



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0553

Introduced 2/4/2009, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-50
5 ILCS 430/25-50

Amends the State Officials and Employees Ethics Act. Provides that, if an Executive or the Legislative Inspector General, upon the conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred and issues a summary report of the investigation, then the Inspector General shall deliver a copy of the report, with all confidential information redacted, to the person who is the subject of the investigation and also make a copy of that redacted report available to the public for inspection and copying.

LRB096 04799 JAM 14863 b

1 AN ACT concerning ethics.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 20-50 and 25-50 as follows:

6 (5 ILCS 430/20-50)

7 Sec. 20-50. Investigation reports; complaint procedure.

8 (a) If an Executive Inspector General, upon the conclusion
9 of an investigation, determines that reasonable cause exists to
10 believe that a violation has occurred, then the Executive
11 Inspector General shall issue a summary report of the
12 investigation. The report shall be delivered to the appropriate
13 ultimate jurisdictional authority and to the head of each State
14 agency affected by or involved in the investigation, if
15 appropriate. The Executive Inspector General shall deliver a
16 copy of the report, with all confidential information redacted,
17 to the person who is the subject of the investigation and also
18 make a copy of that redacted report available to the public for
19 inspection and copying.

20 (b) The summary report of the investigation shall include
21 the following:

22 (1) A description of any allegations or other
23 information received by the Executive Inspector General

1 pertinent to the investigation.

2 (2) A description of any alleged misconduct discovered
3 in the course of the investigation.

4 (3) Recommendations for any corrective or disciplinary
5 action to be taken in response to any alleged misconduct
6 described in the report, including but not limited to
7 discharge.

8 (4) Other information the Executive Inspector General
9 deems relevant to the investigation or resulting
10 recommendations.

11 (c) Not less than 30 days after delivery of the summary
12 report of an investigation under subsection (a), if the
13 Executive Inspector General desires to file a petition for
14 leave to file a complaint, the Executive Inspector General
15 shall notify the Commission and the Attorney General. If the
16 Attorney General determines that reasonable cause exists to
17 believe that a violation has occurred, then the Executive
18 Inspector General, represented by the Attorney General, may
19 file with the Executive Ethics Commission a petition for leave
20 to file a complaint. The petition shall set forth the alleged
21 violation and the grounds that exist to support the petition.
22 The petition for leave to file a complaint must be filed with
23 the Commission within 18 months after the most recent act of
24 the alleged violation or of a series of alleged violations
25 except where there is reasonable cause to believe that
26 fraudulent concealment has occurred. To constitute fraudulent

1 concealment sufficient to toll this limitations period, there
2 must be an affirmative act or representation calculated to
3 prevent discovery of the fact that a violation has occurred. If
4 a petition for leave to file a complaint is not filed with the
5 Commission within 6 months after notice by the Inspector
6 General to the Commission and the Attorney General, then the
7 Commission may set a meeting of the Commission at which the
8 Attorney General shall appear and provide a status report to
9 the Commission.

10 (d) A copy of the petition must be served on all
11 respondents named in the complaint and on each respondent's
12 ultimate jurisdictional authority in the same manner as process
13 is served under the Code of Civil Procedure.

14 (e) A respondent may file objections to the petition for
15 leave to file a complaint within 30 days after notice of the
16 petition has been served on the respondent.

17 (f) The Commission shall meet, either in person or by
18 telephone, in a closed session to review the sufficiency of the
19 complaint. If the Commission finds that complaint is
20 sufficient, the Commission shall grant the petition for leave
21 to file the complaint. The Commission shall issue notice to the
22 Executive Inspector General and all respondents of the
23 Commission's ruling on the sufficiency of the complaint. If the
24 complaint is deemed to sufficiently allege a violation of this
25 Act, then the Commission shall notify the parties and shall
26 include a hearing date scheduled within 4 weeks after the date

1 of the notice, unless all of the parties consent to a later
2 date. If the complaint is deemed not to sufficiently allege a
3 violation, then the Commission shall send by certified mail,
4 return receipt requested, a notice to the parties of the
5 decision to dismiss the complaint.

6 (g) On the scheduled date the Commission shall conduct a
7 closed meeting, either in person or, if the parties consent, by
8 telephone, on the complaint and allow all parties the
9 opportunity to present testimony and evidence. All such
10 proceedings shall be transcribed.

11 (h) Within an appropriate time limit set by rules of the
12 Executive Ethics Commission, the Commission shall (i) dismiss
13 the complaint or (ii) issue a recommendation of discipline to
14 the respondent and the respondent's ultimate jurisdictional
15 authority or impose an administrative fine upon the respondent,
16 or both.

17 (i) The proceedings on any complaint filed with the
18 Commission shall be conducted pursuant to rules promulgated by
19 the Commission.

20 (j) The Commission may designate hearing officers to
21 conduct proceedings as determined by rule of the Commission.

22 (k) In all proceedings before the Commission, the standard
23 of proof is by a preponderance of the evidence.

24 (l) When the Inspector General concludes that there is
25 insufficient evidence that a violation has occurred, the
26 Inspector General shall close the investigation. At the request

1 of the subject of the investigation, the Inspector General
2 shall provide a written statement to the subject of the
3 investigation and to the Commission of the Inspector General's
4 decision to close the investigation. Closure by the Inspector
5 General does not bar the Inspector General from resuming the
6 investigation if circumstances warrant.

7 (Source: P.A. 93-617, eff. 12-9-03.)

8 (5 ILCS 430/25-50)

9 Sec. 25-50. Investigation reports; complaint procedure.

10 (a) If the Legislative Inspector General, upon the
11 conclusion of an investigation, determines that reasonable
12 cause exists to believe that a violation has occurred, then the
13 Legislative Inspector General shall issue a summary report of
14 the investigation. The report shall be delivered to the
15 appropriate ultimate jurisdictional authority and to the head
16 of each State agency affected by or involved in the
17 investigation, if appropriate. The Legislative Inspector
18 General shall deliver a copy of the report, with all
19 confidential information redacted, to the person who is the
20 subject of the investigation and also make a copy of that
21 redacted report available to the public for inspection and
22 copying.

23 (b) The summary report of the investigation shall include
24 the following:

25 (1) A description of any allegations or other

1 information received by the Legislative Inspector General
2 pertinent to the investigation.

3 (2) A description of any alleged misconduct discovered
4 in the course of the investigation.

5 (3) Recommendations for any corrective or disciplinary
6 action to be taken in response to any alleged misconduct
7 described in the report, including but not limited to
8 discharge.

9 (4) Other information the Legislative Inspector
10 General deems relevant to the investigation or resulting
11 recommendations.

12 (c) Not less than 30 days after delivery of the summary
13 report of an investigation under subsection (a), if the
14 Legislative Inspector General desires to file a petition for
15 leave to file a complaint, the Legislative Inspector General
16 shall notify the Commission and the Attorney General. If the
17 Attorney General determines that reasonable cause exists to
18 believe that a violation has occurred, then the Legislative
19 Inspector General, represented by the Attorney General, may
20 file with the Legislative Ethics Commission a petition for
21 leave to file a complaint. The petition shall set forth the
22 alleged violation and the grounds that exist to support the
23 petition. The petition for leave to file a complaint must be
24 filed with the Commission within 18 months after the most
25 recent act of the alleged violation or of a series of alleged
26 violations except where there is reasonable cause to believe

1 that fraudulent concealment has occurred. To constitute
2 fraudulent concealment sufficient to toll this limitations
3 period, there must be an affirmative act or representation
4 calculated to prevent discovery of the fact that a violation
5 has occurred. If a petition for leave to file a complaint is
6 not filed with the Commission within 6 months after notice by
7 the Inspector General to the Commission and the Attorney
8 General, then the Commission may set a meeting of the
9 Commission at which the Attorney General shall appear and
10 provide a status report to the Commission.

11 (d) A copy of the petition must be served on all
12 respondents named in the complaint and on each respondent's
13 ultimate jurisdictional authority in the same manner as process
14 is served under the Code of Civil Procedure.

15 (e) A respondent may file objections to the petition for
16 leave to file a complaint within 30 days after notice of the
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12 (h) Within an appropriate time limit set by rules of the
13 Legislative Ethics Commission, the Commission shall (i)
14 dismiss the complaint or (ii) issue a recommendation of
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16 jurisdictional authority or impose an administrative fine upon
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21 (j) The Commission may designate hearing officers to
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