

LEGISLATIVE AUDIT COMMISSION



Review of
Judicial Inquiry Board
Two Years Ended June 30, 2008

622 Stratton Office Building
Springfield, Illinois 62706
217/782-7097

**REVIEW: 4310
JUDICIAL INQUIRY BOARD
TWO YEARS ENDED JUNE 30, 2008**

FINDINGS/RECOMMENDATIONS - 1

ACCEPTED - 1

REPEATED RECOMMENDATIONS - 0

PRIOR AUDIT FINDINGS/RECOMMENDATIONS - 1

This review summarizes the auditors' report of the Judicial Inquiry Board for the two years ended June 30, 2009, filed with the Legislative Audit Commission February 26, 2009. The auditors conducted a compliance examination in accordance with State law and *Government Auditing Standards*.

The Judicial Inquiry Board was created by the Constitution of the State of Illinois, which became effective in 1971. The Board consists of nine members (two Circuit Court judges, three lawyers and four non-lawyers). The two Circuit Court Judges are selected by the Illinois Supreme Court and the remaining seven members are appointed by the Governor.

The Judicial Inquiry Board is the sole disciplinary entity to inquire into allegations of misconduct or physical or mental incapacity of Illinois judicial officers. After investigation and upon determination by the Board that there is a reasonable basis to charge a judge with misconduct or incapacity, the Board will file and prosecute a formal complaint before the State of Illinois Courts Commission. Appendix A summarizes the type and number of allegations received by the Board from FY06 through FY08.

Kathy D. Twine, Esq., was the Executive Director during the audit period. She has held that position since January 1998. The Honorable Donald C. Hudson, a judge, is currently the Chairman of the Board. Other Board members for FY08 included Circuit Judge John O. Steele; lawyers Lindsay A. Parkhurst, Jill W. Landsberg and Tom Leahy; and non-lawyers Raymond J. McGury, John Kreisler, and Patricia Costelleo and one vacancy. There were five full-time employees.

Fiscal Information

The General Assembly appropriated a total of \$738,925, all from GRF, to the Judicial Inquiry Board for FY06. Appendix B summarizes the appropriations and expenditures for the period under review. Total expenditures were \$678,576 in FY08, compared to \$681,568 in FY07, a decrease of \$2,992, or 0.4%.

REVIEW: 4310

Property reports submitted to the Office of the Comptroller show \$98,376 and \$100,048 in equipment for FY07 and FY08, respectively. Lapse period expenditures were \$55,533 or about 8.1%, primarily for invoices received late in the fiscal year for contractual services.

Accountants' Findings and Recommendations

Condensed below is the one finding and recommendation included in the audit report. The following recommendation is classified on the basis of information provided by Kathy Twine, Executive Director of the Judicial Inquiry Board, via electronic mail received on July 9, 2009 and July 13, 2009.

Accepted

1. **Continue to work with the Governor's Office to ensure the Board vacancies are filled in a timely manner.**

Finding: The Judicial Inquiry Board (Board) was not composed of nine members as required by the Constitution of the State of Illinois. During the examination period, the Board was not comprised of two of three (67%) legal members and one of four (25%) public members.

The Constitution of the State of Illinois states the Board shall be comprised of two Circuit Judges selected by the Supreme Court, three lawyers and four non-lawyers appointed by the Governor. The responsibility for filling non-judicial Board vacancies is solely within the jurisdiction of the Governor. Although the Board has no constitutional obligation/authority regarding the appointment of Board members, there has been ongoing communication with personnel from the Governor's Office regarding the Board's dire need for additional members to ensure that the Board can consistently carry out its constitutional mandates.

Updated Response: There has been no action to fill Board vacancies by the Governor. There are currently three Board vacancies—two for lawyers and one for a non-lawyer.

Emergency Purchases

The Illinois Purchasing Act (30 ILCS 505/1) states, "The principle of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts..." The law also recognizes that there will be emergency situations when it will be impossible to conduct bidding. It provides a general exemption for emergencies "involving public health, public safety, or where immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage ... prevent or minimize serious disruption in State services or to insure the integrity of State records or avoid lapsing or loss of federal or donated funds. The Chief procurement officer may

REVIEW: 4310

promulgate rules extending the circumstances by which a purchasing agency may make 'quick purchases', including but not limited to items available at a discount for a limited period of time."

State agencies are required to file an affidavit with the Auditor General for emergency procurements that are an exception to the competitive bidding requirements per the Illinois Purchasing Act. The affidavit is to set forth the circumstance requiring the emergency purchase. The Commission receives quarterly reports of all emergency purchases from the Office of the Auditor General. The Legislative Audit Commission is directed to review the purchases and to comment on abuses of the exemption.

During FY07 and FY08, the Board filed no affidavits for emergency purchases.

Headquarters Designations

The State Finance Act requires all State agencies to make semiannual headquarters reports to the Legislative Audit Commission. Each State agency is required to file reports of all of its officers and employees for whom official headquarters have been designated at any location other than that at which their official duties require them to spend the largest part of their working time.

The Judicial Inquiry Board indicated as of July 2008 that there were no employees assigned to locations other than official headquarters.