

PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES UNDER THE GOVERNOR
INVESTIGATIVE REPORT

Case Number: 22-01400

Subject(s): Traci Ellis

Below is the redacted version of an investigative summary report issued by the Executive Inspector General for the Agencies of the Illinois Governor. Pursuant to section 20-50 of the State Officials and Employees Ethics Act (Act) (5 ILCS 430/20-50), a summary report of an investigation is required to be issued by an executive inspector general when, and only when, at the conclusion of investigation, the executive inspector general determines reasonable cause exists to believe a violation has occurred. If a complaint is not to be filed with the Commission for adjudication of the alleged violation, the Act further requires the executive inspector general to deliver to the Executive Ethics Commission (Commission) a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report of the investigation and of the response from the ultimate jurisdictional authority or agency head regarding the summary report. 5 ILCS 430/20-50(c-5). The Act requires that some summary reports be made available to the public and authorizes the Commission to make others available. 5 ILCS 430/20-52. Before making them available, however, the Commission is to redact from them information that may reveal the identity of witnesses, complainants, or informants and may redact “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

Some summary reports delivered to the Commission may contain a mix of information relating to allegations with respect to which the executive inspector general did and did not determine reasonable cause existed to believe a violation occurred. In those situations, the Commission may redact information relating to those allegations with respect to which the existence of reasonable cause was not determined.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission has redacted certain information contained in this report and identified where said redactions have taken place and inserted clarifying edits as marked. Publication of a summary report of an investigation, whether redacted or not, is made with the understanding that the subject or subjects of the investigation may not have had the opportunity to rebut the report’s factual allegations or legal conclusions before issuance of the report. Moreover, there has not been, nor will there be, an opportunity for the subject to contest or adjudicate them before the Commission. The subject merely has the opportunity to submit a response for publication with the report.

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Agencies of the Illinois Governor Office of Executive Inspector General (“OEIG”). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG’s final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Illinois Governor, and each subject.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52. By publishing the below redacted summary report, the Commission neither makes nor adopts any determination of fact or conclusions of law for or against any individual or entity referenced therein.

– THE REDACTED VERSION OF THE EIG’S SUMMARY REPORT
BEGINS ON THE NEXT PAGE –

I. CASE INITIATION AND BACKGROUND

The Office of Executive Inspector General (OEIG) self-initiated this complaint when, [redacted]¹ the OEIG learned of a potential violation of the Revolving Door Prohibition of the State Officials and Employees Ethics Act (Ethics Act) by former IMSA employee Traci Ellis.

The Ethics Act prohibits State employees from accepting non-State employment within one year of separation from State employment when the employee personally and substantially participated in the award or fiscal administration of State contracts or change orders valued at \$25,000 or more to the prospective employer within one year prior to leaving State employment.² State agencies must determine which employees, by nature of their duties, may participate personally and substantially in the awarding or fiscal administration of such contracts or in regulatory or licensing decisions.³ The names of these employees are placed on a list commonly referred to as a “c-list.”⁴

Any c-list employee who is offered non-State employment during their State employment or within one year of separation from State employment must notify the OEIG prior to accepting such non-State employment.⁵ Notification requires that the employee complete a Revolving Door Notification of Offer form (RD-101) and submit it to both the OEIG and the agency ethics officer, who completes an Ethics Officer’s Revolving Door Statement (RD-102). The completed notification forms include information regarding the employee’s State employment, the prospective employment, and details on any State contracts or regulatory decisions the State agency has had with the prospective employer within the last 12 months.⁶ Once the OEIG receives both forms, it makes a determination within ten days whether accepting the employment is prohibited by law.⁷ An employee who violates the notification requirement of the Ethics Act’s Revolving Door provision may be subject to a fine of up to \$5,000.⁸

II. INVESTIGATION

A. State Employment History Of Traci Ellis

IMSA provided the OEIG a copy of Ms. Ellis’s personnel file. The documentation showed that she began working for IMSA in April 2016 as the Executive Director of Human Resources. Her resume⁹ indicates that during her tenure at IMSA, Ms. Ellis was also appointed Chief Legal Officer and Chief Equity Officer. Ms. Ellis resigned from IMSA effective November 30, 2021.

¹ OEIG Case No. [redacted]. IMSA is a State agency. 105 ILCS 305/2.

² 5 ILCS 430/5-45(a).

³ IMSA, an institution of secondary education, has no regulatory or licensing function.

⁴ 5 ILCS 430/5-45(c).

⁵ 5 ILCS 430/5-45(f).

⁶ See 2 Ill. Admin. Code § 1620.610(c).

⁷ 5 ILCS 430/5-45(f).

⁸ See 2 Ill. Admin. Code § 1620.610(g).

⁹ This resume that was included in documents provided to the OEIG by Ms. Ellis’s current employer, [Foundation 1].

B. Revolving Door Information And Trainings Provided To Ms. Ellis

IMSA provided the OEIG with copies of various email exchanges and training documents relating to Ms. Ellis's Revolving Door obligations. A June 22, 2021 email from Ms. Ellis to IMSA's Ethics Officer, [IMSA Employee 1], stated:

"[IMSA Employee 1], I think we discussed whether all SLT (Senior Leadership Team) members should be on the C list, but didn't come to any conclusion. I'm thinking they should."

[IMSA Employee 1] replied on June 23, 2021, and wrote:

"I was struggling with the same back and forth. But I think it is a reasonable assumption that if someone is on our Senior Leadership Team, that they would have the ability to be personally and substantially involved in awarding contracts greater than \$25,000."

An email dated September 22, 2021, from [IMSA Employee 1] to members of IMSA's senior leadership, including Ms. Ellis, with the subject "Ethics Act – 'C List' Employee Notification," had information regarding the c-list and Revolving Door restrictions, and it included the following statements:

"You are receiving this email because you meet the criteria for being a "C List" Employee under *Revolving Door Restrictions* of the State Officials and Employees Ethics Act (5 ILCS 430/)"

"Prior to accepting non-State employment you are required to complete and submit to the Office of the Executive Inspector General (OEIG) and IMSA's Ethics Officer, a *Revolving Door Notification of Offer form* [hyperlink to RD-101 form on the OEIG's website]. You are also responsible for notifying IMSA's Ethics Officer and your prospective employer. Revolving Door Instructions and Forms [hyperlink to the Revolving Door forms and instructions on the OEIG's website].

The OEIG ran a search in the State's Revolving Door Tracking System and confirmed that Ms. Ellis's position at IMSA was on the c-list.

An email dated October 5, 2021, from [IMSA Employee 1] to the same members of IMSA's senior leadership, including Ms. Ellis, provided instructions on how to access the "Revolving Door – C List" training on the State's OneNet website. The email also directed the recipients to complete the training by October 31, 2021. In a subsequent email on October 19, 2021, [IMSA Employee 1] reminded the same recipients to complete the training by the end of the month. [IMSA Employee 1] provided the OEIG with what she described as a copy of the online training screens. The document contains the following statements:

"You must request a determination for every employment opportunity you are offered and are considering accepting for one year after leaving State employment."

"You must request a determination from the OEIG **before** accepting employment."

The training document contains additional information on how to access forms RD-101, 102, and 103,¹⁰ and links to the Revolving Door sections of the OEIG’s website. The last page of the training document directs the trainee to certify and acknowledge the following statement:

“I understand that if I am offered non-State employment during State employment or within one year immediately after ending State employment, I shall, prior to accepting any such employment offer, notify the OEIG.”

[IMSA Employee 1] provided what she described as a report from OneNet listing the trainings completed by Ms. Ellis. The report lists the Revolving Door – C List training as completed by Ms. Ellis on October 19, 2021. The report also lists the Ethics Training Program for State Employees as completed by Ms. Ellis in 2019 and 2020.¹¹

An email dated November 9, 2021, from Ms. Ellis to members of the human resources and fiscal departments notified them of her retirement from IMSA. Another email from [IMSA Employee 1] to Ms. Ellis on November 29, 2021, stated: “As you consider your post IMSA retirement options, please make sure you follow the revolving door instructions.”¹² The email included a link to the OEIG’s Revolving Door instructions website. A reply email from Ms. Ellis on the same day stated, “I’ve copied my personal email here so that I can follow up with the paperwork in the future.”

C. [Foundation 1]

[Foundation 1] (the Foundation) is a not-for-profit entity based in [Redacted]. The Foundation provided the OEIG with documentation related to Ms. Ellis’s employment with the Foundation, including a letter dated October 6, 2021, from the Foundation’s president to Ms. Ellis offering her the position of Senior Director for Racial Equity, Diversity, and Inclusion. The letter stated that Ms. Ellis’s start date at the Foundation would be January 4, 2022, with an annual salary of \$240,000. The Foundation provided a screenshot of an electronic acceptance report which showed that the offer letter was signed by “Traci O’Neal Ellis” on October 6, 2021, and stating “I accept the position and terms stated within the offer letter.” The documentation also included paystubs with compensation information for employee Traci Ellis for pay periods between January 1, 2022, and March 31, 2022. The paystub for the pay period ending March 31, 2022, shows year-to-date total wages of \$59,000.06.

The OEIG conducted searches of the Illinois State Comptroller’s website to determine if the State has had any contracts with the Foundation. The OEIG also conducted searches of the State’s Catalog of State Financial Assistance to determine if the State has ever provided grant

¹⁰ The RD-103 is the Prospective Employer or Client Form, which the prospective employer can voluntarily complete and submit to the OEIG to assist the OEIG in making its determination for a Revolving Door applicant.

¹¹ The OEIG reviewed the Ethics Training Program for State Employees completed by Ms. Ellis in 2019 and 2020. Both years’ training materials state that c-list employees must notify the OEIG and seek a Revolving Door determination before accepting an employment offer. At the time she resigned from IMSA, Ms. Ellis had not yet completed the 2021 Ethics training, which was due by December 31, 2021.

¹² During an interview with the OEIG on December 13, 2021, [IMSA Employee 1] confirmed that she sent the email to Ms. Ellis reminding her of the Revolving Door policy. [IMSA Employee 1] said that as of the date of her interview, she did not know if Ms. Ellis was seeking employment.

funds to the Foundation. The searches did not reveal any State contracts or grants involving the Foundation.

D. No Revolving Door Notification

The OEIG searched its own records and determined that as of July 5, 2022, it had not received a Revolving Door notification from Ms. Ellis.

E. The OEIG's Attempt To Interview Ms. Ellis

On June 6, 2022, an OEIG investigator contacted Ms. Ellis by telephone to request an interview with her. The investigator informed Ms. Ellis that the OEIG was conducting an investigation in which she was a subject. During the phone call, Ms. Ellis agreed to participate in an interview on June 23, 2022, but stated that because she was no longer a State employee, she would only answer questions on a limited range of topics and would not answer questions about her own conduct. On June 7, 2022, Ms. Ellis sent an email message to the OEIG investigator stating that she was now declining to participate in the interview.

III. ANALYSIS

The Ethics Act requires all c-list State employees who are offered non-State employment while employed with the State or within one year of separation, to notify the OEIG before accepting the non-State employment. Emails showed Ms. Ellis – IMSA's Chief Legal Officer – was well aware that she was on IMSA's c-list and was required to submit a Revolving Door notification to the OEIG. She had an email exchange in June 2021 with IMSA's Ethics Officer, [IMSA Employee 1], where they agreed that IMSA's senior leadership team (which included Ms. Ellis) should all be included on the c-list. In addition, there was a progression of emails between September 19 and October 19, 2021, in which [IMSA Employee 1] informed Ms. Ellis and other members of the senior leadership team that they were on the c-list and had a duty to notify the OEIG prior to accepting non-State employment. Records also show that Ms. Ellis completed specific c-list training in October 2021 and the previous annual State ethics trainings in 2019 and 2020, each of which reminded c-list employees of their duty and the process to inform the OEIG of post-State employment offers. Furthermore, [IMSA Employee 1] sent an email to Ms. Ellis on November 29, 2021, the day before she ended her State employment, reminding her to "follow the revolving door instructions," and Ms. Ellis acknowledged her receipt of the link to the OEIG's Revolving Door instructions website.

Notwithstanding the above, Ms. Ellis received an offer of employment with the Foundation on October 6, 2021. Her last day of employment at IMSA was November 30, 2021, and she began working at the Foundation in January 2022. Contrary to the numerous directives she received regarding her Revolving Door obligations, Ms. Ellis failed to notify the OEIG that she planned to start employment with the Foundation in January. Although it is unlikely Ms. Ellis would have been restricted from accepting employment with the Foundation, given that the Foundation did not have State contracts or grants (and IMSA does not appear to have any regulatory functions), because Ms. Ellis did not provide the required notification, the OEIG was unable to conduct its Revolving Door investigation or make a determination regarding the employment offer.

Based on this evidence, there is reasonable cause to believe that Ms. Ellis, a member of the c-list, violated the Ethics Act when she failed to notify the OEIG before accepting post-State employment.

IV. [REDACTED] AND RECOMMENDATIONS

Based on the evidence detailed above, the OEIG has determined **THERE IS REASONABLE CAUSE TO BELIEVE THE FOLLOWING:**

- **[REDACTED]** – Traci Ellis violated the Ethics Act by failing to comply with the notification requirement of the Ethics Act Revolving Door Prohibition.

Because Ms. Ellis has already left State employment, the OEIG recommends that IMSA place a copy of this report in the appropriate personnel file. The OEIG's Revolving Door procedure is an important process to determine whether c-list employees' acceptance of non-State employment is restricted by the Ethics Act. Even in cases such as this, where an employee likely would not be restricted from accepting non-State employment, the OEIG is charged with making that determination, not the employee. The employee should not, for whatever reason, disregard that process. In light of Ms. Ellis's position at the agency, her involvement with determining the c-list, and her disregard of multiple reminders of her Revolving Door notification obligation, the OEIG will be requesting the Office of the Illinois Attorney General file a complaint with the Executive Ethics Commission.

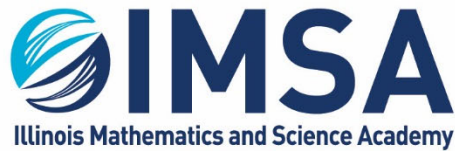
No further investigative action is needed and this case is considered closed.

Date: September 16, 2022

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 W. Washington Street, Ste. 3400
Chicago, IL 60602

By: **Joseph Loscudo**
Assistant Inspector General

Francesca Lynn
Investigator



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October 6, 2022

Ms. Fallon Opperman
Deputy Inspector General and Chief
Office of Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, IL 60602

RE: OEIG Case No. 22-01400 Response

Dear Ms. Opperman,

Based on your report, a formal written warning was mailed to former Illinois Mathematics and Science Academy employee, Ms. Traci Ellis, in response to your request that IMSA consider the recommendations of the Office of Executive Inspector General (OEIG). Ms. Ellis has been informed that IMSA will place a copy of the OEIG Case No. 22-01400 report and a copy of the formal written warning in their personnel file.

We will provide the IMSA Board of Trustees on November 16, 2022 with a summary of the [REDACTED] and my implementation of the recommendations of the OEIG.

This concludes the actions that I have taken regarding Case Number [REDACTED]. Please contact me if you have any questions.

Sincerely,

Evan Glazer, Ph.D.
President

September 26, 2022

Ms. Traci Ellis, JD
Senior Director for Racial Equity, Diversity, and Inclusion



Dear Ms. Ellis,

This notice serves as a formal notification of the receipt of the Final Report from the Office of Executive Inspector General related to OEIG Case No. 22-01400 in connection with the investigation into violating the State Officials and Employees Ethics Act (Ethics Act). As a member of the c-list, you violated the Ethics Act when you failed to notify the OEIG before accepting post-State employment. The report summarized the evidence in the case and determined there is “reasonable cause to believe the following:”

- You violated the Illinois Governmental Ethics Act by failing to comply with the notification requirement of the Ethics Act Revolving Door Prohibition.

The Ethics Act requires all c-list State employees who are offered non-State employment while employed with the State or within one year of separation, to notify the OEIG before accepting the non-State employment. You failed to notify the OEIG that you planned to start employment with the [REDACTED] in January. As a result of this [REDACTED], the Illinois Math and Science Academy will place a copy of the OEIG Case No. 22-01400 report and a copy of this letter in your personnel file.

Respectfully submitted,

Nashwa Mekky
Chief People, Equity and Culture Officer

I have received a copy of this written warning and understand its contents.

Traci Ellis