

1 OPERATIONAL RULES OF THE LEGISLATIVE ETHICS COMMISSION

2 ARTICLE 1. SHORT TITLE; DEFINITIONS.

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

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

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

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

11 "Commission" means the Legislative Ethics Commission.

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

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

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

20 ARTICLE 5. ORGANIZATION.

21 Rule 5-5. Composition of Legislative Ethics Commission.

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

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

16 Rule 5-15. Meetings of the Commission.

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

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

22 (c) Meetings of the Commission are not subject to the Open
23 Meetings Act [5 ILCS 120/1.02], but meetings of the Commission,
24 or parts of those meetings, if not prohibited by law, may be

1 open to the public or to specific invitees (such as the
2 Legislative Inspector General, ethics officers, staff, and
3 others) in the appropriate circumstances and with the approval
4 of the Commission.

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

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

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

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

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

22 Rule 5-55. Outside employment.

23 (a) Neither the Executive Director, staff of the

1 Commission, nor the Legislative Inspector General shall accept
2 or engage in outside employment without first having obtained
3 the permission of the Commission.

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

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

14 Rule 5-65. Budgets and appropriations.

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

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

21 ARTICLE 10. INFORMATION.

22 Rule 10-5. Requests for records. A request for access to

1 records for inspection and copying shall be handled in
2 accordance with the Freedom of Information Act. The Freedom of
3 Information Officer for the Legislative Ethics Commission
4 shall be the Executive Director unless the Commission
5 designates otherwise.

6 Rule 10-10. (Repealed).

7 Rule 10-15. (Repealed).

8 Rule 10-20. (Repealed).

9 ARTICLE 15. RULEMAKING.

10 Rule 15-5. Rulemaking procedures.

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

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

18 ARTICLE 17. INVESTIGATIONS.

19 Rule 17-5. State officer or employee case initiation form.

1 The Legislative Inspector General shall prescribe and make
2 available a case initiation form for investigation of a
3 complaint against a State officer or employee.

4 Rule 17-10. Case initiation form; contents. The case
5 initiation form shall set out:

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

8 (b) The identity of the State agency that employs the
9 employee or officer;

10 (c) The name, address, and telephone number of the
11 complainant;

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

13 (e) A description of the acts and circumstances that
14 surrounded the alleged violation;

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

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

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

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

24 (j) A statement that allegations, pleadings, and related
25 documents are exempt from disclosure under the Freedom of

1 Information Act so long as the Commission does not make a
2 finding of a violation (see 5 ILCS 430/25-90(b) and
3 430/25-95(b)).

4 (k) A statement that penalties may be imposed for
5 intentionally making a false report alleging a violation (see 5
6 ILCS 430/50-5(d)); and

7 (l) Any other information that the Legislative Inspector
8 General reasonably requires.

9 Rule 17-15. Opening an investigation file.

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

22 (b) The investigation file shall contain the case
23 initiation form or, if none, so much of the information that
24 would normally appear on the case initiation form as is known
25 to the Legislative Inspector General at the inception of the

1 matter.

2 Rule 17-20. Referral to the appropriate authority.
3 Notwithstanding Rule 17-15, if the Legislative Inspector
4 General receives a case initiation form or other information
5 that alleges a violation by an officer or employee outside his
6 or her jurisdiction, he or she shall promptly forward the case
7 initiation form or information to the appropriate ethics
8 commission or other appropriate body and shall keep a record of
9 this referral and its recipients.

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

22 Rule 17-30. Subpoenas; Inspector General. The Legislative
23 Inspector General may, with the advance approval of the

1 Commission, issue subpoenas to compel the (i) attendance of
2 witnesses for the purpose of testimony or (ii) production of
3 documents for the purposes of inspection and copying.

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

5 (a) Should an investigation not be concluded within 6
6 months after opening an investigation file, the Legislative
7 Inspector General shall submit a report to the Commission and
8 the appropriate ultimate jurisdictional authority within 10
9 days after the close of the 6-month period. The report shall
10 indicate the investigation's unique tracking number, the date
11 the investigation began, a description of the nature of the
12 alleged violation, and reasons for the delay in concluding the
13 investigation.

14 (b) The Legislative Inspector General shall update each
15 report made under subsection (a) each 90 days thereafter until
16 the investigation has been concluded.

17 ARTICLE 20. HEARINGS.

18 Rule 20-5. Attorney of record. In all cases filed before
19 the Commission, all respondents not appearing pro se must be
20 represented of record by a member of the Illinois Bar.
21 Attorneys admitted to practice in states other than Illinois
22 may appear and be heard upon special leave of the chairperson
23 or administrative law judge, if any. The Attorney General shall

1 represent the Legislative Inspector General as provided in
2 Section 25-45 of the Act. Attorneys shall file a written
3 appearance before addressing the Commission and may not
4 withdraw an appearance for a party without leave of the
5 Commission.

6 Rule 20-10. Filing requirements.

7 (a) To file with the Commission a party shall submit
8 either:

9 (1) an original and 9 copies of all documents with the
10 Commission at the Commission's offices; or

11 (2) an electronic copy of all documents with the
12 Commission in the format and manner directed by the
13 Commission.

14 The documents shall be produced or, for electronic
15 documents, formatted to be produced on 8 1/2" x 11" white paper
16 by a typing, printing, duplicating, or copying process that
17 provides a clear, readable image. If a filing is unreadable, it
18 will be returned as unacceptable for filing. Parties
19 represented by counsel shall send to the Commission an
20 electronic copy of all documents via electronic mail on the
21 same day that the paper documents are filed. Parties not
22 represented by counsel are encouraged to send electronic copies
23 of all filings.

24 (b) Each party who files a document with the Commission
25 shall also send a paper or electronic copy of that document to

1 the other party in the case, or, if represented, to the other
 2 party's attorney and to the administrative law judge, if any.
 3 Parties shall attach a certificate of service to each document
 4 in accordance with Illinois Supreme Court Rule 12.

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

6 (a) Cases shall be commenced by the filing of a petition
 7 for leave to file a complaint with the Commission. Prior to
 8 filing the petition, the Attorney General must determine that
 9 reasonable cause exists to believe that a violation has
 10 occurred.

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

14 (c) The petition shall be captioned substantially as
 15 follows:

16

17 IN THE LEGISLATIVE ETHICS COMMISSION
 18 OF THE STATE OF ILLINOIS

19 A. B., in the capacity of)
 20 Legislative Inspector General,)
 21)
 22 Petitioner,)
 23)
 24 v.) No. _____

1)
 2 C. D.,)
 3)
 4 Respondent.)

5 Petition for Leave to File a Complaint

6 (d) The Commission shall assign each petition a unique
7 tracking number and all subsequent filings in each case shall
8 reference this tracking number.

9 Rule 20-20. Petition; required provisions.

10 (a) The petition shall set forth the jurisdiction of the
11 Commission by identifying the respondent, the respondent's
12 employer, and the Section of the Act the respondent is alleged
13 to have violated. The petition shall also set forth the alleged
14 violation and the grounds that exist to support the petition.

15 (b) Accompanying each petition shall be a complaint upon
16 which the Attorney General and the Legislative Inspector
17 General wish to proceed. The complaint shall set forth the
18 elements contained in subsection (a), as well as facts that
19 fully describe the alleged violation of the Act, including, but
20 not limited to, dates, times, locations, and relationships
21 between the respondent and other relevant parties.

22 Rule 20-25. Service. After filing the petition and

1 complaint, the petitioner shall serve a file-stamped copy of
2 both documents on all respondents and on each respondent's
3 ultimate jurisdictional authority in the same manner as process
4 is served under Part 2 (Process) of the Civil Practice Law of
5 the Code of Civil Procedure [735 ILCS 5/Art. II, Part 2]. [5
6 ILCS 430/25-50(d)] Petitioner shall file the proof of service
7 with the Commission.

8 Rule 20-30. Objections. A respondent may file objections to
9 the petition within 30 days after the notice of the petition
10 has been served on the respondent. [5 ILCS 430/25-50(e)] If the
11 respondent fails to object to the petition, a general denial of
12 the facts set forth in the petition shall be considered filed.

13 Rule 20-35. Sufficiency of the petition.

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

18 (b) If the Commission finds that the petition is
19 sufficient, the Commission shall grant the petition to file a
20 complaint. The Commission shall notify the parties by certified
21 mail, return receipt requested, of the decision to grant the
22 petition. The notice shall include a hearing date scheduled
23 within 4 weeks after the date of the notice. [5 ILCS
24 430/25-50(f)] The Commission may grant, for good cause shown, a

1 continuance of the hearing date contained in the notice.

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

8 Rule 20-40. Discovery.

9 (a) The parties shall not engage in discovery without leave
10 of the Commission, but the Commission encourages the voluntary
11 exchange of information by the parties.

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

16 (1) the names of all witnesses expected to testify at
17 hearing;

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

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

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

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

25 (c) Any physical evidence expected to be introduced at

1 hearing shall be made available to the other party for
2 inspection at least 2 weeks prior to the scheduled hearing or
3 at a date determined by the chairperson or an administrative
4 law judge, if any.

5 (d) All writings or electronic recordings in the possession
6 of either party reflecting prior statements of an identified
7 witness, which statements are related in any way to the subject
8 matter of the witness' expected testimony, or to matters
9 bearing on the witness' credibility, shall be filed with the
10 Commission and be produced to the opposing party no later than
11 one week prior to the commencement of the hearing or at a date
12 determined by the chairperson or administrative law judge, if
13 any. If a statement is part of notes that were taken during the
14 case investigation, the notes may be redacted to remove the
15 author's thoughts, mental impressions, or other work product.

16 (e) A party offering testimony or evidence that has not
17 been disclosed in accordance with this Rule has the burden to
18 show that the evidence was not available at the time required
19 by this Rule and that the other party has not been unfairly
20 prejudiced by the failure to disclose.

21 Rule 20-45. Subpoenas.

22 (a) The Commission and the Legislative Inspector General,
23 with the advance approval of the Commission, shall have
24 authority to issue subpoenas in the name of the Commission to
25 compel the presence of witnesses for purposes of testimony and

1 the production of documents and other items for inspection and
2 copying.

3 (b) Subpoenas may be issued upon written request of either
4 party if:

5 (1) the request is reasonably designed to produce or
6 lead to the production of evidence related to the alleged
7 violation;

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

10 (3) the party seeking the subpoena has attempted and
11 failed to obtain the subject of the subpoena through other
12 means; and

13 (4) the subpoena is properly prepared and presented for
14 signature.

15 (c) Subpoenas for testimony of witnesses at hearing will be
16 granted in the absence of compelling circumstances to the
17 contrary.

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

21 (e) The cost of service and witness and mileage fees shall
22 be borne by the person requesting the subpoena. Witness and
23 mileage fees shall be the same as are paid witnesses in the
24 circuit courts of the State of Illinois.

25 (f) The person requesting a subpoena shall be responsible
26 for its service in accordance with the Illinois Code of Civil

1 Procedure [735 ILCS 5/] and the Illinois Supreme Court Rules.

2 Rule 20-50. Motions.

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

8 (b) The motion shall point out specifically the defect
9 complained of or other grounds for relief and shall specify the
10 requested relief. The moving party shall file a proposed order
11 with each motion.

12 (c) The chairperson or, if an administrative law judge has
13 been appointed, the administrative law judge may determine all
14 motions except motions that are potentially dispositive of the
15 case. Motions that are potentially dispositive of the case must
16 be determined by the Commission.

17 (d) All written motions that are potentially dispositive of
18 the case shall be filed with the Commission and served on the
19 other party at least one week prior to the scheduled hearing.
20 Potentially dispositive motions filed less than one week prior
21 to a scheduled hearing may, in the Commission's discretion, be
22 considered after the scheduled hearing. The scheduled hearing
23 may be continued while the Commission considers the potentially
24 dispositive motion if, in the opinion of the chairperson or the
25 administrative law judge, continuing the scheduled hearing is

1 in the best interests of judicial economy.

2 (e) The Commission may consider potentially dispositive
3 motions with or without oral argument by the parties and may
4 direct the chairperson or administrative law judge to conduct a
5 hearing on the motion and present proposed findings of fact and
6 conclusions of law to the Commission.

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

10 Rule 20-55. Hearings.

11 (a) The chairperson shall preside over all hearings unless,
12 at the election of the Commission, the chairperson designates
13 an administrative law judge to act as a hearing officer. The
14 administrative law judges shall be licensed to practice law in
15 the State of Illinois and may be a commissioner or regular or
16 contractual employee of the Commission. The Commission shall
17 grant, for good cause shown, a petition from either party
18 seeking disqualification of the administrative law judge or a
19 commissioner for bias or conflict of interest.

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

21 (c) Hearings shall be conducted in substantially the same
22 manner as provided in the contested case provisions of Article
23 10 of the Illinois Administrative Procedure Act [5 ILCS
24 100/Art. 10].

25 (d) At the conclusion of the hearing, the chairperson or

1 the administrative law judge, if any, may set a briefing
2 schedule.

3 (e) If a party, or any person at the instance of or in
4 collusion with a party, unreasonably refuses or fails to comply
5 with these Rules or with any order of the Commission,
6 chairperson, or administrative law judge, the chairperson or
7 administrative law judge may enter an adverse finding, or order
8 as may be necessary to ensure just disposition of the matter.

9 (f) The chairperson or the administrative law judge
10 presiding at the hearing may conduct any additional proceedings
11 ancillary to or related to the hearing as he or she deems
12 appropriate.

13 Rule 20-60. Decision of the Commission.

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

16 (b) The decision shall include a description of the alleged
17 misconduct, the decision of the Commission, including any fines
18 levied and any recommendation of discipline, and the reasoning
19 for that decision.

20 (c) Decisions of the Commission shall be signed by at least
21 5 commissioners.

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

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

4 ARTICLE 25. REVOLVING DOOR DETERMINATIONS; APPEALS; JUDICIAL
5 APPOINTMENT WAIVER.

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

8 "Relationship" means any arrangement between a source and
9 the officer or employee for employment, compensation, or fees
10 for services.

11 "Requestor" means a person seeking an appeal of a decision
12 of the Legislative Inspector General under subsection (g) of
13 Section 5-45 of the State Officials and Employees Ethics Act
14 (see 5 ILCS 430/5-45).

15 Rule 25-6. Revolving door notification and determination.
16 The Legislative Inspector General may determine what
17 additional State positions under his or her jurisdiction, not
18 otherwise subject to the policies required by subsection (c) of
19 Section 5-45 of the State Officials and Employees Ethics Act,
20 are nonetheless subject to the notification requirement of
21 subsection (f) of Section 5-45 of the State Officials and
22 Employees Ethics Act due to an individual's involvement in the
23 award of State contracts or in regulatory or licensing

1 decisions.

2 Rule 25-7. Revolving door determination procedure. Within
3 10 calendar days after receiving notification from an employee
4 in a position subject to the policies required by subsection
5 (c) of Section 5-45 of the State Officials and Employees Ethics
6 Act, the Legislative Inspector General shall make a
7 determination as to whether the State employee is restricted
8 from accepting the employment by subsections (a) or (b) of
9 Section 5-45 of the State Officials and Employees Ethics Act.
10 In making a determination, in addition to any other relevant
11 information, the Inspector General shall assess the effect of
12 the prospective employment or relationship upon decisions
13 referred to in subsections (a) and (b) Section 5-45 of the
14 State Officials and Employees Ethics Act, based on the totality
15 of the participation by the former officer, member, or State
16 employee in those decisions.

17 A determination by the Inspector General must be in
18 writing, signed, and dated by the Inspector General, and
19 delivered to the subject of the determination within 10
20 calendar days or the person is deemed eligible for the
21 employment opportunity. Notice of any determination of the
22 Inspector General and of any appeal of the determination shall
23 be given to the ultimate jurisdictional authority, the Attorney
24 General, and the Executive Ethics Commission.

1 Rule 25-10. Appeal of revolving door determination.

2 An officer or employee or the spouse or immediate family
3 member living with such person may seek an appeal of a decision
4 of the Legislative Inspector General in accordance with
5 subsection (g) of Section 5-45 of the State Officials and
6 Employees Ethics Act. The requestor shall file with the
7 Commission a petition to appeal by no later than the 10th
8 calendar day after the date of the determination.

9 (a) (Blank).

10 (b) (Blank).

11 Rule 25-15. Appeal of revolving door determination;
12 Commission procedure. Upon receipt of the requestor's
13 petition, the Commission shall seek, accept, and consider
14 written public comments regarding a determination. In deciding
15 whether to uphold the Legislative Inspector General's
16 determination, the Commission shall assess, in addition to any
17 other relevant information, the effect of the prospective
18 employment or relationship upon the decisions referred to in
19 subsections (a) and (b) of Section 5-45 of the State Officials
20 and Employees Ethics Act, based on the totality of the
21 participation by the former officer, member, or State employee
22 in those decisions.

23 The Commission shall decide whether to uphold the
24 Legislative Inspector General's determination within 10
25 calendar days or the person is deemed eligible for the

1 employment opportunity.

2 (a) (Blank).

3 (b) (Blank).

4 (c) (Blank).

5 (d) (Blank).

6 (e) (Blank).

7 (f) (Blank).

8 Rule 25-20. (Repealed).

9 Rule 25-25. Waiver of prohibition of Legislative Inspector
10 General or employees as judicial appointee.

11 A current or former Legislative Inspector General or a
12 current or former employee of the office of the Legislative
13 Inspector General may request the Commission to waive the
14 prohibition of judicial appointments (see 5 ILCS
15 430/25-10(e-1)). The requestor shall file a verified petition
16 that identifies:

17 (a) The judicial office to which he or she intends to be
18 appointed;

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

22 (c) Any Legislative Inspector General investigations,
23 current, anticipated, or closed in the previous 5 years,
24 related to the office, including employees of the office, to

1 which he or she intends to be appointed; and

2 (d) Any other information the requestor believes may
3 support the waiver.

4 Rule 25-30. Waiver of prohibition of Legislative Inspector
5 General or employees as judicial appointee; Commission
6 procedure.

7 Upon receipt of the requestor's petition, the Commission
8 may do one or more of the following:

9 (a) Grant the petition.

10 (b) Deny the petition.

11 (c) Request additional written information from the
12 requestor or other persons.

13 (d) Request oral testimony from the requestor or other
14 persons.

15 (e) Conduct further inquiry related to the petition before
16 the Commission.

17 ARTICLE 30. GIFT BAN.

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

20 (a) This Rule further defines exceptions to the Gift Ban
21 when a prohibited source provides educational missions or
22 travel expenses for a meeting to discuss State business [5 ILCS
23 430/10-15(4) and (5)] and applies to travel on and after the

1 effective date of this Rule 30-5.

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

5 (1) it must be in furtherance of the recipient
6 officer's or employee's State duties or employment or in
7 furtherance of other legitimate State interests;

8 (2) it must bear a connection to the interests of the
9 prohibited source;

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

13 (4) the length of time at the destination for the
14 mission or meeting that is paid for by the prohibited
15 source must be reasonably related to the purpose of the
16 educational mission or State business; and

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

19 (c) The following categories of expenses qualify under the
20 educational mission and State business exceptions to the Gift
21 Ban: travel to, at, and from the destination; lodging en route
22 to, at, and from the destination; and tours, demonstrations,
23 presentations, meetings, and materials. The following
24 categories of expenses, without limitation, do not fall under
25 the educational mission and State business exceptions to the
26 Gift Ban, but may qualify as exceptions under other applicable

1 provisions of Section 10-15 of the Act: food; refreshments;
2 entertainment; recreation; prizes; awards; and souvenirs.

3 (d) Qualified expenses under the educational mission and
4 State business exceptions to the Gift Ban include those for the
5 officer or employee. If the officer or employee is accompanied
6 by an individual who either (i) is not a State officer or
7 employee or (ii) is a State officer or employee but is not
8 traveling in that capacity, any additional expenses for that
9 individual qualify (i) under the educational mission and State
10 business exceptions to the Gift Ban only if, because of
11 legitimate dependent care obligations, the officer or employee
12 would not be able to attend unless accompanied by that
13 individual or (ii) to the extent that other applicable
14 exceptions under Section 10-15 of the Act apply. If that
15 individual is a State officer or employee and is traveling in
16 that capacity, then this Rule or the applicable rule of the
17 Executive Ethics Commission applies independently to that
18 individual.

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

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

25

ARTICLE 35. MISCELLANEOUS.

1 Rule 35-5. Personnel policies.

2 (a) Each legislative leader, the Senate Operations
3 Commission, the Speaker of the House of Representatives, the
4 Joint Committee on Legislative Support Services, and each
5 member of the General Assembly shall file copies of the
6 personnel policies adopted and implemented pursuant to 5 ILCS
7 430/5-5 with the Commission upon request of the Commission.

8 (b) The officers and entities identified in subsection (a)
9 of this Rule shall file with the Commission any newly adopted
10 or supplemental personnel policies and any amendments to the
11 personnel policies within 30 days after the adoption of the new
12 or supplemental policies or the amendments.

13 (c) The officers and entities identified in subsection (a)
14 of this Rule and the Legislative Support Services Agencies
15 shall file with the Commission the name, business address,
16 telephone number, and e-mail address of ethics officers
17 appointed pursuant to 5 ILCS 430/25-23 upon request of the
18 Commission and within 30 days after the appointment of new
19 ethics officers.

20 (d) Each Legislative Support Services Agency shall file
21 copies of any supplemental personnel policies adopted by the
22 agency with the Commission upon request of the Commission.
23 Those agencies shall also file with the Commission any
24 amendments to supplemental personnel policies within 30 days
25 after adoption of the amendments.

1 Rule 35-10. Quarterly reports.

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

5 (1) the number of allegations received since the date
6 of the last report;

7 (2) the number of investigations initiated since the
8 date of the last report;

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

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

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

15 (6) the number of actions filed with the Commission
16 since the date of the last report and the number of actions
17 pending before the Commission as of the reporting date. [5
18 ILCS 430/25-85]

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

22 (1) the number of complaints received from the
23 Legislative Inspector General since the date of the last
24 report;

25 (2) the number of complaints for which the Attorney

1 General has determined reasonable cause exists to believe
2 that a violation has occurred since the date of the last
3 report; and

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

6 Rule 35-15. Ethics guidance. All written guidance provided
7 by the Legislative Inspector General shall be provided in
8 accordance with this Rule.

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

21 (b) The Legislative Inspector General shall cause to be
22 filed with the Commission, prior to receiving the concurrence
23 of the Commission, 9 copies of each document providing written
24 guidance, but with all personally identifying information for
25 all individuals other than the Legislative Inspector General

1 redacted.

2 (c) Nothing in this Rule precludes the Inspector General
3 from providing oral guidance to ethics officers or others
4 designated by a legislative leader on a confidential basis.
5 Guidance provided under this Rule is exempt from disclosure
6 under the Freedom of Information Act as set forth in Section
7 25-95 of the Act [5 ILCS 430/25-95].

8 Rule 35-20. Sexual harassment training. The Commission, in
9 consultation with the Inspector General, shall develop sexual
10 harassment training in accordance with Section 5-10.5 of the
11 State Officials and Employees Ethics Act.

12 ARTICLE 90. PRIOR RULES.

13 Rule 90-5. Prior rules. The rules of the Legislative Ethics
14 Commission adopted on April 13, 2005 and April 16, 2008 are
15 superseded by these rules.

16 ARTICLE 99. EFFECTIVE DATE.

17 Rule 99-5. Effective date. These rules take effect upon
18 adoption by the Legislative Ethics Commission. (eff. 5-10-18.)