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March 8, 2012

Hon. Thomas J. Homer  
Legislative Inspector General  
420 Stratton Building  
Springfield, Illinois 62706

RE: LIG Case No. 11-028

Dear Inspector General Homer:

Pursuant to 5 ILCS 430/25-50(a), a summary report regarding LIG Case No. 11-028 was received by my office on February 19, 2012 via email to Andrew Freiheit, House Republican Ethics Officer. A corrected hard copy was subsequently delivered via U.S. Mail to my State Capitol office.

Your detailed summary report of the investigation involving an alleged violation of the State Officials and Employees Ethics Act ("Ethics Act") 5 ILCS 430/1-1 et seq. by three members of the House Republican staff, namely Nicholas McNeely, [REDACTED] and [REDACTED] was reviewed by me and my Ethics Officer, and discussed with each employee. You indicated that your investigation found reasonable cause exists to believe that Nicholas McNeely violated the Ethics Act through actions of prohibited political activity. Your investigation further found that reasonable cause does not exist to believe that violations were committed by [REDACTED] or [REDACTED]. Based on your findings in the summary report, I have imposed several corrective and disciplinary actions that are detailed below.

Background

Initial allegations of prohibited political activity occurring on State time or with State resources were taken very seriously by my office. On December 1, 2012, a Freedom of Information Act ("FOIA") request was filed with the Clerk of the House by Mr. Richard K. Means, seeking various records that showed House of Representative employees

*"...on public time and utilizing public resources, engaging in political activities for the*

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*benefit of a candidate opposing Mr. McSweeney for the office of Representative in the General Assembly for the 52<sup>nd</sup> Representative District in violation of the Illinois Constitution and numerous Illinois statutes. Such activities are specifically in violation of the Illinois State Officials and Employees Ethics Act. 5 ILCS 430 § 1-1 et seq.*

An internal investigation was ordered immediately and separate interviews were conducted by Ethics Officer Andrew Freiheit in my Springfield office with Nicholas McNeely and [REDACTED] on December 14, 2011, and in Representative Tryon's district office with [REDACTED] on December 15, 2011. The House Republican fiscal office compiled employee time sheets and applicable travel vouchers for N. McNeely and [REDACTED] for review, and discussions were initiated with employee supervisors to discuss the allegations.

Based on information made available at the time to the Ethics Officer in his interviews, along with the employees' time sheets and travel vouchers, a conclusion was made that no prohibited political activity had occurred based on the information provided. Cognizant of the serious nature of the allegations, my office voluntarily provided you with copies of N. McNeely's and [REDACTED]'s time sheets and travel vouchers for the time period between September 1, 2011 through December 1, 2011, and requested your guidance.

Prior to issuance of the summary report, my office performed additional actions related to Ethics Act compliance involving both members and employees. A detailed summary of those additional actions are being delivered to you under separate cover, as well as a copy of N. McNeely's signed *Notice of Employee Probation*.

**Inspector General Findings & Recommendations:**  
**Ultimate Jurisdictional Authority Action**

The summary report of LIG Case No. 11-028 found that no reasonable cause exists to believe that employees [REDACTED] and [REDACTED] committed violations of the Ethics Act. Therefore, no ultimate jurisdictional authority action was taken on these two employees.

However, the summary report did find employee N. McNeely engaged in prohibited political activity in two separate instances, and made a recommendation for "...discipline for engaging in prohibited political activity during compensated time." In addition, the summary report found N. McNeely was not in compliance with the House Republican Staff personnel policy handbook with respect to acceptable use of a sick day. Although there was "...no evidence that N. McNeely performed political duties while using sick days...", the use of sick days for a reason not specified in the House Republican *Personnel Rules and Regulations Handbook 2009*, as amended, was found inappropriate by you. My office concurs.

Detailed below are the findings contained in the summary report, followed by the discipline imposed. I believe the discipline imposed is appropriate and commensurate with the summary report's findings and the employee's actions.

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Inspector General Findings:

- Nicholas McNeely engaged in prohibited political activity at 1:45 pm on 9/14/11 when he posted a political comment on the McHenry County political blog.
- Nicholas McNeely engaged in prohibited political activity at 1:41 pm on 10/19/11 when he volunteered for the McSweeney campaign.

Ultimate Jurisdictional Authority Discipline:

1. Five (5) day suspension without pay, effective April 2 through April 6, 2012.
2. Placement on six (6) month probation, effective upon the employee's return from his leave of absence on March 26, 2012. A signed copy of the *Notice of Employee Probation* has been placed in his personnel file (sent under separate cover).
3. Conversion of all requested and granted sick time from September 1, 2011 through November 15, 2011 into vacation time.
4. Reassignment from his Research & Appropriations staff position to another staff position.
5. Permanent placement of the Inspector General's Summary Report and Ultimate Jurisdictional Authority response letter in N. McNeely's personnel file.

Nicholas McNeely has been informed of the corrective actions described in this summary report response for LIG Case No. 11-028.

Please contact me if you have any questions.

Sincerely,



Tom Cross  
House Republican Leader

cc: N. McNeely Personnel File