

1 OPERATIONAL RULES OF THE LEGISLATIVE ETHICS COMMISSION

2 (as amended and effective 4-16-08)

3 ARTICLE 1. SHORT TITLE; DEFINITIONS.

4 Rule 1-1. Short title. These rules may be cited as the
5 Operational Rules of the Legislative Ethics Commission.

6 Rule 1-5. Definitions. Unless the context clearly requires
7 otherwise:

8 "Act" means the State Officials and Employees Ethics Act [5
9 ILCS 430/].

10 "Chairperson" means the chairperson of the Legislative
11 Ethics Commission.

12 "Commission" means the Legislative Ethics Commission.

13 "Commissioner" means a commissioner of the Legislative
14 Ethics Commission.

15 "Inspector General" and "Legislative Inspector General"
16 mean the Legislative Inspector General appointed under Section
17 25-10(b) of the Act.

18 "Officer or employee" means a former or current member of
19 the General Assembly or State employee of the legislative
20 branch.

21 ARTICLE 5. ORGANIZATION.

1 Rule 5-5. Composition of Legislative Ethics Commission.
2 The Legislative Ethics Commission consists of 8 commissioners
3 appointed 2 each by the President and Minority Leader of the
4 Senate and the Speaker and Minority Leader of the House of
5 Representatives. [5 ILCS 430/25-5(b)] .

6 Rule 5-10. Officers. The commissioners shall choose from
7 their number a chairperson and any other officers that they
8 deem appropriate. The terms of officers shall be for 2 years
9 commencing July 1 and running through June 30 of the second
10 following year. [5 ILCS 430/25-5(e)] The first chairperson for
11 the Legislative Ethics Commission shall be one of the
12 appointees of the Senate Minority Leader. The chairperson for
13 the Legislative Ethics Commission for subsequent terms shall be
14 elected from among the appointees of each legislative leader on
15 a rotating basis as follows: House Speaker, Senate President,
16 House Minority Leader, Senate Minority Leader.

17 Rule 5-15. Meetings of the Commission.

18 (a) Meetings shall be called by the chairperson or upon the
19 concurrence of any 3 commissioners.

20 (b) A quorum is 5 members, and official action by the
21 Commission requires the affirmative vote of 5 members. [5 ILCS
22 430/25-5(e)]

23 (c) Meetings of the Commission are not subject to the Open
24 Meetings Act [5 ILCS 120/1.02] , but meetings of the Commission,

1 or parts of those meetings, if not prohibited by law, may be
2 open to the public or to specific invitees (such as the
3 Legislative Inspector General, ethics officers, staff, and
4 others) in the appropriate circumstances and with the approval
5 of the Commission.

6 (d) Notice of the time, place, and subject matter of
7 meetings shall be given to each commissioner at least 24 hours
8 in advance by any one or more reasonable means. If, however,
9 the public will be invited to attend or participate, public
10 notice of the time, place, and subject matter of the public
11 portion of the meeting shall be given at least 5 days in
12 advance by any one or more reasonable means, including posting
13 at the principal office of the Commission and on the
14 Commission's website. Notice of hearings shall be reasonable
15 and just as the circumstances require.

16 (e) Minutes of each meeting shall be taken as directed by
17 the chairperson and shall be maintained at the principal office
18 of the Commission. All actions taken by the Commission shall be
19 on a motion made and seconded and recorded in the minutes. The
20 results of votes on motions shall be recorded in the minutes,
21 but need not be by roll call. Minutes shall be distributed to
22 commissioners at least 24 hours before the next meeting. If all
23 or a portion of a meeting is open to the public, then the
24 minutes relating to that meeting or portion of a meeting, after
25 the minutes have been approved by the Commission, may be made
26 available to the public for inspection and copying.

1 Rule 5-20. Appointment of Executive Director. The
2 Legislative Ethics Commission shall appoint an Executive
3 Director subject to the approval of at least 3 of the 4
4 legislative leaders. [5 ILCS 430/25-5(h)] .

5 Rule 5-25. Duties of Executive Director. The Executive
6 Director serves as the director of the staff of the Legislative
7 Ethics Commission and is responsible for the employment of
8 necessary professional, technical, and secretarial staff as
9 directed by the Commission. The Executive Director shall serve
10 at the pleasure of the Commission.

11 Rule 5-30. Duties of staff. The duties and organization of
12 staff are established by the Executive Director as directed by
13 the Commission.

14 Rule 5-35. Compensation of Executive Director and staff.
15 The compensation of the Executive Director shall be determined
16 by the Commission subject to the approval of at least 3 of the
17 4 legislative leaders. The Executive Director and staff of the
18 Legislative Ethics Commission shall be compensated at an
19 hourly, daily, or monthly rate established by the Commission.

20 Rule 5-40. Timekeeping; Executive Director and staff. The
21 Executive Director and staff of the Legislative Ethics

1 Commission shall periodically submit records documenting time
2 worked in fulfillment of duties specified in the State
3 Officials and Employees Ethics Act or these Rules. These time
4 records shall not reveal the identity of any subjects of
5 investigation or the nature of any matter pending before the
6 Commission.

7 Rule 5-45. Compensation; Legislative Inspector General.
8 The Legislative Inspector General may be compensated at an
9 hourly, daily, or monthly rate established by the Commission.
10 Once established, the rate of compensation shall not be
11 diminished for the remainder of the term of appointment, but
12 the hourly, daily, or monthly basis of the rate may be changed
13 from time to time.

14 Rule 5-50. Timekeeping; Inspector General. The Legislative
15 Inspector General shall periodically submit records
16 documenting time worked by the Legislative Inspector General in
17 fulfillment of duties specified in the State Officials and
18 Employees Ethics Act or these Rules. These time records shall
19 not reveal the identity of any subjects of investigation or the
20 nature of any investigation.

21 Rule 5-55. Outside employment.

22 (a) Neither the Executive Director, staff of the
23 Commission, nor the Legislative Inspector General shall accept

1 or engage in outside employment without first having obtained
2 the permission of the Commission.

3 (b) Staff of the Legislative Inspector General shall not
4 accept or engage in outside employment without first having
5 obtained the permission of the Legislative Inspector General.

6 Rule 5-60. Intergovernmental agreements. The Executive
7 Director, on behalf of the Commission and with its approval,
8 and the Legislative Inspector General may enter into
9 intergovernmental agreements with respect to sharing office
10 space, personnel, and equipment and with respect to other
11 relevant matters and may expend appropriations pursuant to
12 those agreements.

13 Rule 5-65. Budgets and appropriations.

14 (a) The Legislative Inspector General shall submit to the
15 Commission recommendations for annual budgets for the Office of
16 the Legislative Inspector General.

17 (b) The Commission shall annually submit to the General
18 Assembly requests for appropriations to the Commission and to
19 the Office of the Legislative Inspector General.

20 ARTICLE 10. INFORMATION.

21 Rule 10-5. Requests for records.

22 (a) A request for access to records for inspection and

1 copying shall be submitted in writing to the Freedom of
2 Information Officer at the office of the Commission. The
3 Freedom of Information Officer is the Executive Director. The
4 request must include the name and address of the requestor and
5 a telephone number where the requestor may be reached during
6 the regular business day.

7 (b) The request must describe the requested document by
8 subject matter and approximate date of issuance, if known. If
9 the description is not sufficiently clear to allow easy
10 identification of the records sought, the requestor may be
11 asked to supply additional necessary information.

12 (c) A copy of Legislative Ethics Commission Rules shall be
13 provided to each requester upon written or oral request,
14 subject to the fee requirements of Rule 10-20.

15 Rule 10-10. Response to requests for records.

16 (a) The Freedom of Information Officer shall respond to a
17 written request for public records within 7 working days after
18 receipt of the request.

19 (b) If, for one or more reasons provided in Section 3(d) of
20 the Freedom of Information Act [5 ILCS 140/3(d)], the request
21 cannot be responded to within 7 working days, the Freedom of
22 Information Officer shall have an additional 7 working days in
23 which to respond. Within the initial 7-day period, the Freedom
24 of Information Officer shall give the requestor written notice
25 of the extension of time to respond. That notice shall set

1 forth the reasons why the extension is necessary.

2 (c) When a request for public records has been approved,
3 the Commission may give notice that the requested material will
4 be made available upon payment of reproduction costs or give
5 notice of the time and place for inspection of the requested
6 material.

7 (d) A denial of a request for public records shall be made
8 in writing. It shall state the reasons for the denial and shall
9 inform the requestor of the right to appeal to the chairperson
10 of the Legislative Ethics Commission.

11 (e) Failure to respond to a written request within 7
12 working days may be considered by the requestor as a denial of
13 the request.

14 Rule 10-15. Appeal of a denial.

15 (a) A requestor whose request for public records has been
16 denied by the Freedom of Information Officer may appeal the
17 denial to the chairperson of the Legislative Ethics Commission.

18 (b) The Notice of Appeal shall include a copy of the
19 original request, a copy of the denial received by the
20 requestor or a statement that the Freedom of Information
21 Officer failed to respond, and a written statement setting
22 forth the reasons why the requestor believes the appeal should
23 be granted.

24 Rule 10-20. Copies of public records; fees.

1 (a) Copies of public records shall be provided to the
2 requestor only upon payment of any charges that are due.

3 (b) The fee for copying records is 10 cents per page.

4 (c) Charges shall be waived if the requestor is a State
5 officer or agency or if the number of pages requested is fewer
6 than 50.

7 ARTICLE 15. RULEMAKING.

8 Rule 15-5. Rulemaking procedures.

9 (a) Rules of the Legislative Ethics Commission may be
10 adopted, amended, or repealed only by affirmative vote of at
11 least 5 members of the Commission.

12 (b) Rulemaking of the Commission is not governed by the
13 Illinois Administrative Procedure Act [5 ILCS 100/], but the
14 Commission shall give reasonable notice and an opportunity for
15 comments.

16 ARTICLE 17. INVESTIGATIONS.

17 Rule 17-5. State officer or employee case initiation form.
18 The Legislative Inspector General shall prescribe and make
19 available a case initiation form for investigation of a
20 complaint against a State officer or employee.

21 Rule 17-10. Case initiation form; contents. The case

1 initiation form shall set out:

2 (a) The name of the employee or officer who is alleged to
3 have committed a violation;

4 (b) The identity of the State agency that employs the
5 employee or officer;

6 (c) The name, address, and telephone number of the
7 complainant;

8 (d) The date and time of the alleged violation;

9 (e) A description of the acts and circumstances that
10 surrounded the alleged violation;

11 (f) The names of any other person who witnessed or
12 participated in the alleged violation;

13 (g) An address to which the completed form may be mailed;

14 (h) A statement of the confidentiality of the identity of
15 the complainant (see 5 ILCS 430/25-90(a));

16 (i) A statement that the Legislative Inspector General's
17 investigatory files and reports are confidential and exempt
18 from disclosure under the Freedom of Information Act (see 5
19 ILCS 430/25-90(b) and 430/25-95(d)).

20 (j) A statement that allegations, pleadings, and related
21 documents are exempt from disclosure under the Freedom of
22 Information Act so long as the Commission does not make a
23 finding of a violation (see 5 ILCS 430/25-90(b) and
24 430/25-95(b)).

25 (k) A statement that penalties may be imposed for
26 intentionally making a false report alleging a violation (see 5

1 ILCS 430/50-5(d)); and

2 (1) Any other information that the Legislative Inspector
3 General reasonably requires.

4 Rule 17-15. Opening an investigation file.

5 (a) Upon receipt of a completed case initiation form, the
6 Legislative Inspector General shall promptly create an
7 investigation file and assign the file a unique tracking
8 number. Multiple case initiation forms that relate to the same
9 alleged violations may be consolidated for purposes of
10 investigation. In the absence of a completed case initiation
11 form, the Legislative Inspector General may create an
12 investigation file and assign the file a unique tracking
13 number, if upon information received and not upon his or her
14 own prerogative, the Legislative Inspector General reasonably
15 believes that a violation may have occurred within the
16 Legislative Inspector General's jurisdiction.

17 (b) The investigation file shall contain the case
18 initiation form or, if none, so much of the information that
19 would normally appear on the case initiation form as is known
20 to the Legislative Inspector General at the inception of the
21 matter.

22 Rule 17-20. Referral to the appropriate authority.
23 Notwithstanding Rule 17-15, if the Legislative Inspector
24 General receives a case initiation form or other information

1 that alleges a violation by an officer or employee outside his
2 or her jurisdiction, he or she shall promptly forward the case
3 initiation form or information to the appropriate ethics
4 commission or other appropriate body and shall keep a record of
5 this referral and its recipients.

6 Rule 17-25. Investigations. Investigations shall commence
7 upon the opening of an investigation file in accordance with
8 Rule 17-15. Investigations shall be conducted in accordance
9 with Article 25 of the Act [5 ILCS 430/Art. 25]. The
10 Legislative Inspector General shall not commence any
11 investigation without the advance approval of the Commission,
12 following notice of the allegations involved to each member of
13 the Commission. The Legislative Inspector General shall not
14 investigate matters that are beyond the scope of, or are
15 unrelated to, the initial complaint upon which the
16 investigation was founded, without the advance approval of the
17 Commission.

18 Rule 17-30. Subpoenas; Inspector General. The Legislative
19 Inspector General may, with the advance approval of the
20 Commission, issue subpoenas to compel the (i) attendance of
21 witnesses for the purpose of testimony or (ii) production of
22 documents for the purposes of inspection and copying.

23 Rule 17-35. Investigations not concluded within 6 months.

1 Rule 20-10. Filing requirements.

2 (a) An original and 9 copies of all documents shall be
3 filed with the Commission at the Commission's offices. The
4 documents shall be produced on 8 1/2" x 11" white paper by a
5 typing, printing, duplicating, or copying process that
6 provides a clear, readable image. If a filing is unreadable, it
7 will be returned as unacceptable for filing. Parties
8 represented by counsel shall send to the Commission an
9 electronic copy of all documents via electronic mail on the
10 same day that the paper documents are filed. Parties not
11 represented by counsel are encouraged to send electronic copies
12 of all filings.

13 (b) Each party who files a document with the Commission
14 shall also send a copy of that document to the other party in
15 the case, or, if represented, to the other party's attorney and
16 to the administrative law judge, if any. Parties shall attach a
17 certificate of service to each document in accordance with
18 Illinois Supreme Court Rule 12.

19 Rule 20-15. Petition for leave to file a complaint.

20 (a) Cases shall be commenced by the filing of a petition
21 for leave to file a complaint with the Commission. Prior to
22 filing the petition, the Attorney General must determine that
23 reasonable cause exists to believe that a violation has
24 occurred.

1 (b) The Legislative Inspector General shall be designated
 2 as "the petitioner" and the person who is alleged to have
 3 violated the Act shall be designated as "the respondent".

4 (c) The petition shall be captioned substantially as
 5 follows:

6
 7 IN THE LEGISLATIVE ETHICS COMMISSION
 8 OF THE STATE OF ILLINOIS

9 A. B., in the capacity of)
 10 Legislative Inspector General,)
 11)
 12 Petitioner,)
 13)
 14 v.) No. _____
 15)
 16 C. D.,)
 17)
 18 Respondent.)

19 Petition for Leave to File a Complaint

20 (d) The Commission shall assign each petition a unique
 21 tracking number and all subsequent filings in each case shall
 22 reference this tracking number.

1 Rule 20-20. Petition; required provisions.

2 (a) The petition shall set forth the jurisdiction of the
3 Commission by identifying the respondent, the respondent's
4 employer, and the Section of the Act the respondent is alleged
5 to have violated. The petition shall also set forth the alleged
6 violation and the grounds that exist to support the petition.

7 (b) Accompanying each petition shall be a complaint upon
8 which the Attorney General and the Legislative Inspector
9 General wish to proceed. The complaint shall set forth the
10 elements contained in subsection (a), as well as facts that
11 fully describe the alleged violation of the Act, including, but
12 not limited to, dates, times, locations, and relationships
13 between the respondent and other relevant parties.

14 Rule 20-25. Service. After filing the petition and
15 complaint, the petitioner shall serve a file-stamped copy of
16 both documents on all respondents and on each respondent's
17 ultimate jurisdictional authority in the same manner as process
18 is served under Part 2 (Process) of the Civil Practice Law of
19 the Code of Civil Procedure [735 ILCS 5/Art. II, Part 2]. [5
20 ILCS 430/25-50(d)] Petitioner shall file the proof of service
21 with the Commission.

22 Rule 20-30. Objections. A respondent may file objections to
23 the petition within 30 days after the notice of the petition
24 has been served on the respondent. [5 ILCS 430/25-50(e)] If the

1 respondent fails to object to the petition, a general denial of
2 the facts set forth in the petition shall be considered filed.

3 Rule 20-35. Sufficiency of the petition.

4 (a) Within 60 days after the time for respondent to file an
5 objection to the petition has expired, the Commission shall
6 meet in person or by telephone in a closed session to review
7 the sufficiency of the petition.

8 (b) If the Commission finds that the petition is
9 sufficient, the Commission shall grant the petition to file a
10 complaint. The Commission shall notify the parties by certified
11 mail, return receipt requested, of the decision to grant the
12 petition. The notice shall include a hearing date scheduled
13 within 4 weeks after the date of the notice. [5 ILCS
14 430/25-50(f)] The Commission may grant, for good cause shown, a
15 continuance of the hearing date contained in the notice.

16 (c) If the Commission finds that the petition is
17 insufficient for any reason, the Commission shall notify the
18 parties via certified mail, return receipt requested, of the
19 decision to deny the petition. [5 ILCS 430/25-50(f)] The
20 Commission may deny the petition with or without leave to
21 refile.

22 Rule 20-40. Discovery.

23 (a) The parties shall not engage in discovery without leave
24 of the Commission, but the Commission encourages the voluntary

1 exchange of information by the parties.

2 (b) At least 2 weeks prior to the scheduled hearing or at a
3 date determined by the chairperson or an administrative law
4 judge, if any, each party must file with the Commission and
5 disclose to the other party:

6 (1) the names of all witnesses expected to testify at
7 hearing;

8 (2) a summary of the witnesses' expected testimony;

9 (3) copies of all documents expected to be introduced
10 into evidence at hearing;

11 (4) a description of any physical evidence expected to
12 be introduced at hearing; and

13 (5) any known evidence that tends to negate the
14 allegations contained in the complaint.

15 (c) Any physical evidence expected to be introduced at
16 hearing shall be made available to the other party for
17 inspection at least 2 weeks prior to the scheduled hearing or
18 at a date determined by the chairperson or an administrative
19 law judge, if any.

20 (d) All writings or electronic recordings in the possession
21 of either party reflecting prior statements of an identified
22 witness, which statements are related in any way to the subject
23 matter of the witness' expected testimony, or to matters
24 bearing on the witness' credibility, shall be filed with the
25 Commission and be produced to the opposing party no later than
26 one week prior to the commencement of the hearing or at a date

1 determined by the chairperson or administrative law judge, if
2 any. If a statement is part of notes that were taken during the
3 case investigation, the notes may be redacted to remove the
4 author's thoughts, mental impressions, or other work product.

5 (e) A party offering testimony or evidence that has not
6 been disclosed in accordance with this Rule has the burden to
7 show that the evidence was not available at the time required
8 by this Rule and that the other party has not been unfairly
9 prejudiced by the failure to disclose.

10 Rule 20-45. Subpoenas.

11 (a) The Commission and the Legislative Inspector General,
12 with the advance approval of the Commission, shall have
13 authority to issue subpoenas in the name of the Commission to
14 compel the presence of witnesses for purposes of testimony and
15 the production of documents and other items for inspection and
16 copying.

17 (b) Subpoenas may be issued upon written request of either
18 party if:

19 (1) the request is reasonably designed to produce or
20 lead to the production of evidence related to the alleged
21 violation;

22 (2) the terms of compliance are reasonable given the
23 time frames and other circumstances;

24 (3) the party seeking the subpoena has attempted and
25 failed to obtain the subject of the subpoena through other

1 means; and

2 (4) the subpoena is properly prepared and presented for
3 signature.

4 (c) Subpoenas for testimony of witnesses at hearing will be
5 granted in the absence of compelling circumstances to the
6 contrary.

7 (d) Witnesses may be subpoenaed to give sworn evidentiary
8 depositions, subject to cross-examination, if and only if they
9 are unable to attend the hearing.

10 (e) The cost of service and witness and mileage fees shall
11 be borne by the person requesting the subpoena. Witness and
12 mileage fees shall be the same as are paid witnesses in the
13 circuit courts of the State of Illinois.

14 (f) The person requesting a subpoena shall be responsible
15 for its service in accordance with the Illinois Code of Civil
16 Procedure [735 ILCS 5/] and the Illinois Supreme Court Rules.

17 Rule 20-50. Motions.

18 (a) Unless made orally on the record during a hearing, all
19 motions shall be in writing and shall briefly state the order
20 or relief requested and the specific grounds upon which relief
21 is sought. Motions based on facts that are not in the record
22 shall be supported by affidavit.

23 (b) The motion shall point out specifically the defect
24 complained of or other grounds for relief and shall specify the
25 requested relief. The moving party shall file a proposed order

1 with each motion.

2 (c) The chairperson or, if an administrative law judge has
3 been appointed, the administrative law judge may determine all
4 motions except motions that are potentially dispositive of the
5 case. Motions that are potentially dispositive of the case must
6 be determined by the Commission.

7 (d) All written motions that are potentially dispositive of
8 the case shall be filed with the Commission and served on the
9 other party at least one week prior to the scheduled hearing.
10 Potentially dispositive motions filed less than one week prior
11 to a scheduled hearing may, in the Commission's discretion, be
12 considered after the scheduled hearing. The scheduled hearing
13 may be continued while the Commission considers the potentially
14 dispositive motion if, in the opinion of the chairperson or the
15 administrative law judge, continuing the scheduled hearing is
16 in the best interests of judicial economy.

17 (e) The Commission may consider potentially dispositive
18 motions with or without oral argument by the parties and may
19 direct the chairperson or administrative law judge to conduct a
20 hearing on the motion and present proposed findings of fact and
21 conclusions of law to the Commission.

22 (f) Dispositive motions may not exceed 15 pages in length
23 and non-dispositive motions may not exceed 5 pages in length
24 without first obtaining leave of the Commission.

25 Rule 20-55. Hearings.

1 (a) The chairperson shall preside over all hearings unless,
2 at the election of the Commission, the chairperson designates
3 an administrative law judge to act as a hearing officer. The
4 administrative law judges shall be licensed to practice law in
5 the State of Illinois and may be a commissioner or regular or
6 contractual employee of the Commission. The Commission shall
7 grant, for good cause shown, a petition from either party
8 seeking disqualification of the administrative law judge or a
9 commissioner for bias or conflict of interest.

10 (b) All hearings shall be closed to the public.

11 (c) Hearings shall be conducted in substantially the same
12 manner as provided in the contested case provisions of Article
13 10 of the Illinois Administrative Procedure Act [5 ILCS
14 100/Art. 10].

15 (d) At the conclusion of the hearing, the chairperson or
16 the administrative law judge, if any, may set a briefing
17 schedule.

18 (e) If a party, or any person at the instance of or in
19 collusion with a party, unreasonably refuses or fails to comply
20 with these Rules or with any order of the Commission,
21 chairperson, or administrative law judge, the chairperson or
22 administrative law judge may enter an adverse finding, or order
23 as may be necessary to ensure just disposition of the matter.

24 (f) The chairperson or the administrative law judge
25 presiding at the hearing may conduct any additional proceedings
26 ancillary to or related to the hearing as he or she deems

1 appropriate.

2 Rule 20-60. Decision of the Commission.

3 (a) Within 60 days after the hearing or after briefs are
4 due, whichever is later, the Commission shall enter a decision.

5 (b) The decision shall include a description of the alleged
6 misconduct, the decision of the Commission, including any fines
7 levied and any recommendation of discipline, and the reasoning
8 for that decision.

9 (c) Decisions of the Commission shall be signed by at least
10 5 commissioners.

11 (d) All decisions shall be sent to the parties, including
12 the Legislative Inspector General, the ultimate jurisdictional
13 authority, the head of the appropriate State agency, and the
14 Attorney General. [5 ILCS 430/25-55(a)]

15 (e) Once a complaint has been filed with the Commission,
16 any proposed settlement reached by the parties must be
17 submitted to the Commission for review and approval.

18 ARTICLE 25. WAIVER.

19 Rule 25-5. Definitions. In this Article, unless the context
20 clearly requires otherwise:

21 "Relationship" means any arrangement between a source and
22 the officer or employee for employment, compensation, or fees
23 for services.

1 "Requestor" means a person requesting the Commission's
2 waiver of the revolving door prohibition (see 5 ILCS 430/5-45).

3 "Source" means a requestor's prospective employer or
4 source of compensation or fees for services, including its
5 parent or subsidiary.

6 Rule 25-10. Waiver of revolving door prohibition.

7 An officer or employee or the spouse or immediate family
8 member living with such person may request the Commission to
9 waive the revolving door prohibition under 5 ILCS 430/5-45(a)
10 and (c). The requestor shall file with the Commission a
11 petition and 2 supporting statements.

12 (a) The petition shall be verified and describe in detail:

13 (1) the officer's or employee's involvement in the
14 decision to award any State contract to the source;

15 (2) the dates of the officer's or employee's
16 involvement in these decisions;

17 (3) the date that the requestor and the source first
18 began discussing or negotiating a relationship; and

19 (4) any other information that the requestor or
20 Commission deems relevant.

21 (b) The requestor shall also submit 2 statements in support
22 of the petition.

23 (1) One statement shall be from the ethics officer of
24 the State agency that employed the officer or employee at
25 the time that the officer or employee had involvement with

1 the source. The statement shall be verified in a form
2 approved by the Commission.

3 (2) The second statement shall be from the source or
4 its authorized representative. The statement shall be
5 verified in a form approved by the Commission.

6 Rule 25-15. Waiver of revolving door prohibition;
7 Commission procedure. Upon receipt of the requestor's
8 petition, the Commission may do one or more of the following:

9 (a) Grant the petition in a written finding that the
10 officer's or employee's involvement in the decision to award
11 any State contract to the source was not affected by the
12 requestor's prospective relationship with the source.

13 (b) Deny the petition.

14 (c) Request additional written information from the
15 requestor or other persons.

16 (d) Request oral testimony from the requestor or other
17 persons.

18 (e) Conduct further inquiry related to the petition before
19 the Commission.

20 (f) Determine that the revolving door prohibition does not
21 apply.

22 Rule 25-20. Finality of decision. A requestor may not file
23 a request to reconsider the Commission's decision or a second
24 petition for waiver of the revolving door prohibition without

1 leave of the Commission.

2 Rule 25-25. Waiver of prohibition of Legislative Inspector
3 General or employees as judicial appointee.

4 A current or former Legislative Inspector General or a
5 current or former employee of the office of the Legislative
6 Inspector General may request the Commission to waive the
7 prohibition of judicial appointments (see 5 ILCS
8 430/25-10(e-1)). The requestor shall file a verified petition
9 that identifies:

10 (a) The judicial office to which he or she intends to be
11 appointed;

12 (b) The effect, if any, of his or her appointment on
13 present or anticipated investigations conducted by any
14 Legislative Inspector General or law enforcement entity;

15 (c) Any Legislative Inspector General investigations,
16 current, anticipated, or closed in the previous 5 years,
17 related to the office, including employees of the office, to
18 which he or she intends to be appointed; and

19 (d) Any other information the requestor believes may
20 support the waiver.

21 Rule 25-30. Waiver of prohibition of Legislative Inspector
22 General or employees as judicial appointee; Commission
23 procedure.

24 Upon receipt of the requestor's petition, the Commission

1 may do one or more of the following:

2 (a) Grant the petition.

3 (b) Deny the petition.

4 (c) Request additional written information from the
5 requestor or other persons.

6 (d) Request oral testimony from the requestor or other
7 persons.

8 (e) Conduct further inquiry related to the petition before
9 the Commission.

10 ARTICLE 30. GIFT BAN.

11 Rule 30-5. Gift ban; educational missions and travel
12 expenses for a meeting to discuss State business.

13 (a) This Rule further defines exceptions to the Gift Ban
14 when a prohibited source provides educational missions or
15 travel expenses for a meeting to discuss State business [5 ILCS
16 430/10-15(4) and (5)] and applies to travel on and after the
17 effective date of this Rule 30-5.

18 (b) Travel in connection with an educational mission or for
19 a meeting to discuss State business is subject to the following
20 conditions:

21 (1) it must be in furtherance of the recipient
22 officer's or employee's State duties or employment or in
23 furtherance of other legitimate State interests;

24 (2) it must bear a connection to the interests of the

1 prohibited source;

2 (3) the destination must bear a reasonable
3 relationship to the educational purposes of the travel or
4 to the State business to be discussed;

5 (4) the length of time at the destination for the
6 mission or meeting that is paid for by the prohibited
7 source must be reasonably related to the purpose of the
8 educational mission or State business; and

9 (5) expenses provided by a prohibited source must be
10 reasonable under the circumstances.

11 (c) The following categories of expenses qualify under the
12 educational mission and State business exceptions to the Gift
13 Ban: travel to, at, and from the destination; lodging en route
14 to, at, and from the destination; and tours, demonstrations,
15 presentations, meetings, and materials. The following
16 categories of expenses, without limitation, do not fall under
17 the educational mission and State business exceptions to the
18 Gift Ban, but may qualify as exceptions under other applicable
19 provisions of Section 10-15 of the Act: food; refreshments;
20 entertainment; recreation; prizes; awards; and souvenirs.

21 (d) Qualified expenses under the educational mission and
22 State business exceptions to the Gift Ban include those for the
23 officer or employee. If the officer or employee is accompanied
24 by an individual who either (i) is not a State officer or
25 employee or (ii) is a State officer or employee but is not
26 traveling in that capacity, any additional expenses for that

1 individual qualify (i) under the educational mission and State
2 business exceptions to the Gift Ban only if, because of
3 legitimate dependent care obligations, the officer or employee
4 would not be able to attend unless accompanied by that
5 individual or (ii) to the extent that other applicable
6 exceptions under Section 10-15 of the Act apply. If that
7 individual is a State officer or employee and is traveling in
8 that capacity, then this Rule or the applicable rule of the
9 Executive Ethics Commission applies independently to that
10 individual.

11 (e) More than one prohibited source may contribute to
12 qualified expenses so long as the other requirements of this
13 Rule are met.

14 (f) The officer or employee or a non-prohibited source must
15 pay all non-qualified expenses that do not otherwise fall under
16 an exception to the Gift Ban.

17 ARTICLE 35. MISCELLANEOUS.

18 Rule 35-5. Personnel policies.

19 (a) Each legislative leader, the Senate Operations
20 Commission, the Speaker of the House of Representatives, the
21 Joint Committee on Legislative Support Services, and each
22 member of the General Assembly shall file copies of the
23 personnel policies adopted and implemented pursuant to 5 ILCS
24 430/5-5 with the Commission upon request of the Commission.

1 (b) The officers and entities identified in subsection (a)
2 of this Rule shall file with the Commission any newly adopted
3 or supplemental personnel policies and any amendments to the
4 personnel policies within 30 days after the adoption of the new
5 or supplemental policies or the amendments.

6 (c) The officers and entities identified in subsection (a)
7 of this Rule and the Legislative Support Services Agencies
8 shall file with the Commission the name, business address,
9 telephone number, and e-mail address of ethics officers
10 appointed pursuant to 5 ILCS 430/25-23 upon request of the
11 Commission and within 30 days after the appointment of new
12 ethics officers.

13 (d) Each Legislative Support Services Agency shall file
14 copies of any supplemental personnel policies adopted by the
15 agency with the Commission upon request of the Commission.
16 Those agencies shall also file with the Commission any
17 amendments to supplemental personnel policies within 30 days
18 after adoption of the amendments.

19 Rule 35-10. Quarterly reports.

20 (a) On January 15, April 15, July 15, and October 15 of
21 each year, the Legislative Inspector General shall submit
22 reports to the Commission indicating:

23 (1) the number of allegations received since the date
24 of the last report;

25 (2) the number of investigations initiated since the

1 date of the last report;

2 (3) the number of investigations concluded since the
3 date of the last report;

4 (4) the number of investigations pending as of the
5 reporting date;

6 (5) the number of complaints forwarded to the Attorney
7 General since the date of the last report;

8 (6) the number of actions filed with the Commission
9 since the date of the last report and the number of actions
10 pending before the Commission as of the reporting date. [5
11 ILCS 430/25-85]

12 (b) On January 15, April 15, July 15, and October 15 of
13 each year, the Attorney General shall submit a report to the
14 Commission indicating:

15 (1) the number of complaints received from the
16 Legislative Inspector General since the date of the last
17 report;

18 (2) the number of complaints for which the Attorney
19 General has determined reasonable cause exists to believe
20 that a violation has occurred since the date of the last
21 report; and

22 (3) the number of complaints still under review by the
23 Attorney General. [5 ILCS 430/25-86]

24 Rule 35-15. Ethics guidance. All written guidance provided
25 by the Legislative Inspector General shall be provided in

1 accordance with this Rule.

2 (a) Upon request of an ethics officer and with the prior
3 concurrence of the Commission, the Legislative Inspector
4 General shall provide written guidance to the ethics officers
5 for State agencies under the jurisdiction of the Legislative
6 Inspector General on matters involving interpretation or
7 application of the State Officials and Employees Ethics Act. In
8 the event an ethics officer is unavailable to receive guidance
9 from the Legislative Inspector General or to provide guidance
10 to members or staff, the Legislative Inspector General may
11 provide written guidance to another person designated by a
12 legislative leader upon the request of that designated person
13 and with the prior concurrence of the Commission.

14 (b) The Legislative Inspector General shall cause to be
15 filed with the Commission, prior to receiving the concurrence
16 of the Commission, 9 copies of each document providing written
17 guidance, but with all personally identifying information for
18 all individuals other than the Legislative Inspector General
19 redacted.

20 (c) Nothing in this Rule precludes the Inspector General
21 from providing oral guidance to ethics officers or others
22 designated by a legislative leader on a confidential basis.
23 Guidance provided under this Rule is exempt from disclosure
24 under the Freedom of Information Act as set forth in Section
25 25-95 of the Act [5 ILCS 430/25-95] .

1 ARTICLE 90. PRIOR RULES.

2 Rule 90-5. Prior rules. The rules of the Legislative Ethics
3 Commission adopted on April 13, 2005 are superseded by these
4 rules.

5 ARTICLE 99. EFFECTIVE DATE.

6 Rule 99-5. Effective date. These rules take effect upon
7 adoption by the Legislative Ethics Commission.