



# Illinois Ethics Matters

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*Honesty, Integrity, Service*

A newsletter from the Office of Executive Inspector General for the Agencies  
of the Illinois Governor

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## Recent News

The Executive Ethics Commission recently issued two decisions denying Attorney General appeals and affirming OEIG Revolving Door determinations:

- **In re: Samuel Shiel**, 12-EEC-007 (Mar. 26, 2012): The EEC affirmed the OEIG's determination that Mr. Shiel's proposed employment would *not violate* the Ethics Act.
- **In re: Eva Byerley**, 12-EEC-008 (Mar. 29, 2012): The EEC affirmed the OEIG's determination that Ms. Byerley's proposed employment would *not violate* the Ethics Act. OEIG Revolving Door determinations are discussed more fully below.

## The OEIG's Role in Revolving Door Determinations and Recent Executive Ethics Commission Revolving Door Decisions



Fotosearch

In 2003, for the first time, departing State employees were required to comply with the "Revolving Door" provisions of the Ethics Act, 5 ILCS 430/5-45, which prohibit certain non-State employment. In 2009, the Act was amended to, among other things, require certain employees to notify the OEIG prior to accepting non-State employment, so that within 10 calendar days, we can "***make a determination as to whether the State employee is restricted from accepting such employment.***" After we make a determination, we advise the employee and Attorney General, either of whom may appeal the decision. Revolving Door determination appeals are heard by the Executive Ethics Commission, which has 10 days to rule. The EEC may deny the appeal, thus affirming our determination, or may vacate our determination (decision).

In February 2010, the OEIG received its first Revolving Door submission, and in calendar year:

- **2010 we received 107 submissions; and in**
- **2011 we received 100 submissions.**

Since January 1, 2012, we have received 32 Revolving Door submissions. In March 2012, the Attorney General appealed three of our decisions, arguing that each individual was ***prohibited*** from accepting non-State employment. On appeal, we submitted briefs supporting our decisions, urging the EEC to uphold our determinations concluding that each employee was not "***personally and substantially***" involved in activity prohibiting him or her from accepting the employment. The EEC denied two of the three Attorney General appeals, agreeing with our determinations, and concluding that two of the three individuals were ***not prohibited*** from accepting the non-State employment as we had concluded. We encourage all State employees to review all three EEC decisions, which are available on both the EEC and OEIG websites.

**Kristy Shores**

*Deputy Inspector General, Complaints and Compliance*

## The OEIG Provides Written Comments to Proposed EEC Amendments

The EEC has proposed changes to its rules (Ill. Admin. Code, tit. 2, Section 1620) concerning initiation of OEIG investigations, certain EEC decisions and certain Revolving Door prohibitions, among others.

On April 5, 2012, we submitted comments, noting our support for the proposed amendments relating to:

- **Case Initiation Form;**
- **Opening an Investigation File; &**
- **Decision of the Commission.**

However, we also objected to proposed amendments relating to:

- **The Revolving Door Prohibition.**

Our comments are available on our website – we encourage all State employees to review them because if enacted, the amendments will affect certain State employees when terminating State employment.

**Cole S. Kain**,  
*Chief of Staff &  
General Counsel*

**Calendar of Events:** April 16, 2012: EIG Meza will testify before the House Appropriations Committee regarding the OEIG's FY 2013 Budget. May 4, 2012: EIG Meza will receive a distinguished service award from the John Marshall Law School in Chicago. June 21, 2012: Deputy Inspector General Neil Olson will address the Illinois Government Bar Association.