



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



Investigation Policy & Procedures Manual

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INTRODUCTION

In December 2003, the Illinois State Officials and Employees Ethics Act (5 ILCS 430, et seq., hereinafter, the “Ethics Act”) established the Office of Executive Inspector General for the Agencies of the Illinois Governor (“OEIG”). The OEIG has discretion to determine the appropriate means of investigation as permitted by law, and has four programmatic main functions:

- investigating allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of the Ethics Act or violations of other related laws, rules, and policies;
- establishing standards for, and overseeing ethics and harassment and discrimination prevention training programs;
- monitoring compliance with State and federal hiring rules and laws; and
- issuing “revolving door” determinations for post-government employment for certain individuals.

The OEIG has jurisdiction over the Governor and Lieutenant Governor and all employees of, appointees to, and vendors and others doing business with:

- all executive branch State agencies, departments, boards, and commissions under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer;
- the nine State public universities;
- the four Chicago area Regional Transit Boards (Metra, Pace, the Chicago Transit Authority, and the Regional Transportation Authority); and
- the Regional Development Authorities.

Pursuant to Section 20-20 of the Ethics Act, the OEIG has the jurisdiction and authority to:

- receive and investigate allegations of violations of the Ethics Act;
- request information relating to an investigation from any person when the Executive Inspector General deems that information necessary in conducting an investigation;
- issue subpoenas to compel the attendance of witnesses for the purposes of

testimony and production of documents and other items for inspection and copying, and to make service of those subpoenas;

- participate in or conduct, when appropriate, multi-jurisdictional investigations; and
- review hiring and employment files of each State agency within the Executive Inspector General's jurisdiction to ensure compliance with *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), and with all applicable employment laws.

CHAPTER I

POLICIES AND PROCEDURES

POLICY 100.1: Policy and Procedures Manual

All OEIG personnel must comply with Joint Committee on Administrative Rules, Ill. Admin. Code tit. 2, § 1620.300 (2023) [hereinafter “Admin. Code”], Conduct of Investigations, as follows:

- 1) All investigations by an Executive Inspector General or the Executive Inspector General’s employees (collectively known as EIG) shall be conducted in accordance with procedures contained within this Part and within a policy and procedures manual developed by the EIG and approved by the Executive Ethics Commission. Approval shall be based on compliance with the Act, this Part and other applicable law. A policy and procedures manual should give direction to EIG employees that supplement the requirements of the Act and this Part.
- 2) The policy and procedures manual described in subsection (c) shall be submitted for approval to the Executive Ethics Commission (EEC) within 90 days after July 1, 2008. Any future amendments to the policy and procedures manual shall be subject to the Commission's approval. An updated policy and procedures manual for each EIG shall be posted on the EEC website. Portions of the policy and procedures manual that may compromise the integrity of investigations or confidential investigative techniques may be redacted by the EEC after consultation with the appropriate EIG.
- 3) Waiver by the Commission

Upon written petition by an Executive Inspector General and a finding that the waiver is, in the particular context, necessary to avoid compromising the integrity of an investigation, the Commission may grant a waiver of the subsection [(c)(7)]¹ requirement that requests for documents or physical objects be in writing.

- 4) Temporary Waiver by the Chair

The Chair of the Commission, or the Chair’s designee, may likewise grant a waiver of the subsection (c)(7) requirement that requests for documents or physical objects

¹ The original text of § 1620.300 refers to subsection (c)(6).

be made in writing in response to an oral or written request by an EIG if the Chair or the Chair's designee finds that the waiver is, in the particular context, necessary to avoid compromising the integrity of an investigation, and provided that, within 72 hours after the waiver, the Executive Inspector General files a written request to the Commission. A waiver granted by the Chair pursuant to this subsection (b)(2) may be withdrawn by the Chair at any time if the Chair no longer reasonably believes that the waiver is necessary to avoid compromising the integrity of an investigation.

POLICY 100.2: Distribution of OEIG Policy and Procedures Manual

All OEIG personnel will be provided a copy of this Policy and Procedures Manual at the beginning of their employment with the OEIG. OEIG personnel are required to adhere to this manual when discharging their duties and responsibilities. OEIG personnel are responsible for reviewing this Policy and Procedures Manual and becoming familiar with all of the policies and procedures contained herein.

POLICY 100.3: Violations of Policies or Procedures

Any OEIG personnel who violate the policies or procedures contained in this Policy and Procedures Manual may be subject to disciplinary action, up to and including discharge.

POLICY 100.4: Compliance with Administrative Rules

All OEIG investigative activity must comply with Admin. Code §§ 1620.300-.350. If any policy or procedure contained in this Policy and Procedures Manual is inconsistent with the Admin. Code, then the Admin. Code shall control.

CHAPTER II

FILING COMPLAINTS AND INITIATING INVESTIGATIONS

POLICY 200.1: Filing Complaints with the OEIG

Any person may file a complaint, *anonymously or in the complainant's name*, with the OEIG by:

- 1) mailing a completed OEIG complaint form to:
Office of Executive Inspector General
Attention: Complaint Division
69 West Washington, Ste. 3400
Chicago, IL 60601
- 2) completing an OEIG complaint form at oeig.illinois.gov;
- 3) calling the OEIG hotline at (866) 814-1113 or (888) 261-2734 (TTY); or
- 4) scheduling an appointment with the OEIG's Springfield or Chicago office to obtain, complete, and submit a complaint form in person.

POLICY 200.2: OEIG Case Initiation Form

An EIG shall accept case initiation forms from State of Illinois employees and the general public in accordance with Admin. Code § 1620.320.

Pursuant to Admin. Code § 1620.310, the OEIG has prescribed and made available a case initiation form (OEIG Complaint Form) for investigation of a complaint against an individual or entity under OEIG jurisdiction. The contents of OEIG Complaint Forms are consistent with Admin. Code § 1620.320, as follows:

The case initiation form shall set out:

- 1) the name of the employee or officer who is alleged to have committed misconduct;
- 2) the identity of the State agency by which the employee or officer is employed;
- 3) the name, address and telephone number of the complainant, unless filed anonymously;
- 4) the date and time of the alleged misconduct;
- 5) a description of the acts and circumstances that surrounded the alleged

misconduct;

- 6) the names of any other person who witnessed, participated in, or was subjected to, alleged misconduct of any kind;
- 7) an address to which the completed form may be mailed;
- 8) a statement of the confidentiality of the identity of the complainant (see 5 ILCS 430/20-90(a));
- 9) a statement that penalties may be applied for intentionally making a false report alleging an ethics violation (see 5 ILCS 430/50-5(d)); and
- 10) such other information that the Executive Inspector General reasonably requires.

POLICY 200.3: Confidentiality of the Complainant or Source

The OEIG will keep confidential the identity of all complainants or sources of allegations as provided by law. Pursuant to Section 20-90(a) of the Ethics Act, the identity of any individual providing information or reporting any possible or alleged misconduct to the OEIG will be kept confidential by the OEIG, unless the individual consents to the disclosure of their identity as the complainant or source of allegations, or disclosure is otherwise required by law. The OEIG may disclose the identity of a person in any other capacity other than as the source of the allegation.

POLICY 200.4: Evaluation of Complaints

All new OEIG complaints will be evaluated by OEIG personnel, who will take action in a manner consistent with Admin. Code § 1620.300(c), as follows:

- 1) Within 5 business days either after the receipt of a complaint in which a 20-63 Complainant is identified or after the subsequent identification or location of a person who was subjected to the discrimination, harassment, or sexual harassment as alleged in a pending complaint, the EIG shall notify the 20-63 Complainant of the receipt of the complaint, the complainant's rights, and an explanation of the process, rules, and procedures related to the investigation of an allegation, and of the duties of the EIG and the EEC. [5 ILCS 430/20-63] The notification shall be transmitted to the 20-63 Complainant by letter or appropriate electronic means.
- 2) Within 30 calendar days after receipt of a case initiation form as described in § 1620.320, the EIG shall do one of 5 things:

- A) Determine that no investigation is appropriate; or
 - B) Open an investigation file pursuant to Admin. Code § 1620.330 and commence an investigation; or
 - C) Refer the case initiation form to the appropriate EIG, the Executive Ethics Commission or other appropriate body as described in Admin. Code § 1620.340 and take no further action; or
 - D) Suspend the investigation pending review of the outcome of other proceedings; or
 - E) Refer the investigation to the Executive Ethics Commission for consideration of appointment of a Special Executive Inspector General.
- 3) The OEIG shall notify a 20-63 Complainant of the EIG's decision to open or close an investigation into the relevant complaint or to refer the complaint to another appropriate agency within 5 business days after the decision is made. If, however, the EIG reasonably determines that publicly acknowledging the existence of an investigation would interfere with the conduct or completion of that investigation, the notification may be withheld until public acknowledgment of the investigation would no longer interfere with that investigation. [5 ILCS 430/20-63]

POLICY 200.5: Opening an Investigative File

The OEIG will open an investigation in accordance with certain provisions of the Ethics Act and Admin. Code, as follows:

- 1) Upon deciding to open an investigation file in accordance with Admin. Code § 1620.300(c)(4)(B), the Executive Inspector General shall promptly create an investigation file and assign the file a unique tracking number. Multiple case initiation forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed case initiation form, the Executive Inspector General may create an investigation file and assign the file a unique tracking number if the Executive Inspector General reasonably believes that misconduct may have occurred within the Executive Inspector General's jurisdiction. Investigations that have been closed and are reopened, involving the same alleged wrongdoing by at least one of the same persons who was the subject of the original complaint, shall be identified by the

same tracking number as the initial investigation. All time limits stated in this Part shall be applied from the date of the original complaint. (See Admin. Code § 1620.330(a))

- 2) The investigation file shall contain the case initiation form, or if none, so much of the information that would normally appear on the case initiation form as is known to the Executive Inspector General at the inception of the matter. (See Admin. Code § 1620.330(b))
- 3) Investigations shall commence upon the opening of an investigation file in accordance with Admin. Code § 1620.330. Investigations shall be conducted in accordance with Section 20-20 of the Ethics Act. (See Admin. Code § 1620.350)

Each EIG shall disclose the opening of all investigation files, as described in Admin. Code § 1620.330, in writing to the Executive Ethics Commission. The disclosure shall identify the affected office, agency or agencies, the date the investigation was opened, and the investigation's unique tracking number. Reports on all investigations opened in a calendar month shall be submitted to the Commission on or before the 15th day of the following month. (See Admin. Code § 1620.300(c)(6))

An EIG shall not investigate allegations of violations of State or federal law or the Ethics Act made against an EIG (including the EIG's employees). An EIG shall not investigate allegations of violations of State or federal law or of the Ethics Act if an EIG (including the EIG's employees) could be reasonably deemed to be a wrongdoer or suspect. Instead, in such cases, the EIG shall promptly refer all such allegations to the EEC for consideration of appointment of a Special Executive Inspector General. (See Admin. Code § 1620.300(c)(2))

Notwithstanding Section 1620.330, if an EIG receives a case initiation form or other information that alleges misconduct of an officer or employee outside his or her jurisdiction, he or she shall promptly forward the case initiation form or information to the appropriate EIG, appropriate ethics commission or other appropriate body and shall keep a record of this referral and its recipients. (See Admin. Code § 1620.340)

POLICY 200.6: Electronic Tracking of Investigations

The OEIG will store data regarding the status of investigations in an electronic database in order to track the progress of each investigation according to its unique tracking number.

POLICY 200.7: Conduct of Investigations

All OEIG personnel must execute their investigative duties and responsibilities in an objective manner without regard to political affiliation or personal interests. If, for any reason, any OEIG personnel believe they cannot undertake their duties in an objective manner or may be perceived of not being able to do so, they must notify the Executive Inspector General or their designee immediately so that appropriate action may be taken.

CHAPTER III

REQUESTS FOR INFORMATION

POLICY 300.1: OEIG Requests for Documents

When requesting, for production or viewing, documents or physical objects under office or agency control relating to an OEIG investigation, all OEIG personnel must comply with Admin. Code § 1620.300, as follows:

All EIG requests for production of or viewing of documents or physical objects under office or agency control shall be made in writing; provided, however, that the Commission may exempt any EIG who functions wholly within a single office or agency from the application of this requirement upon joint petition by the EIG and the affected office or agency. A written request for documents or physical objects shall state that the recipient of the request, should the recipient believe that the release of the subject matter of the request might violate existing rights or protections under State or federal law, has the right to seek a determination from the Commission relative to such rights or protections, if desired. An EIG may take reasonable steps to seal or otherwise ensure the integrity of the requested documents or physical objects pending the Commission's determination. If security concerns demand the removal of sealed documents or physical objects, the EIG shall issue a subpoena before removal. The Commission shall consider the applicability of the right or protection asserted and issue a determination within 5 business days; provided, however that where delay for such a period could place an investigation in jeopardy, an EIG may request expedited consideration. The recipient and Commission shall maintain confidentiality about the request so as to minimize any risk of compromising the investigation. The recipient may assert any existing rights or protections under State or federal law with respect to the request, and such assertions made in good faith do not constitute failure to cooperate in an investigation. (See Admin. Code § 1620.300(c)(7))

OEIG staff shall use a Request for Documents or Physical Objects form (“RFD”) when requesting production or viewing of documents or physical objects under office or agency control.

Staff may utilize an External Request for Documents or Physical Objects form (“External RFD”) when requesting production or viewing of documents or physical objects from other external sources NOT under office or agency control. The OEIG also has authority to issue a subpoena to require the appearance of witnesses or production of documents.

CHAPTER IV

CONDUCTING INTERVIEWS

POLICY 400.1: Manner of Conducting Interviews

When conducting interviews, all OEIG personnel must act in a manner consistent with Admin. Code § 1620.300(c)(10), as follows:

- 1) Interviews shall be conducted in a businesslike manner. The investigator shall avoid any personality clashes, acts of undue familiarity, abuse, or use of profanity. The investigator shall treat all persons interviewed with respect and not unduly embarrass, inconvenience, intimidate or degrade the interviewee.
- 2) Any armed State employee present shall not use firearms in any manner that might intimidate, unless anyone else in the room is physically threatened.
- 3) Interviewees enjoy all rights in the course of an interview protected by the Constitution of the United States and federal and State law.
- 4) The duty to cooperate in investigations as provided at 5 ILCS 430/20-70 does not include restriction on those rights.
- 5) In the event that the subject of an interview believes that the investigator has operated in violation of this Part, or in violation of applicable law, the interviewee may file a written objection with the EEC, setting forth with specificity the nature of the alleged violation. Within 30 days after receiving the objection, the EEC shall issue a written finding either sustaining or overruling the objection, shall appoint a Special Executive Inspector General to discover more facts (by interviewing witnesses, etc.), or shall refer the issue to an appropriate law enforcement authority. If the EEC sustains the objection, it shall issue a copy of its finding to the EIG to whom the investigator reports, as well as make public a copy of its finding. Subjects of the complaint process described in this subsection (c)(10)(E) are entitled to due process of law.

POLICY 400.2: Use of Video-Conferencing Technology for Interviews

In order to efficiently and safely conduct interviews, the OEIG may use video-conferencing technology that allows all interview participants to be seen and heard simultaneously while

participating from different physical locations. OEIG personnel must comply with all rules applying to interviews during video-conferenced interviews.

POLICY 400.3: Administrative Rights

When conducting interviews, all OEIG personnel must follow Admin. Code § 1620.300(c)(8), which states the following:

An EIG desiring to interview any State officer or employee who is the subject of an EIG investigation and whom the EIG, based on the information available at the time of the interview, reasonably believes likely faces discipline shall notify the interviewee whether the underlying investigation is criminal or administrative in nature. If the underlying investigation is criminal in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to the presence of an attorney, union representative or coworker uninvolved in the investigation. If the underlying investigation is administrative in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to presence of a union representative or coworker uninvolved in the investigation. In both criminal and administrative investigations, the interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it. All forms presented to interviewees shall be pre-approved by the Commission. If, at any point, an interview subject requests the presence of an authorized person, or an attorney, the interview shall be suspended and a new date and time set. Evidence obtained directly or indirectly in violation of this subsection (c) is not admissible in any proceeding before the EEC.

OEIG personnel shall utilize an Administrative Rights form to comply with this policy.

POLICY 400.4: Audio Recording

When conducting interviews, all OEIG personnel must follow Admin. Code § 1620.300(c)(11), which states the following:

State employees who are subjects of EIG interviews and whom the EIG, based on the information available at the time of the interview, reasonably believes likely faces discipline, shall be presented a form that outlines their rights during the interview. The form shall also clearly indicate that the interviewee has the right to refuse to

consent to have the interview recorded and the right to stop the recording of the interview at any time and that refusing to consent to have the interview recorded or to stop the recording at any time shall not constitute failure to cooperate in the investigation or otherwise subject the interviewee to any discipline. The form shall also indicate that the interviewee may request at any time that the interview be recorded. If the interviewee requests at any time that the interview be recorded, the interviewer shall honor this request, stop the interview and immediately provide the employee a request to record form. Upon execution of a request to record form, the interview and all future interviews of the subject shall be recorded by mechanical, digital or other means. All forms and recordings shall be preserved, unedited, in the investigation file. Nothing in this subsection (c)(11) shall be construed to require the recording of interviews other than pursuant to an appropriately executed request of the interviewee. The interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it.

OEIG personnel shall utilize a Request (Consent) to Record Interview form to comply with this policy.

POLICY 400.5: 20-63 Complainants

The EIG shall determine a reasonable time, place, and manner for a 20-63 Complainant to exercise the Complainant's right to review, in person, any transcript or interview report created from an audio recording of the Complainant's interview and shall make reasonable accommodations as necessary.

CHAPTER V

COMPLETION OF INVESTIGATIONS

Upon completion of investigations, the EIG or the EIG's designee shall write a final report summarizing the background of the investigation, the allegations, investigative steps taken and conclusions drawn. The final report shall include a recommendation regarding appropriate action. An investigation is deemed completed for purposes of this Part when all processes of internal review of the investigation and of the final report have terminated.

POLICY 500.1: Completion of Investigations – Final Report Finding Violation

Upon completion of an OEIG investigation that determines reasonable cause to believe a violation occurred, OEIG personnel will issue a summary report and otherwise comply with the procedures set forth in Admin. Code §1620.1000, as follows:

If an EIG, or the Attorney General pursuant to Section 20-50 or 20-51 of the Ethics Act, respectively, upon the conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the EIG or Attorney General, shall issue a summary report of the investigation. The report shall be delivered to the appropriate Ultimate Jurisdictional Authority and to the head of each State agency affected by or involved in the investigation, if appropriate. [5 ILCS 430/20-50]

- 1) The summary report of the investigation shall include the following:
 - A) The unique tracking number of the investigation.
 - B) A description of any allegations or other information received by the Executive Inspector General or Attorney General pertinent to the investigation.
 - C) A summary of investigative steps taken. This summary need not disclose any confidential investigation techniques.
 - D) A description of any alleged misconduct discovered in the course of the investigation.
 - E) Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.

- F) Other information the Executive Inspector General or Attorney General deems relevant to the investigation or resulting recommendation. [5 ILCS 430/20-50(b)]
 - G) The last known mailing addresses for all subjects or, if the subjects are represented by counsel, the mailing address for their counsel.
 - H) The date of the last alleged violation of the Act or other State law, rule or policy giving rise to the investigation.
 - I) Other information deemed necessary by the Commission to fulfill its duties.
- 2) The appropriate UJA or agency head shall respond to the summary report within 20 days, in writing, to the Executive Inspector General or Attorney General, as appropriate. The response shall include a description of any corrective or disciplinary action to be imposed. [5 ILCS 430/20-50] If the appropriate UJA or agency fails to respond in writing within 20 days, the Executive Inspector General or Attorney General shall inform the Commission of this failure within 5 business days.
 - 3) Within 30 days after receiving a response from the appropriate UJA or agency head, the Executive Inspector General or Attorney General, as appropriate, shall:
 - A) notify the Commission and the Attorney General that he or she believes that a complaint should be filed with the Commission and submit the summary report and supporting documents to the Attorney General; or
 - B) deliver to the Commission a statement setting forth the basis for his or her decision not to file a complaint and a copy of the summary report and response from the UJA or agency head. [5 ILCS 430/20-50(c-5)]
 - 4) A summary report submitted to the Commission shall be accompanied by a copy of any impact statement submitted by a 20-63 Complainant with respect to the report.
 - 5) If, after reviewing the documents, the Commission believes that further investigation is warranted, the Commission may:
 - A) request that the Executive Inspector General provide additional information or conduct further investigation; or
 - B) appoint a Special Executive Inspector General; or

- C) refer the summary report and response to the Attorney General for further investigation or review.
- 6) If, after review, the Attorney General determines that reasonable cause exists to believe that a violation has occurred, then the Attorney General may file a complaint with the EEC. If the Attorney General concludes that there is insufficient evidence that a violation has occurred, the Attorney General shall notify the EEC and the appropriate EIG. [5 ILCS 430/20-50(c-10)]
- 7) If a given investigation results in a determination by the EIG that reasonable cause exists to believe that violations of both the Ethics Act (including rules or policies adopted to implement the Ethics Act) and laws other than the Ethics Act have occurred, and if the Attorney General files a complaint with the Commission related to the Ethics Act violations, then the EIG must file its summary report as to the non-Ethics Act violations no later than 30 days after the final administrative decision is made with respect to the complaint filed by the Attorney General.

POLICY 500.2: Completion of Investigations – Final Report Finding No Violation

Upon completion of an OEIG investigation that determines there is insufficient evidence that a violation occurred, OEIG personnel will issue a summary report and otherwise comply with the procedures set forth in Admin. Code §1620.1010, as follows:

If, upon the conclusion of an investigation, an Executive Inspector General or the Attorney General determines that there is insufficient evidence that a violation has occurred, the EIG or Attorney General shall close the investigation and provide the EEC with a written statement. [5 ILCS 430/20-51]

The statement shall contain:

- 1) The unique tracking number of the investigation.
- 2) A description of any allegations or other information received by the EIG or Attorney General pertinent to the investigation.
- 3) A summary of investigative steps taken. This summary need not disclose any confidential investigation techniques.
- 4) The facts or conclusions of law that form the basis for the EIG's determination that no violation of the Ethics Act has occurred.

- 5) Recommendations for any corrective action to be taken in response to any findings made in the report, if any.
- 6) Other information the EIG deems relevant to the investigation or resulting statement.
- 7) Other information deemed necessary by the EEC to fulfill its duties.

If, after reviewing the documents, the Commission believes that further investigation is warranted, the Commission may:

- 1) request that the EIG provide additional information or conduct further investigation; or
- 2) appoint a Special Executive Inspector General; or
- 3) refer the allegations to the Attorney General for further investigation or review. [5 ILCS 430/20-51]

POLICY 500.3: Request for Written Statement of Decision to Close Investigation

The OEIG shall comply with Section 20-51 of the Ethics Act, which states, *inter alia*, that “[a]t the request of the subject of the investigation, the Inspector General shall provide a written statement to the subject of the investigation of the Inspector General’s decision to close the investigation.” The OEIG requires subjects of investigations to make such requests in written form to the OEIG.

POLICY 500.4: Request for Status of an Investigation

The OEIG shall comply with Section 20-90(c) of the Ethics Act, which states that “[i]n his or her discretion, an Executive Inspector General may notify complainants and subjects of an investigation with an update on the status of the respective investigation, including when the investigation is opened and closed.” The OEIG requires complainants and subjects of investigations to make such requests in written form to the OEIG.

CHAPTER VI

REVOLVING DOOR PROHIBITION

POLICY 600.1: Compliance with Administrative Rules

The OEIG will comply with Admin. Code § 1620.610, as follows:

- 1) Within 6 months after the effective date of PA 96-555 (August 18, 2009), each executive branch constitutional officer shall adopt a policy delineating which State positions under his or her jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award or fiscal administration of State contracts or in regulatory or licensing decisions. These policies shall be filed with the EEC and appropriate EIG. [5 ILCS 430/5-45(c)]
- 2) No later than June 1, 2010, and annually thereafter, each EIG shall report to the EEC his or her determination of any additional State positions under his or her jurisdiction, not otherwise subject to the policies required by Section 5-45(c) of the Act, that are nonetheless subject to the notification requirement of Section 5-45(f) due to their involvement in the award or fiscal administration of State contracts or in regulatory or licensing decisions. [5 ILCS 430/5-45(d)]
- 3) Any State employee in a position subject to the policies required by subsection 5-45(c) or a determination of Section 5-45(d) of the Act, but who does not fall within the prohibition of Section 5-45(h), who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate EIG. [5 ILCS 430/5-45(f)] The employee's notification to the appropriate EIG must include:
 - A) the employee's name;
 - B) a description of the positions the employee held in State government in the last 12 months, including the title, responsibilities, and employing State agency or agencies;
 - C) the title, description and responsibilities of the prospective employment position;
 - D) the name, description, ownership, corporate structure including its parent

and any subsidiaries, and contact information of the prospective employer;

- E) in the case of self-employment, that is, when the employee will be an independent contractor who receives compensation or fees for services provided, regardless of whether those fees are paid directly or through a third party, the employee's initial submission shall include a list of known clients with which the employee or the employee's business intends to contract. The employee must update this list for a period of one year after termination of State employment when the employee or the employee's company intends to contract with a new client and submit the names of each additional client to both the former employee's Ethics Officer and the appropriate EIG.
 - F) a statement from the Ethics Officer or Officers of the State agency or agencies employing the employee in the last 12 months that identifies any contracts the prospective employer, or its parent or subsidiaries have had with the State agency or agencies in the last 12 months, the amounts of those contracts, any regulatory or licensing decisions made by the State agency or agencies in the last 12 months that applied to the prospective employer or its parent or subsidiary, whether the employee was involved in any regulatory, licensing or contracting decisions or activities regarding the prospective employer or its parent or subsidiary within the last 12 months, and if the employee was involved, a description of that involvement. If the Ethics Officer is the employee seeking the determination or is unable for any reason to provide this statement, the EIG may consider a statement provided by another appropriate employee or officer. The statement from the ethics officer must be submitted to the appropriate EIG within 5 calendar days after receiving notification from the employee.
- 4) Within 10 calendar days after receiving notification from an employee or officer in a position subject to policies required by subsection (a), the EIG shall make a determination as to whether the State employee is restricted from accepting such employment by Section 5-45(a) or (b) of the Act. Such a determination must be in writing, signed and dated by the EIG, and delivered to the subject of the determination within 10 calendar days. [5 ILCS 430/5-45(f)]
 - 5) A copy of such a determination shall also be forwarded to the ultimate jurisdictional authority, the Attorney General and the Commission. [5 ILCS 430/5-45(g)] If an

Executive Inspector General fails to make a determination within 10 calendar days after receiving a notification described in subsections (c) and (d), the EIG shall report this failure to the Attorney General and the EEC immediately.

- 6) An Executive Inspector General's determination may be appealed to the Commission by the person subject to the determination or the Attorney General no later than the 10th calendar day after the date of the determination. [5 ILCS 430/5-45(g)]
 - A) The appeal filed with the EEC shall contain a copy of the EIG's written determination and a verified statement that explains the basis for arguing that the determination was in error. Copies of the appeal shall be sent to the relevant Executive Inspector General and shall also be sent to the subject of the determination, if filed by the Attorney General, or the Attorney General, if filed by the subject of the determination.
 - B) The Attorney General shall serve a complete copy of the Executive Inspector General's revolving door determination file on the appellant with a copy to the EEC within 48 hours after the appeal is filed with the EEC.
 - C) Any objection to the appeal by the subject of the determination or by the Attorney General shall be filed with the EEC within 5 calendar days after the filing, unless the EEC grants an extension of time.
 - D) The EEC shall seek, accept and consider written public comments regarding a determination. A copy of the appeal will be posted on the EEC's web site and be posted at the EEC's offices, with instructions on how written public comments may be forwarded to the EEC for consideration. The EEC shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in Section 5-45(a) or (b) of the Act, based upon the totality of the participation by the former officer or employee in those decisions. [5 ILCS 430/5-45(g)]
 - E) The EEC shall decide whether to uphold an EIG's determination within 10 calendar days after receiving the appeal. Copies of the EEC's decision shall be sent to the former officer or employee, the Attorney General, the relevant EIG, and the ultimate jurisdictional authority.
- 7) Any State employee in a position subject to the policies required by Section 5-45(c)

or a determination of Section 5-45(d) of the Act, who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment, but fails to provide the required notice set forth in subsection (c), shall be subject to a fine pursuant to Section 50-5(e) of the Act [5 ILCS 430/5-45(f)].

- 8) Any employee or officer who receives offers of non-State employment during State employment or within a period of one year immediately after termination of State employment and who is concerned about the effect of accepting the employment offer vis-à-vis the revolving door prohibition may seek a determination as provided in this Section.

POLICY 600.2: OEIG Revolving Door Forms

The OEIG has made available on its website² OEIG FORMS RD-101 (to be submitted by the individual subject to the revolving door prohibitions), RD-102 (to be submitted by the appropriate Ethics Officer), and RD-103 (which may be submitted by the prospective employer). The contents of OEIG Revolving Door Forms are consistent with Admin. Code § 1620.610 set forth above.

² Available at [Instructions and Forms \(illinois.gov\)](https://www.illinois.gov/oeig/forms)

CHAPTER VII

MANDATED REPORTING

POLICY 700.1: Compliance with Mandated Reporting

The OEIG will provide reports to the EEC consistent with Admin. Code § 1620.300(c)(6), which states:

Each EIG shall disclose the opening of all investigation files, as described in Section 1620.330, in writing to the EEC. The disclosure shall identify the affected office, agency or agencies, the date the investigation was opened, and the investigation's unique tracking number. Reports on all investigations opened in a calendar month shall be submitted to the EEC on or before the 15th day of the following month.

POLICY 700.2: Quarterly and Six-Month Status Reports

The OEIG will provide reports to the EEC consistent with Admin. Code § 1620.810, as follows:

- 1) Each EIG shall file a quarterly activity report with the EEC that reflects investigative activity during the previous quarter on or before January 15, April 15, July 15 and October 15 of each year. The activity report shall include:
 - A) the number of investigations opened during the preceding quarter, the affected offices or agencies, and the unique tracking number for new investigations;
 - B) the number of investigations closed during the preceding quarter, the affected offices or agencies, and the unique tracking number for closed investigations;
 - C) the status of each on-going investigation that remained open at the end of the quarter, the affected office, agency or agencies, the investigation's unique tracking number, the date opened, and a brief statement of the general nature of the investigation at the time the status report is filed. [5 ILCS 430/20-65(a)];
 - D) a statement of the amount of public funds at risk of loss as a result of the alleged misconduct under investigation;

- E) a statement of whether the alleged misconduct may give rise to criminal penalties. If law enforcement was notified of the allegations, the report should indicate the date of the notification and the identity of the law enforcement entity notified. If law enforcement was not notified, the report should explain why notification has not occurred; and
 - F) other information deemed necessary by the EEC to fulfill its duties.
- 2) On January 15, April 15, July 15 and October 15 of each year, the Attorney General shall submit a report to the EEC indicating:
 - A) the number of complaints received from each EIG since the date of the last report;
 - B) the number of complaints for which the Attorney General has determined reasonable cause exists to believe that a violation has occurred since the date of the last report; and
 - C) the number of complaints still under review by the Attorney General. [5 ILCS 430/20-86]
- 3) If any investigation is not concluded within 6 months after its initiation, the appropriate EIG shall file a 6-month report with the EEC by the 15th day of the month following it being open for 6 months. The 6-month report shall disclose:
 - A) The general nature of the allegation or information giving rise to the investigation (and present allegations or information being investigated, if different), the job title or job duties of the subjects of the investigation, and the investigation's unique tracking number.
 - B) The date of the last alleged violation of this Act or other State law giving rise to the investigation.
 - C) Whether the EIG has found credible any allegations of criminal conduct.
 - D) Whether the allegation has been referred to an appropriate law enforcement agency and the identity of the law enforcement agency to which those allegations were referred.
 - E) If an allegation has not been referred to an appropriate law enforcement

agency, the reason for the failure to complete the investigation within 6 months, a summary of the investigative steps taken, additional investigative steps contemplated at the time of the report, and an estimate of additional time necessary to complete the investigation. [5 ILCS 430/20-65(b)]

- F) A statement of the amount of public funds at risk of loss as a result of the alleged misconduct under investigation, if the amount of loss is greater than \$5,000.
 - G) If an ultimate jurisdictional authority is a subject of the investigation reported under this Section, the EIG shall inform the EEC separately of this fact.
 - H) Any other information deemed necessary by the EEC in determining whether to appoint a Special Executive Inspector General. The Commission may direct the EIG to provide the EEC a complete copy of any investigation file. When additional information is needed to determine whether a Special Executive Inspector General should be appointed, the EEC deems the EIG's disclosure of the additional information to the EEC to be "necessary" as provided at 5 ILCS 430/20-95(d).
- 4) The EIG shall continue to report each investigation not concluded within 6 months on the 15th day of each month, in accordance with subsection (c), until the investigation has been concluded. Each monthly report shall contain a personal verification by the EIG stating: "I have read this report and after thorough examination I believe that this report contains a complete and accurate listing of all investigations required by 2 Ill. Adm. Code 1620.810(c)."
 - 5) If an EIG has referred an allegation to an appropriate law enforcement agency and continues to investigate the matter, the future reporting requirements of this Section are suspended. [5 ILCS 430/20-65(c)]
 - 6) All reports shall be provided to the EEC in paper form, electronically or both, as directed by the EEC.

CHAPTER VIII

FILING A COMPLAINT WITH THE EEC

POLICY 800.1: Filing a Complaint with the Executive Ethics Commission

The OEIG will comply with the provisions of Admin. Code § 1620.300(e), which states as follows:

Any person may complain to the EEC, in writing, concerning an EIG's alleged violation of the Act or this Part. Upon receipt of a complaint, the EEC may notify the EIG and require the EIG to provide information related to the investigation in order to determine whether any conduct has occurred that would require the EEC to appoint a Special Executive Inspector General pursuant to 5 ILCS 430/20-21. Under those circumstances, the EEC deems the EIG's disclosure of that information to the EEC to be "necessary" as provided at 5 ILCS 430/20-95(d).

POLICY 800.2: Seeking Advice

The OEIG will comply with the provisions of Admin. Code § 1620.300(c)(9), which states as follows:

No EIG shall infringe upon the right of employees or officers to seek advice from their agency ethics officer on the interpretation and implementation of the Act, or to seek advice from private legal counsel.