



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

E t h i c s | I n t e g r i t y | I l l i n o i s

Investigation Policy and Procedures Manual 11/9/2012



Ethics | Integrity | Illinois

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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 main functions including to:

- investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of the Ethics Act or violations of other related laws and rules;
- establish standards for and oversee ethics training programs;
- monitor compliance with State and federal hiring laws; and
- administer “revolving door” restrictions 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; and
- four Chicago area Regional Transit Boards (Metra, Pace, the Chicago Transit Authority, and the Regional Transportation Authority).

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

- 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
CONDUCT OF INVESTIGATIONS
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILL. ADMIN. CODE TIT. 2, § 1620.300

POLICY 100.1: Conduct of Investigations

All OEIG personnel must comply with Joint Committee on Administrative Rules, Ill. Admin. Code tit. 2, § 1620.300 (2012) [hereinafter “Admin. Code”], Conduct of Investigations, which states as follows:

Section 1620.300 Conduct of Investigations

a) Policy and Procedures Manual

- 1) All investigations by an Executive Inspector General or his or her 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 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.

b) Waiver of Policy and Procedures Manual Provisions

1) 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)(5)]¹ requirement that requests for documents or physical objects be in writing.

2) Temporary Waiver by the Chair

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

The Chair of the Commission, or his or her designee, may likewise grant a waiver of the subsection [(c)(5)]² requirement that requests for documents or physical objects be made in writing in response to an oral or written request by an EIG if the Chair or his or her 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 he or she no longer reasonably believes that the waiver is necessary to avoid compromising the integrity of an investigation.

- c) The policy and procedures manual shall include, but not be limited to, the following:
 - 1) An EIG shall accept case initiation forms from State of Illinois employees and the general public in accordance with Section 1620.320.
 - 2) An EIG shall not investigate allegations of violations of State or federal law or this Part made against an EIG (including his or her employees). An EIG shall not investigate allegations of violations of State or federal law or of this Part if an EIG (including his or her 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.
 - 3) Within 30 calendar days after receipt of a case initiation form as described in Section 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 Section 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 Section 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.

² The original text of § 1620.300 refers to subsection (c)(6).

- 4) Each EIG shall disclose the opening of all investigation files, as described in Section 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.
- 5) 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 he or she 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 insure 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.
- 6) 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 a person authorized by this subsection (c)(6), 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 Executive Ethics Commission.

- 7) 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.
- 8) Conduct of Interview
 - A) 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.
 - B) Any armed State employee present shall not use his or her firearms in any manner that might intimidate, unless he or she, or anyone else present in the room, is physically threatened.
 - C) Interviewees enjoy all rights in the course of an interview protected by the Constitution of the United States and federal and State law.
 - D) The duty to cooperate in investigations as provided at 5 ILCS 430/20-70 does not include restriction on those rights.
 - E) 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, he or she may file a written objection with the Commission, setting forth with specificity the nature of the alleged violation. Within 30 days after receiving the objection, the Commission 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 Commission 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)(8)(E) are entitled to due process of law.
- 9) 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)(9) 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.

- 10) Upon completion of investigations, the EIG or his or her 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.
 - 11) The policy and procedures manual may contain additional policies or procedures not inconsistent with this Part, subject to Commission approval as outlined in subsection (a)(2).
- d) Any person may complain to the Commission, in writing, concerning an EIG's alleged violation of the Act or this Part. Upon receipt of a complaint, the Commission may notify the EIG and require him or her to provide information related to the investigation in order to determine whether any conduct has occurred that would require the Commission to appoint a Special Executive Inspector General pursuant to 5 ILCS 430/20-21. Under those circumstances, the Commission deems the EIG's disclosure of that information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).

POLICY 100.2: Conduct of Investigations – OEIG Staff

All OEIG personnel must execute their investigative duties and responsibilities in an objective manner without regard to political affiliation or personal bias. If, for any reason, any OEIG personnel believe they are incapable or unwilling to investigate a manner consistent with any policy or procedure set forth herein, they must notify the Executive Inspector General immediately so that appropriate action may be taken.

CHAPTER II

EMPLOYEE DUTIES AND RESPONSIBILITIES

POLICY 200.1: OEIG Policy and Procedures Manual

This Policy and Procedures Manual contains the investigative policies and procedures of the OEIG, to which all OEIG staff will adhere when discharging their duties and responsibilities.

POLICY 200.2: Distribution of OEIG Policy and Procedures Manual

All OEIG personnel will be provided a copy of this Policy and Procedures Manual. OEIG personnel are responsible for reviewing this Policy and Procedures Manual and becoming familiar with all of the policies and procedures contained herein.

POLICY 200.3: 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 200.4: Badges and Credentials

The OEIG issues badges and credentials to investigators, attorneys, and supervisory personnel as identification in connection with official duties and responsibilities. OEIG badges and credentials may only be used by OEIG personnel in connection with official duties and responsibilities.

All OEIG badges and credentials are property of the OEIG and must be immediately relinquished upon request of a supervisor or at termination of employment.

CHAPTER III

GENERAL INVESTIGATION PROCEDURES

POLICY 300.1: 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 Administrative Rules, then the Administrative Rules shall control.

POLICY 300.2: Filing Complaints with the OEIG

Any person may file a complaint, *anonymously or in his or her name*, with the OEIG by:

- (1) mailing or hand-delivering a completed OEIG complaint form to one of the following addresses:

Office of Executive Inspector General
Complaints and Compliance Division
32 West Randolph Street, Ste. 1900
Chicago, IL 60601

Office of Executive Inspector General
Complaints and Compliance Division
607 East Adams Street, 14th Floor
Springfield, IL 62701

- (2) faxing a completed OEIG complaint form to (312) 814-5479 (Chicago) or (217) 782-1605 (Springfield);
- (3) submitting a completed OEIG complaint form via the Internet at www.inspectorgeneral.illinois.gov; or
- (4) calling the OEIG hotline at (866) 814-1113 or (888) 261-2734 (TTY).

POLICY 300.3: 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 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 300.4: Contents of OEIG Complaint Forms

Pursuant to Admin. Code § 1620.310, the OEIG has prescribed and made available a case initiation form (OEIG Complaint Forms 300.4A & 300.4B) for investigation of a complaint against an individual or entity under OEIG jurisdiction. The contents of OEIG Complaint Forms 300.4A and 300.4B are consistent with Admin. Code § 1620.320, which states as follows:

Section 1620.320 Case Initiation Form - Contents

The case initiation form shall set out:

- a) the name of the employee or officer who is alleged to have committed misconduct;
- b) the identity of the State agency by which the employee or officer is employed;
- c) the name, address and telephone number of the complainant,—unless filed anonymously;
- d) the date and time of the alleged misconduct;
- e) a description of the acts and circumstances that surrounded the alleged misconduct;
- f) the names of any other person who witnessed or participated in the alleged misconduct;
- g) an address to which the completed form may be mailed;
- h) a statement of the confidentiality of the identity of the complainant (see 5 ILCS 430/20-90(a));
- i) 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
- j) such other information that the Executive Inspector General reasonably requires.

POLICY 300.5: Opening an Investigative File

The OEIG will open an investigation in accordance with the provisions of the Ethics Act and Admin. Code § 1620.330, which states as follows:

Section 1620.330 Opening an Investigation File

- a) Upon deciding to open an investigation file in accordance with Section 1620.300(c)(4[3])(B),³ 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, upon information received, 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

³ The original text of §1620.330 refers to § 1620.300 (c)(4)(B).

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.

- b) 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.

POLICY 300.6: 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)(3).

POLICY 300.7: 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 300.8: Completion of Investigations – Final Report

An OEIG investigation will be deemed completed by the OEIG when all processes of internal review of the investigation and of the final report have terminated. *See* Admin. Code §1620.300(c)(10), which is set forth in Chapter I, Policy 100.1 of this Policy and Procedures Manual, *supra*. Upon completion of an OEIG investigation, OEIG personnel will issue a summary report and otherwise comply with the procedures set forth in Admin. Code §§1620.1000 & .1010, which state as follows:

Section 1620.1000 Investigation Reports Finding a Violation

If an Executive Inspector General,⁴ or the Attorney General as provided for in Section 20-50 or 20-51, upon the conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Executive Inspector General 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]

- a) The summary report of the investigation shall include the following:
 - 1) The unique tracking number of the investigation.

⁴ The italics set forth in this section are in the original text.

- 2) *A description of any allegations or other information received by the Executive Inspector General or Attorney General pertinent to the investigation.*
 - 3) A summary of investigative steps taken. This summary need not disclose any confidential investigation techniques.
 - 4) *A description of any alleged misconduct discovered in the course of the investigation.*
 - 5) *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.*
 - 6) *Other information the Executive Inspector General or Attorney General deems relevant to the investigation or resulting recommendation. [5 ILCS 430/20-50(b)]*
 - 7) The last known mailing addresses for all subjects or, if the subjects are represented by counsel, the mailing address for their counsel.
 - 8) The date of the last alleged violation of the Act or other State law, rule or policy giving rise to the investigation.
 - 9) Other information deemed necessary by the Commission to fulfill its duties.
- b) *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.*
- c) *Within 30 days after receiving a response from the appropriate UJA or agency head, the Executive Inspector General or Attorney General, as appropriate, shall:*
- 1) *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*
 - 2) *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)]*

- d) *If, after reviewing the documents, the Commission believes that further investigation is warranted, the Commission may:*
 - 1) *request that the Executive Inspector General provide additional information or conduct further investigation; or*
 - 2) *appoint a Special Executive Inspector General; or*
 - 3) *refer the summary report and response to the Attorney General for further investigation or review.*
- e) *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 Commission. If the Attorney General concludes that there is insufficient evidence that a violation has occurred, the Attorney General shall notify the Commission and the appropriate Executive Inspector General. [5 ILCS 430/20-50(c-10)]*

Section 1620.1010 Investigation Reports Finding No Violation

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 Executive Inspector General or Attorney General shall close the investigation and provide the Commission with a written statement. [5 ILCS 430/20-51]⁵

- a) The statement shall contain:
 - 1) The unique tracking number of the investigation.
 - 2) A description of any allegations or other information received by the Executive Inspector General 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 Executive Inspector General's determination that no violation of the State Officials and Employees Ethics Act has occurred.
 - 5) Recommendations for any corrective action to be taken in response to any findings made in the report, if any.

⁵ The italics set forth in this section are in the original text.

- 6) Other information the Executive Inspector General deems relevant to the investigation or resulting statement.
 - 7) Other information deemed necessary by the Commission to fulfill its duties.
- b) *If, after reviewing the documents, the Commission believes that further investigation is warranted, the Commission may:*
- 1) *request that the Executive Inspector General 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]*

CHAPTER IV

OEIG REQUESTS FOR INFORMATION

POLICY 400.1: OEIG Requests for Information

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, which is set forth in Chapter I, Policy 100.1 of this Policy and Procedures Manual, *supra*. OEIG personnel shall utilize OEIG FORM 400.1 when requesting production or viewing of documents or physical objects under office or agency control.

CHAPTER V

CONDUCT OF OEIG PERSONNEL AND RELATED ADMINISTRATIVE RIGHTS OF WITNESSES

POLICY 500.1: Conduct of Interviews⁶

When conducting interviews, all OEIG investigators must act in a manner consistent with Admin. Code § 1620.300(c)(8).

POLICY 500.2: Administrative Rights: Audio Recording

When conducting interviews, all OEIG personnel must present the witness a form consistent with Admin. Code § 1620.300(c)(9)⁷ stating the witness's rights relating to audio recording of the interview. OEIG personnel shall utilize OEIG FORM 500.2 to comply with this policy.

POLICY 500.3: Administrative Rights: Representation

When conducting interviews of a State employee who is the subject of an investigation and who, based on the information available at the time of the interview, is reasonably believed likely to face discipline or adverse action, OEIG personnel must present the witness a form consistent with Admin. Code § 1620.300(c)(6).⁸ OEIG personnel shall utilize OEIG FORM 500.3 to comply with this policy.

POLICY 500.4: Application of Policy 500.3

Unless OEIG personnel, based on the information available at the time of the interview, reasonably believe there are no circumstances under which the witness would be a subject or likely to face discipline or adverse action, OEIG personnel must present the witness with an OEIG FORM 500.3 so that the witness is fully informed of his or her administrative rights.

POLICY 500.5: Request for Written Statement of Decision to Close Investigation

All OEIG personnel must 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.

⁶See also Executive Ethics Commission, *Executive Inspector General Investigations: Your Duties and Rights* (2008), at http://www2.Illinois.gov/eec/Documents/EMPLOYEE_RIGHTS-BRO.pdf.

⁷ Set forth in Chapter I, Policy 100.1 of this Policy and Procedures Manual, *supra*.

⁸ Set forth in Chapter I, Policy 100.1 of this Policy and Procedures Manual, *supra*.

CHAPTER VI

REVOLVING DOOR PROHIBITION

POLICY 600.1: Compliance with Administrative Rules

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

Section 1620.610 Revolving Door Prohibition

- a) *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 of State contracts or in regulatory or licensing decisions.⁹ These policies shall be filed with the Commission and appropriate Executive Inspector General. [5 ILCS 430/5-45(c)]*
- b) *No later than June 1, 2010, and annually thereafter, each Executive Inspector General shall report to the Commission 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 of State contracts or in regulatory or licensing decisions. [5 ILCS 430/5-45(d)]*
- c) *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 Executive Inspector General. [5 ILCS 430/5-45(f)]* The employee's notification to the appropriate Executive Inspector General must include:
 - 1) the employee's name;
 - 2) 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;
 - 3) the title, description and responsibilities of the prospective employment position;

⁹ The italics set forth in this section are in the original text.

- 4) the name, description, ownership, corporate structure including its parent and any subsidiaries, and contact information of the prospective employer;
 - 5) in the case of self-employment, that is, when the employee receives or expects to receive remuneration directly from a client, the employee's initial submission shall include a list of known clients with which the employee or his/her business intends to contract. The employee must update this list for a period of one year after termination of State employment when he/she or his/her 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 Inspector General.
 - 6) 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 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 Executive Inspector General may consider a statement provided by another appropriate employee or officer. The statement from the ethics officer must be submitted to the appropriate Executive Inspector General within 5 calendar days after receiving notification from the employee.
- d) *Within 10 calendar days after receiving notification from an employee or officer in a position subject to policies required by subsection (a) of this Section, such Executive Inspector General 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 Executive Inspector General, and delivered to the subject of the determination within 10 calendar days. [5 ILCS 430/5-45(f)]*
- e) *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)]¹⁰ and (d), the EIG shall report this failure to the Attorney General and Commission immediately.

¹⁰ The original text of § 1620.610 refers to subsection (e).

- f) *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)]*
- 1) The appeal filed with the Commission shall contain a copy of the Executive Inspector General'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.
 - 2) Any objection to the appeal by the subject of the determination or by the Attorney General shall be filed with the Commission within 5 calendar days after the filing, unless the Commission grants an extension of time.
 - 3) *The Commission shall seek, accept and consider written public comments regarding a determination. A copy of the appeal will be posted on the Commission's web site and be posted at the Commission's offices, with instructions on how written public comments may be forwarded to the Commission for consideration. The Commission 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)]*
 - 4) The Commission shall decide whether to uphold an Executive Inspector General's determination within 10 calendar days after receiving the appeal. Copies of the Commission's decision shall be sent to the former officer or employee, the Attorney General, the relevant Executive Inspector General, and the ultimate jurisdictional authority.
- g) *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)].*
- h) 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.

- i) 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.¹¹

POLICY 600.2: OEIG Revolving Door Forms

Pursuant to Admin. Code § 1620.610, the OEIG has made available on its website¹² and attached to this Manual 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.

¹¹ Subsections (h) and (i) both appear in the original text.

¹² Available at <http://www2.Illinois.gov/oeig/Pages/RevolvingDoorInstructions.aspx>.

CHAPTER VII

MANDATED REPORTING

POLICY 700.1: Compliance with Mandated Reporting

The OEIG will provide reports to the Executive Ethics Commission consistent with Admin. Code §§ 1620.300(c)(4) & .810, which state in part:

Section 1620.300 Conduct of Investigations

. . .

- (4) Each EIG shall disclose the opening of all investigation files, as described in Section 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.

Section 1620.810 Quarterly and Six-Month Status Reports

- a) Each Executive Inspector General shall file a quarterly activity report with the Commission 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:
 - 1) *The number of investigations opened during the preceding quarter, the affected offices or agencies, and the unique tracking number for new investigations.*¹³
 - 2) *The number of investigations closed during the preceding quarter, the affected offices or agencies, and the unique tracking number for closed investigations.*
 - 3) *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)]*
 - 4) A statement of the amount of public funds at risk of loss as a result of the alleged misconduct under investigation.

¹³ The italics set forth in this section are in the original text.

- 5) 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.
 - 6) Other information deemed necessary by the Commission to fulfill its duties.
- b) On January 15, April 15, July 15 and October 15 of each year, *the Attorney General shall submit a report to the Commission indicating:*
- 1) *the number of complaints received from each Executive Inspector General since the date of the last report;*
 - 2) *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*
 - 3) *the number of complaints still under review by the Attorney General.* [5 ILCS 430/20-86]
- c) *If any investigation is not concluded within 6 months after its initiation, the appropriate Executive Inspector General shall file a 6-month report with the Commission by the 15th day of the month following it being open for 6 months. The 6-month report shall disclose:*
- 1) *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.*
 - 2) *The date of the last alleged violation giving rise to the investigation.*
 - 3) *Whether the Executive Inspector General has found credible any allegations of criminal conduct.*
 - 4) *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.*
 - 5) *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.*¹⁴

- 6) 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.
 - 7) If an ultimate jurisdictional authority is a subject of the investigation reported under this Section, the EIG shall inform the Commission separately of this fact.
 - 8) Any other information deemed necessary by the Executive Ethics Commission in determining whether to appoint a Special Executive Inspector General. The Commission may direct the Executive Inspector General to provide the Commission a complete copy of any investigation file. When additional information is needed to determine whether a Special Executive Inspector General should be appointed, the Commission deems the EIG's disclosure of the additional information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).
- d) The Executive Inspector General 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)."
 - e) *If an Executive Inspector General 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)]*¹⁵
 - f) All reports shall be provided to the Commission in paper form, electronically or both, as directed by the Commission.

¹⁴ The italics set forth in this section are in the original text.

¹⁵ The italics set forth in this section are in the original text.

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(d), which states as follows:

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

POLICY 800.2: Executive Inspector General Investigation

The OEIG will conduct all investigations relating to complaints made to the Executive Ethics Commission in the same manner as investigations are conducted pursuant to this Policy and Procedures Manual and not inconsistent with Section 20-21 of the Ethics Act.

APPENDIX

OEIG Forms

Table of Forms

| | |
|-------------|---|
| FORM 300.4A | Complaint Form |
| FORM 300.4B | Complaint Form-Spanish Language |
| FORM 400.1 | Request for Documents or Physical Objects |
| FORM 500.2 | Request to Record Interview |
| FORM 500.3 | Administrative Rights Form |
| FORM RD 101 | Revolving Door Form-State Employee or Former State Employee |
| FORM RD 102 | Revolving Door Form-Ethics Officer |
| FORM RD 103 | Revolving Door Form-Pro prospective Employer |



Office of Executive Inspector General
for the Agencies of the Illinois Governor
www.inspectorgeneral.illinois.gov

COMPLAINT

Please type or print clearly below. Return completed form to: Office of Executive Inspector General, Division of Investigations, 32 West Randolph Street, Suite 1900, Chicago, IL 60601. Alternatively, you may fax the form to our office at (312) 814-5479. Our toll-free hotline number is (866) 814-1113. TTY 1-888-261-2734.

(Your) Contact Information:

Name:* _____ Date: _____

*The OEIG accepts anonymous complaints

Age: _____

Sex: ☐ M ☐ F

Address: _____

Street Address

City

State

Zip Code

Home Phone: _____

Business Phone: _____

Other Phone: _____

E-Mail Address: _____

What is your preferred method of contact?

Are you employed by the State of Illinois, a State public university, CTA, Metra, Pace, or RTA?

☐ Yes

☐ No

If yes, which agency? _____

Complaint Information:

Is your complaint against an employee(s), agency, or someone doing business with the State of Illinois, CTA, Metra, PACE, or RTA?

☐ Yes

☐ No

If yes, which agency? _____

Please provide as much detailed information about the individual(s) as possible.

Subject Name (person against whom you are complaining)

Subject's name: _____ Phone: _____

Approximate Age: _____ Sex: ☐ M ☐ F

Address: _____
Street Address

City State Zip Code

Name of Additional Subject: _____ Phone: _____

Approximate Age: _____ Sex: ☐ M ☐ F

Address: _____
Street Address

City State Zip Code

Name of Additional Subject: _____ Phone: _____

Approximate Age: _____ Sex: ☐ M ☐ F

Address: _____
Street Address

City State Zip Code

Name of Additional Subject: _____ Phone: _____

Approximate Age: _____ Sex: ☐ M ☐ F

Address: _____
Street Address

City State Zip Code

Have you notified any other federal, State or local agency of your complaint or filed a lawsuit or grievance related to these matters? ☐ Yes ☐ No

If yes, with which agency did you file a complaint? _____

What is the complaint number? _____

Has your complaint been resolved? ☐ Yes ☐ No

If yes, briefly summarize the results: _____

Have you previously filed a complaint with the OEIG? ☐ Yes ☐ No

If yes, please list any known OEIG case numbers: _____

Is this complaint related to your previously filed OEIG complaint? ☐ Yes ☐ No

Please be aware that complaints relating to management issues may be referred to the affected agency. Once your complaint is referred, you may be contacted by that agency as part of its investigation.

If your complaint is referred, do you want your name and contact information removed? ☐ Yes ☐ No

Please be advised that in order to conduct a thorough investigation involving a whistle blower protection claim, the OEIG may need to disclose your identity. Do you agree to the disclosure of your identity as complainant? ☐ Yes ☐ No ☐ N/A

If the OEIG conducts an investigation, it may forward a report to the affected agency with recommendations for policy/procedure changes and/or discipline. In order to implement the recommendations, the agency may need to contact you. If so, may we reveal your name and contact information to the agency? ☐ Yes ☐ No

Please summarize your complaint, including the date and time of alleged incident(s) (please attach any evidence documentation in support of your complaint):

Please list other person(s) who could be a witness to the misconduct you have alleged:

Name _____ Any identifying information (Agency, Title, Telephone Number, etc.)

Name _____ Any identifying information (Agency, Title, Telephone Number, etc.)

Name _____ Any identifying information (Agency, Title, Telephone Number, etc.)

Complaint Taken By:* _____

*To be completed by the OEIG

Illinois law provides that the identity of any individual providing information to an Executive Inspector General shall be kept confidential and may not be disclosed without the consent of that individual or when disclosure of the individual's identity is otherwise required by law. 5 ILCS 430/20-90(a). Illinois law states that any person who intentionally makes, to an Executive Inspector General, a false report alleging misconduct is guilty of a Class A misdemeanor. 5 ILCS 430/50-5(d).



OFICINA DEL INSPECTOR EJECUTIVO GENERAL para las Agencias del Gobernador de Illinois

www.inspectorgeneral.illinois.gov

QUEJA

Por favor mecanografía o imprima claramente. Envíe la forma completada a la: Oficina del Inspector Ejecutivo General, División de Investigaciones, 32 West Randolph Street, Suite 1900, Chicago, IL 60601. También puede enviar por telefax la forma a nuestra oficina al (312) 814-5479. Nuestro número gratuito es el (866) 814-1113. (TTY) 1-888-261-2734.

(Su) Información de Contacto:

Nombre:* _____ Fecha: _____

*OEIG acepta quejas anónimas

Edad: _____

Sexo: ☐ M ☐ F

Dirección: _____

Numero de Domicilio

Ciudad

Estado

Código Postal

Número de teléfono
casero: _____

Número del
negocio: _____

Otro número: _____

E-mail: _____

Cuál es su método de contacto preferido: _____

¿Es empleado del estado de Illinois, una Universidad pública del estado,
CTA, Metra, PACE o RTA? ☐ Si ☐ No

¿Si afirma sí, en qué agencia? _____

Información sobre la queja:

¿Es su queja contra un empleado(s) del Estado de Illinois, agencia o
contra alguien que hace negocio con el Estado de Illinois, CTA, Metra,
PACE, o RTA? ☐ Si ☐ No

¿Si afirma sí, contra qué agencia? _____

Por favor incluye información detallada acerca del empleado(s).

Nombre del sujeto (persona(s) contra quien usted se queja)

Nombre del sujeto: _____ Teléfono: _____

Edad Aprox.: _____ Sexo: ☐ M ☐ F

Dirección: _____
Numero de Domicilio

Ciudad Estado Código Postal

Nombre del sujeto adicional: _____ Teléfono: _____

Edad Aprox.: _____ Sexo: ☐ M ☐ F

Dirección: _____
Numero de Domicilio

Ciudad Estado Código Postal

Nombre del sujeto adicional: _____ Teléfono: _____

Edad Aprox.: _____ Sexo: ☐ M ☐ F

Dirección: _____
Numero de Domicilio

Ciudad Estado Código Postal

Nombre del sujeto adicional: _____ Teléfono: _____

Edad Aprox.: _____ Sexo: ☐ M ☐ F

Dirección: _____
Numero de Domicilio

Ciudad Estado Código Postal

¿Ha notificado otra agencia federal, agencia local o del estado, de su queja o ha archivado una demanda o un agravio relacionado con esta queja?

☐ Si

☐ No

¿Si afirma sí, con qué agencia se ha quejado?

¿Cuál es el número de la queja?

¿Su queja ha sido resuelta?

☐ Si

☐ No

Si afirma sí, en breve, qué fue el resultado de la queja:

¿Ha archivado previamente una queja con nuestra oficina?

☐ Si

☐ No

Si afirma sí, anote por favor el número asignado a la queja:

¿Es esta queja relacionada con la queja previamente archivada?

☐ Si

☐ No

Por favor esté consciente que las quejas que se relacionan con cuestiones de dirección/ procedimiento de una agencia pueden ser enviadas a la agencia afectada. Una vez que su queja se refiere, puede ser contactado por la agencia como parte de la investigación.

¿Si su queja es refiere, desea que su nombre e información de contacto sean removidos?

☐ Si

☐ No

Por favor sea aconsejado que para llevar a cabo una investigación exhaustiva de una reclamación de protección del denunciante, la OEIG puede necesitar a revelar su identidad- ¿Está de acuerdo a la revelación de su identidad como denunciante?

☐ Si

☐ No

☐ No se Aplica

Si la oficina realiza una investigación, puede adelantar un informe a la agencia afectada con recomendaciones para cambios de política/procedimiento y/o disciplina. Con el fin de aplicar las recomendaciones, la agencia tendría que ponerse en contacto con usted. ¿Está de acuerdo a la revelación de su identidad a la agencia?

☐ Si

☐ No

Resumen su queja, incluya la fecha(s) y la hora(s) de incidentes alegados (por favor incluya cualquier documentación disponible que va ayudar su queja):

Por favor lista otras persona(s) que podrían ser testigo de la mala conducta que usted ha alegado:

Nombre

Cualquier información de identificación (agencia, título, número de teléfono, etc.)

Nombre

Cualquier información de identificación (agencia, título, número de teléfono, etc.)

Queja tomada por:*

***Rellenar por la OEIG**

La ley de Illinois proporciona que la identidad de cualquier individuo que proporcione información al Inspector Ejecutivo General será mantenida confidencial y no se puede divulgar sin el consentimiento de ese individuo o cuando el acceso de la identidad del individuo es requerido de otra manera por la ley. 5 ILCS 430/20-90(a).
La ley de Illinois indica que cualquier persona que haga intencionalmente, al Inspector General Ejecutivo, un informe falso que alega mala conducta es culpable de un delito menor de la Clase A. 5ILCS 430/50-5(d).



Office of Executive Inspector General
for the Agencies of the Illinois Governor
www.inspectorgeneral.illinois.gov

REQUEST FOR DOCUMENTS OR PHYSICAL OBJECTS

To:

Agency:

Address:

Date:

Case Number:

The Office of Executive Inspector General for the Agencies of the Illinois Governor ("OEIG") is conducting an official investigation. Our investigation involves the collection of information that may be in your possession or control. Pursuant to the authority granted the OEIG under 5 ILCS 430/20-20(2) and Illinois Administrative Code tit. 2, § 1620.300 (2010), we request that you produce the following documents or physical objects in your agency's custody or control:

We request that you produce the abovementioned documents on or before: _____

If you believe the release of the above-listed documents or subject matter of this request might violate existing rights or protections under State or federal law, or is personal or confidential in nature, legally privileged or otherwise sensitive, you may seek a determination from the Illinois Executive Ethics Commission ("EEC") relative to such rights or protections. You 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 with this investigation.

If, in the judgment of the Executive Inspector General, security concerns demand the removal of documents or physical objects, the Executive Inspector General shall issue a subpoena for the immediate seizure and removal of the evidence. If at the time of seizure, you notify the OEIG of your appeal to the EEC, then the OEIG will hold the evidence under seal pending the decision of the Commission.

Evidence obtained by the OEIG in violation of the governing administrative rule will be inadmissible in any proceeding before the EEC.

If you have any questions, please contact the below OEIG staff member.

Submitted by: _____



Office of Executive Inspector General
for the Agencies of the Illinois Governor
www.inspectorgeneral.illinois.gov

REQUEST (CONSENT) TO RECORD INTERVIEW

Date: _____ Location: _____ Case Number: _____

I/We _____

of (City, State) _____

hereby **authorize** investigator(s) _____ and _____

from the Executive Inspector General for the Agencies of the Illinois Governor to record our
interview/conversation on (Date) _____ at _____ am/pm.

I understand that I am not required to consent to such recording but have been asked whether I
am willing to consent. I have given this written permission to the above-named investigator(s)
freely and voluntarily and without threats or promises of any kind.

Witness's Signature

Representative's Signature

Witness's Name (printed)

Representative's Name (printed)

**NOTICE: You have the right to refuse to have the interview recorded. You have the right
to stop the recording of the interview at any time. Refusing to consent to have the
interview recorded or stopping the recording at any time shall not constitute failure to
cooperate in the investigation or otherwise subject you to any discipline or penalty.
However, asking to stop the recording WILL NOT STOP THIS INTERVIEW. At any
time, you may request that the interview be recorded.**

I understand that I am not required to consent to such recording but have been asked whether I
am willing to consent.

At this time I DO NOT CONSENT to the recording of this interview.

Witness's Signature

Representative's Signature

Witness's Name (printed)

Representative's Name (printed)



Office of Executive Inspector General
for the Agencies of the Illinois Governor
www.inspectorgeneral.illinois.gov

ADMINISTRATIVE RIGHTS– STATE EMPLOYEES

NAME _____ DEPT _____ TITLE _____

DATE _____ TIME _____ LOCATION _____

I understand that I am here today to be interviewed by _____ and _____ from the Office of Executive Inspector General for the Agencies of the Illinois Governor.

I have been informed that this is an administrative investigatory interview and I understand that this investigatory interview is part of an official administrative inquiry, and that pursuant to the State Officials and Employees Ethics Act, 5 ILCS 430/20-70, I am obligated to cooperate.

I further understand that:

- Refusal to cooperate in this investigatory interview could subject me to disciplinary action, up to and including discharge.
- As part of my duty to cooperate, the OEIG is requesting that I keep any information learned as part of this interview confidential.
- My duty to cooperate and the OEIG's request to keep any information learned as part of this investigation confidential still requires me to inform any other investigative or auditing authority, *e.g.*, the Illinois Auditor General, about any knowledge or information I may have regarding fraud, abuse or other misconduct.
- Any false, inaccurate, or deliberately incomplete statements by me, or my refusal to answer, could result in disciplinary action up to and including discharge.
- Any statement made by me in the course of this interview could be used as the basis for disciplinary action up to and including discharge.
- Statements made by me during the course of this administrative interview, and the fruits thereof, **CANNOT** be used against me in a subsequent criminal proceeding.
- I may have a union representative, attorney, or coworker uninvolved in the investigation present with me at this investigatory interview.

I also understand that I have the right to have this interview audio-recorded and the right to decline to have it recorded. Withholding consent to audio-record this interview does not amount to non-cooperation. By affixing my signature I am acknowledging that this form was presented to me and I have had a full opportunity to read it and that I understand my administrative rights.

Employee Date

Witness Date

Witness Date



Office of Executive Inspector General
for the Agencies of the Illinois Governor
www.inspectorgeneral.illinois.gov

**State Employee or Former State Employee
(or Spouse or Immediate Family Member)**

(Please print or type)

I. Personal Information

State employee or former employee's full name: _____
Street address: _____ City: _____
State: _____ Zip code: _____ Home phone: _____
Cell phone: _____ State e-mail: _____
Personal e-mail: _____ Date of birth: _____
Date of hire by state: _____ Date of hire by last state agency for which you worked: _____
End date or anticipated end date with state: _____

II. State Employment Information

State employment status:
☐ Current state employee
☐ Former state employee

I am notifying OEIG of an employment offer because:
☐ I participated in the issuance of contracts
☐ I participated in regulatory or licensing decisions
☐ I did neither, but am required to notify the OEIG

Provide the following information for all job/working titles you held during the year prior to termination of State employment.* (Use a separate sheet if you need additional space.)

| Position 1 | Position 2 |
|----------------------------------|----------------------------------|
| Job/working title: _____ | Job/working title: _____ |
| State agency: _____ | State agency: _____ |
| Responsibilities: _____ _____ | Responsibilities: _____ _____ |
| Supervisor name: _____ | Supervisor name: _____ |
| Supervisor phone: _____ | Supervisor phone: _____ |

III. Prospective Employment Information

Prospective employer's name: _____ Job/working title: _____

*including employment by a State public university or required transit board.

Who has been offered prospective employment?
☐ I have been offered employment
☐ Spouse or immediate family member
 has received offer of employment
 (Describe relationship to you _____)

Responsibilities:

Supervisor name: _____

Anticipated start date: _____

Supervisor phone: _____

IV. General Questions

Please answer "Yes" or "No" to each of the following questions.

Yes **No**

- | | | |
|---|--------------------------|--------------------------|
| 1) In the year prior to termination of State employment, have you had any interaction with employees or agents of the prospective employer (or its subsidiary, parent or affiliate entities)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) In the year prior to termination of State employment, did you have signatory or actual authority to award any contracts, grants or change orders? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) In the year prior to termination of State employment, did you supervise anyone with signatory or actual authority to award contracts, grants or change orders? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4) In the year prior to termination of State employment, were you a member of any committees or work groups that participated in the awarding of contracts, grants or change orders? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5) In the year prior to termination of State employment, did you have any signatory or actual authority to issue regulatory or licensing decisions? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6) In the year prior to termination of State employment, did you supervise anyone with signatory or actual authority to issue regulatory or licensing decisions? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7) In the year prior to termination of State employment, were you a member of any committees or work groups that participated in any regulatory or licensing decisions? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8) In the year prior to termination of State employment, did you participate in the setting of any state fee rates or state fine rates? | <input type="checkbox"/> | <input type="checkbox"/> |

For all questions to which you answered "yes," please provide a detailed description of the activities that resulted in a "yes" answer. Please indicate the question number on which you are elaborating. Attach separate sheets if necessary. Missing or incomplete information will delay the start of the 10-day determination period.

V. Employee's Contracting Involvement with Prospective Employer

Please answer "Yes" or "No" to each of the following questions.

Yes No

- | | | |
|--|--------------------------|--------------------------|
| 1) In the year prior to termination of State employment, did you participate, in any way, in a decision to award your prospective employer (or its parent, subsidiary or affiliate entities) a contract, grant or change order? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) In the year prior to termination of State employment, did you approve, negotiate, request, recommend or give advice on any: statements of work, solicitations, purchase orders, invoices, contract or grant terms, reimbursement rates, requests for proposals (RFPs), invitations for bid (IFBs), procurement business cases (PBCs), or contract/grant specifications that involved your prospective employer (or its parent, subsidiary or affiliate entities)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) In the year prior to termination of State employment, did you administer a contract/grant/change order or serve as the contact person for a contract/grant/change order awarded to your prospective employer (or its parent, subsidiary or affiliate entities)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4) In the year prior to termination of State employment, did you process any paperwork for a contract/grant/change order awarded to your prospective employer (or its parent, subsidiary or affiliate entities)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5) In the year prior to termination of State employment, did you order any products or services with a cumulative value of \$25,000 or more from your prospective employer (or its parent, subsidiary or affiliate entities)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6) In the year prior to termination of State employment, did you approve payments for products or services with a cumulative value of \$25,000 or more from your prospective employer and/or its parent, subsidiary or affiliate entities, either cumulatively or individually? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7) In the year prior to termination of State employment, did you supervise any individual who participated or may have participated in the activities described in Questions 1-6 in this section? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8) In the year prior to termination of State employment, were you a member of any committees or work groups that participated or may have participated in the activities described in Questions 1-6 in this section? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9) In the year prior to termination of State employment, did you participate personally and substantially in the award of state contracts or issue any state contract change orders, with a cumulative value of \$25,000 or more to the person or entity offering the prospective employment, or its parent or subsidiary? | <input type="checkbox"/> | <input type="checkbox"/> |

For all questions to which you answered "yes," please provide a detailed description of the activities that resulted in a "yes" answer. Please indicate the question number on which you are elaborating. Where available, include the identifying number of the contract/grant/change order to which you are referring, its award date, subject matter and cumulative value. Please also include, if available, the contact information of those involved and the contact information of the state employee who maintains the relevant contract/grant/change order. Missing or incomplete information will delay the start of the 10-day determination period. Attach separate sheets if necessary.

V. Employee's Regulatory/Licensing Involvement with Prospective Employer

Please answer "Yes" or "No" to each of the following questions.

Yes **No**

- | | | |
|---|--------------------------|--------------------------|
| 1) In the year prior to termination of State employment, were you responsible for preparing, initiating, or in any way participating in a licensing or regulatory decision with respect to your prospective employer (or its subsidiary, parent or affiliate entities) or the general type of industry to which it belongs? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) As a part of your job responsibilities in the year prior to termination of State employment, did you inspect, review, survey, or otherwise evaluate the premises and/or operations of your prospective employer (or its subsidiary, parent or affiliate entities)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) In the year prior to termination of State employment, did you set any fee rates or fine rates that may have affected your prospective employer (or its subsidiary, parent or affiliate entities) or the general type of industry to which it belongs? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4) In the year prior to termination of State employment, did you supervise anyone who may have participated in the activities described in Questions 1-3 in this section? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5) In the year prior to termination of State employment, did you sit on any committees or work groups that may have participated in the activities described in Questions 1-3 in this section? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6) In the year prior to termination of State employment, did you participate personally and substantially in making a regulatory or licensing decision that directly applied to the your prospective employer, or its parent or subsidiary? | <input type="checkbox"/> | <input type="checkbox"/> |

For all questions to which you answered "yes," please provide a detailed description of the activities that resulted in a "yes" answer. Please indicate the question number on which you are elaborating. Where available, include the identifying number of the licensing or regulatory decision to which you are referring, its effective date and the subject of the decision. Please also include, if available, the contact information of those involved and the contact information of the state employee now in charge of maintaining the relevant licensing or regulatory decision. Missing or incomplete information will delay the start of the 10-day determination period. Attach separate sheets if necessary.

VII. Additional Information

Is there any additional information which might be relevant and helpful to the OEIG in making a determination of eligibility for employment or compensation? If so, please state it here. Attach a separate sheet if necessary.

VIII. Certification

I (print full name) _____, certify and solemnly affirm that all the information provided in this State Employee or Former State Employee Form (**RD-101**) and attachments regarding my job duties and responsibilities while employed by the state is true, accurate, complete, and reflects the full extent of my participation in the award of any state contracts, grants, or the issuance of state contract change orders with a cumulative value of \$25,000.00 or more, or regulatory or licensing decisions applicable to the prospective employer or its parent, affiliate or subsidiary during the preceding year or during the year preceding termination of my state employment and all the information regarding my prospective employer is true, accurate, and complete to the best of my knowledge and belief. I understand that should it be determined that the information provided by me by means of my written notification to the Office of Executive Inspector General for the Agencies of the Illinois Governor ("OEIG") and/or provided by me during a related interview conducted by the OEIG is not true, accurate, and complete, I may be found to be in violation of the State Officials and Employees Ethics Act (5 ILCS 430/5-45). Further, I understand that pursuant to the Ethics Act should I be found to be in violation of the related requirements of the Ethics Act, I may be subject to a fine of up to three (3) times the total annual compensation that would have been obtained from the prospective employment.

I certify, under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, that the statements set forth in the foregoing Revolving Door Offer Notification, and all attachments and interviews, are true and correct, except as to matters therein stated to be on information and belief, and as to such matters, I certify, as aforesaid, that I believe the same to be true.

Signature

Printed Name

Date



Office of Executive Inspector General
for the Agencies of the Illinois Governor
www.inspectorgeneral.illinois.gov

Ethics Officer

(Please print or type)

Please provide the information requested in Section III below based on the agency's records and/or Ethics Officer's knowledge, not the employee's RD-101.

I. State Employee or Former State Employee's Information

Full name of state employee or former state employee to whom an employment or compensation offer has been made: _____

If a spouse or family member is the party to whom employment or compensation has been offered, list his/her full name here: _____

State employee or former state employee's state start date: _____

State employee or former state employee's start date with your agency: _____

Planned start date with prospective employer (if known): _____

State employee or former employee's end date or anticipated end date with state: _____

State employee or former employee's job/working title with your agency: _____

Describe the state employee's or former employee's job duties with your agency:

II. Ethics Officer's Information

Ethics Officer's name: _____

Ethics Officer's agency title: _____

Mailing street address: _____

City: _____ State: _____ Zip code: _____

Phone number: _____ Fax: _____

E-mail address: _____

III. Prospective Employer's Information

Name of prospective employer: _____

Names of any parent, subsidiary or affiliate entities of prospective employer of which the Ethics Officer is aware:

1) Please list and describe any contracts, grants, purchase orders, invoices or change orders the prospective employer (or subsidiary, parent or affiliate entities) has had with the employee's agency (or agencies) during the year prior to the State employee's termination of State employment, including their amounts, dates and identifying numbers. Use a separate sheet if necessary.

2) Please list any regulatory or licensing decisions the employee's state agency (or agencies) has made that may have affected the prospective employer (or its parent, affiliate or subsidiary companies) or the general type of industry to which it belongs during the year prior to the State employee's termination of State employment. Use a separate sheet if necessary.

3) Please describe the involvement, if any, of the state employee or former state employee with contract, grant or regulatory processes at your agency during the year prior to the State employee's termination of State employment. Use a separate sheet if necessary.

4) Please indicate whether the state employee or former state employee's position has been identified per the State Officials and Employees Ethics Act as included:

- under section 5 ILCS 430/5-45(c) as having the authority to participate personally and substantially in the award of state contracts, grants and change orders or in licensing and regulatory decisions; or
- under section 5 ILCS 430/5-45(h) as barring the state employee or former state employee from employment for one year with any entity (or subsidiary or parent) that was awarded a contract, grant, or change order, or was affected by a regulatory or licensing decision in the past year, regardless of whether the employee participated in that contract, grant, change order, licensing or regulatory decision.

☐ Subsection (c) ☐ Subsection (h)* ☐ Neither

*Subsection (h) employees are not required by statute to complete the determination forms, and the OEIG does not make determinations on subsection (h) employees.

5) Please state whether you, as Ethics Officer, have any information not previously disclosed that suggests that the state employee or former state employee (or spouse or family member) should be barred from accepting the employment or compensation offer:

☐ Yes ☐ No

6) If you answered “Yes” to Question **5**, please explain and include, if applicable, a description of any conflicts or other issues related to the employment or compensation offer that are of concern to you. Use a separate sheet if necessary.

Signature

Name (please print or type)

Date



Office of Executive Inspector General
for the Agencies of the Illinois Governor
www.inspectorgeneral.illinois.gov

Prospective Employer

(please print or type; use a separate sheet if space requires)

The Office of Executive Inspector General (OEIG) thanks you for your cooperation in completing this form. Pursuant to the Revolving Door provisions of the State Officials and Employees Ethics Act (5 ILCS 430/5-45), the OEIG needs this information to make a determination as to whether the state employee (or relative) is restricted from accepting employment with your company or entity. The information that you provide on this form will be utilized only for this purpose.

Name of prospective employee: _____

Name of state employee or former state employee associated with prospective employee (if different than prospective employee): _____

Official name (e.g., corporate name) of prospective employer: _____

Prospective employer's web address: _____

Prospective employer's contact person: _____

Contact person's title: _____ Phone: _____

Contact person's business address: _____

City: _____ State: _____ Zip code: _____

Contact person's e-mail address: _____

Date employment or compensation was offered to the prospective employee: _____

What is the prospective employee's anticipated start date?: _____

What is the prospective employee's anticipated job title?: _____

Name of the immediate supervisor for the prospective job (if known): _____

Describe the prospective employee's anticipated duties and responsibilities:

Offered annual compensation:

- ☐ \$1 - \$30,000
☐ \$30,001 - \$90,000
☐ \$90,001 - \$120,000
☐ More than \$120,000
☐ Salary plus commission
☐ Other

1) What is the employer's corporate structure (corporation, partnership, non-profit, etc.) and who are its owners and/or board members? Use a separate sheet if necessary.

2) List all of the prospective employer's subsidiary, parent and affiliate entities. Use a separate sheet if necessary.

Please answer "Yes" or "no" to each of the following questions:

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1) In the year prior to the State employee's termination of State employment, did employees or agents of the prospective employer (or its subsidiary, parent or affiliate entities) interact with the state employee or former state employee? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) In the year prior to the State employee's termination of State employment, did the prospective employer (or its subsidiary, parent or affiliate entities) receive any awards or renewals of contracts/grants/change orders from a state agency with which the state employee or former state employee was affiliated? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) In the year prior to the State employee's termination of State employment, has the prospective employer and/or its subsidiary, parent or affiliate entities, either separately or combined, received orders or payments with a cumulative value of \$25,000 or more from the state agency with which the state employee or former state employee was affiliated? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4) In the year prior to the State employee's termination of State employment, was the prospective employer (or its subsidiary, parent or affiliate entities) directly affected by any licensing or regulatory actions taken by the state agency with which the state employee or former state employee was affiliated? This includes any proposed actions which, if enacted or issued, could have affected the employer (or its subsidiary, parent or affiliate entities). | <input type="checkbox"/> | <input type="checkbox"/> |
| 5) In the year prior to the State employee's termination of State employment, was the general type of industry of the prospective employer (or its subsidiary, parent or affiliate entities) affected by any licensing or regulatory actions taken by the state agency with which the state employee or former state employee was affiliated. This includes not making or postponing a regulatory decision which could have affected the employer (or its subsidiary, parent or affiliate entities). | <input type="checkbox"/> | <input type="checkbox"/> |
| 6) If you answered "yes" to any of Questions 2-5, please indicate whether the state employee or former state employee had any role, no matter how minor, in those contracts or regulatory/licensing actions taken. | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered "yes" to any questions above, please describe, in detail, the circumstances and facts that caused you to answer "yes." Please include the names of state and employer parties involved, contract or regulatory action identification numbers, the subject matter of the contract and regulatory/licensing actions, and their effective dates. Use an additional sheet if necessary.

Signature

Name and Title (please print or type)

Date

Useful Websites

State Officials and Employees Ethics Act (5 ILCS 430, *et seq.*)

<http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=2529&ChapterID=2>

OEIG Monthly Reports

http://www2.illinois.gov/oeig/Pages/monthly_reports.aspx

Executive Ethics Commission Revolving Door Decisions

<http://www2.illinois.gov/eec/Pages/RevolvingDoorAppeals.aspx>

OEIG Cases (Ethics Act Decisions and non-Ethics Act Reports Published by EEC)

<http://www2.illinois.gov/oeig/Pages/PublishedOEIGCases.aspx>

OEIG Investigation Policy Manual

<http://www2.illinois.gov/oeig/Pages/policy.aspx>



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