respondent Rednour should have become familiar with the Ethics Act gift ban provisions and served as a model for the employees he supervised.

For Respondent Bliefnick, these factors include:

- (2) the “scope of the violations.” Respondent Bliefnick admits that she received beer tickets with a value of at least \$540.00 from a prohibited source.
- (6) “premeditation.” While Respondent Bliefnick admits that she freely received beer tickets from a prohibited source in violation of the Ethics Act, there is no evidence that she schemed to obtain the tickets. Rather, the unsolicited gift of beer tickets from the vendor to the Fair Director appears to be a long-standing, albeit unlawful, practice.
- (10) “years of service and type of service with the State.” Respondent Bliefnick has held the position of State Fair Manager for over eight years. This position comes with great authority and responsibility. During that time, Respondent Bliefnick should have become familiar with the Ethics Act gift ban provisions and served as a model for the employees she supervises.

WHEREFORE, for the foregoing reasons, the Commission grants Petitioner’s motion for summary judgment with respect to John Rednour and finds that Respondent Rednour has violated Section 10-10 of the Ethics Act by intentionally soliciting a gift from a prohibited source (5 ILCS 430/10-10). The Commission levies an administrative fine of \$5,000.00 against Respondent John Rednour for violation of the gift ban provisions of the State Officials and Employees Ethics Act, 5 ILCS 430/10-10. The Commission further notes that John Rednour

has agreed not to seek or accept future State employment for a period of five years from the date this final decision is entered.

WHEREFORE, for the foregoing reasons, the Commission grants Petitioner's motion for summary judgment with respect to Amy Bliefnick and finds that Respondent Bliefnick has violated Section 10-10 of the Ethics Act by receiving a gift from a prohibited source (5 ILCS 430/10-10). The Commission levies an administrative fine of \$1,000.00 against Respondent Amy Bliefnick for violation of the gift ban provisions of the State Officials and Employees Ethics Act, 5 ILCS 430/10-10.

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

ENTERED: July 24, 2014