



Illinois Ethics Matters

October 28, 2022

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Honesty, Integrity, Service

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

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Announcements

- The OEIG is pleased to announce the hiring of **Brooke Payne** as an Investigator and **Koen Varley** as Complaints and Compliance Project Manager. Both will be working in the Chicago office.
- The OEIG's Hiring & Employment Monitoring (HEM) Division released its activity report for the third quarter of 2022. The report is available [here](#).

Revolving Door Decision Defines “Fiscal Administration”

Effective January 1, 2022, the Ethics Act was amended to add the term “fiscal administration” to the revolving door provisions concerning contracts. Although the term is not defined in the statute, the Executive Ethics Commission (EEC) recently defined the term in a revolving door appeal decision.

The OEIG received a request for a revolving door determination from an Illinois Department of Transportation employee who had been involved with the issuance of four supplemental agreements for consultant engineering services with her prospective employer during the year prior to the termination of her State employment. The OEIG determined not only that the agreements were “change orders” as described in the Ethics Act, but also that the employee's personal and substantial involvement with the agreements constituted “fiscal administration” of the prime contract. The OEIG restricted the employee, and the employee appealed to the EEC.

On appeal, the EEC concluded that the supplemental agreements were change orders because they made changes for services other than what was specifically provided for in the prime contract. The EEC also determined that the employee had participated personally and substantially in the fiscal administration of the contract. In so doing, the EEC noted that “[i]n the context of what it means to participate in the fiscal administration of a contract, it would appear that the term was intended to refer to the management of contract payments – such things as making sure services are provided as contracted, billing conforms to contractual requirements, and payments are made at agreed upon rates and times and within contractual limits.”

The decision, [In re: Fayant, 23-EEC-001](#), is available on the OEIG website.

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A significant subset of OEIG investigations involve allegations of employees' failure to disclose outside interests to the public or employer as required by law or policy. In a recent investigation, the OEIG discovered that an employee had not listed her ownership interest in a private company, or the income derived from it, on her Statement of Economic Interests (SEI).

Employees are reminded that these types of disclosures serve the purpose of ensuring that the employee's private interests do not conflict with their public duties. The annual process of filing SEIs will commence again next March. Any employee with questions about the SEI process should contact their Ethics Officer.