



OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL

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FOUNDED REPORT - CONFIDENTIAL

May 5, 2012

Hon. Christine Radogno
Senate Republican Leader
309A State Capitol
Springfield, IL 62706

Re: LIG Case No. 11-021

Dear Leader Radogno:

This summary report of investigation is issued pursuant to Section 25-50(a) of the State Officials and Employees Ethics Act ("the Ethics Act") 5 ILCS 430/1-1 et seq.

Summary Report of Investigation
5 ILCS 430/25-50(a)

Nature of Case

This case involves alleged attempts by Senator Suzi Schmidt (R - Lake Villa) to use political influence to discourage police authorities from investigating incidents of domestic altercations between her and her husband.

Governing Statutes and Rules

The jurisdiction of each Legislative Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance or violations of [The State Officials and Employees Ethics Act] or violations of other related laws and rules. 5 ILCS 430/25-10(c).

The Illinois Governmental Ethics 5 ILCS 420/1-101 et seq. provides that:

No legislator may use or attempt to use improper means to influence a State agency in any representation case in which the legislator or any person with whom he maintains a close economic association is participating. 5 ILCS 420/3-106

No legislator may engage in other conduct which is unbecoming to a legislator or which constitutes a breach of public trust. 5 ILCS 420/3-107

If the Legislative Inspector General, upon the conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Legislative Inspector General shall issue a summary report of the investigation. The report shall be delivered to the appropriate ultimate jurisdictional authority and to the head of each State agency affected by or involved in the investigation, if appropriate. The appropriate ultimate jurisdictional authority or agency head shall respond to the summary report within 20 days, in writing, to the Legislative Inspector General. The response shall include a description of any corrective or disciplinary action to be imposed. 5 ILCS 430/25-50

As the Senate Republican Leader, you are the ultimate jurisdictional authority for purposes of receiving and acting on this report. 5 ILCS 430/25-50

Background

On September 28, 2011, I received a call from a reporter seeking my reaction to news reports that the Lake County Sheriff's Department had been called to the home of Senator Suzi Schmidt (R - Lake Villa) on three separate occasions since December, 2010, in response to domestic altercations involving the Senator and her husband. According to the reports, police were summoned on each occasion by 911 calls placed by the Senator's husband. I was informed that local authorities had just released recordings of the 911 calls. According to the reports, Senator Schmidt made a 911 call on Christmas Day of 2010, telling the dispatcher (1) that she was having a "little problem" with her husband, (2) she was a former Lake County Board Chairwoman, (3) her husband feared her because of her "connections", and (4) asking that police ignore any calls placed by her husband in connection with the incident. Shortly thereafter, the Senator's husband did in fact call 911 stating that he had been locked out of his house by his wife. Police responded to the call but no charges were filed.

Subsequent 911 calls were placed by the Senator's husband in August and September of 2011. According to the reports, during the August incident the Senator rammed into her husband's car two or three times with her car. When the police received a 911 call from the husband, they went to the scene and confirmed damage to the cars. The matter was referred to the Lake County State's Attorney's office but no charges were filed. During the September incident, the Senator reportedly bit her husband, scratched his face and struck him with her cell phone. On this occasion, Senator Schmidt denied her husband's accusations, but was later heard telling the 911 dispatcher "you bet I did" when her husband said she bit him.

The first incident occurred on Christmas day, which was after her 2010 election to the State Senate but before she had been sworn in. The latter two incidents took place while the Senator was serving as a State Senator.

The reporter inquired if it would be a violation of our ethics laws for a Senator to attempt to use "clout" to avoid legal action by the local law enforcement authorities. I subsequently reported the matter to the Commission and on November 9, 2011, the Commission authorized my investigation into the matter.

Summary of Interviews

During the course of my investigation I listened to the 911 tapes and made arrangements to meet with Senator Schmidt. At the request of Senator Schmidt, Senator Tom Johnson was present during my interview of Senator Schmidt. When I asked Senator Schmidt about the news reports and 911 tapes, she appeared subdued, contrite and remorseful. She indicated that it had been a very stressful time in her life and in her marriage. She did not attempt to defend her actions or seek to elaborate on the public reports of the matter.

Findings

The actions of Senator Schmidt, both in terms of her role in permitting the public display of domestic discord as well as her attempts to use her position to gain advantage with the investigating authorities, were inappropriate and arguably constituted "conduct which is unbecoming to a legislator or which constitutes a breach of public trust" in violation of Section 3-107 of the Illinois Governmental Ethics Act. However, she does not appear to be guilty of Section 3-106 of that Act because (1) the Lake County police authorities are not a State agency, and (2) Senator Schmidt was not participating a "representation case"¹. Furthermore, Senator Schmidt's conduct did not constitute a violation of the State Officials and Employees Ethics Act², which is punishable by fine or other official disciplinary action. It is also noted that while this matter was pending, Senator Schmidt announced that she had decided not to seek reelection. Her current term expires in January 2013.

Founded - Senator Suzi Schmidt engaged in conduct which is unbecoming to a legislator or which constitutes a breach of public trust in violation of Section 3-107 of the Illinois Governmental Ethics Act. (5 ILCS 420/3-107)

Recommendation - For the reasons above stated, I make no recommendation for corrective or disciplinary action in this matter. However, it is my recommendation that this report be made public together with your response pursuant to the provisions of 5 ILCS 430/25-52³.

Leader's Duty to Respond Within 20 Days

Pursuant to Section 25-50 of the Ethics Act (5 ILCS 430/25-50), you are required to respond to this summary report in writing within 20 days. Your response is to include a description of any corrective or disciplinary action to be imposed. Feel free to contact me should you wish to discuss the matter and my recommendation.

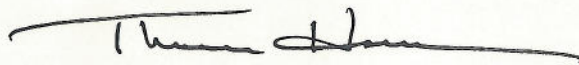
Thank you for your attention to this matter.

¹ "Representation case" means the professional representation of any person, client or principal, with or without compensation, in any matter before any State agency where the action or non-action of the State agency involves the exercise of substantial discretion. However, the term shall not include inquiries for information or other services rendered in a legislative capacity on behalf of a constituent or other member of the public. 5 ILCS 420/1-113.

² The jurisdiction of the Legislative Ethics Commission is limited to matters arising under the State Officials and Employees Ethics Act (which was enacted in 2003). See 5 ILCS 420/25-5(d). The actions of Senator Schmidt did not constitute a violation of the State Officials and Employees Ethics Act.

³ The Legislative Ethics Commission may make available to the public [any] summary report and response of the ultimate jurisdictional authority or agency head or a redacted version of the report and response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas J. Homer', with a long horizontal flourish extending to the right.

Thomas J. Homer
Legislative Inspector General

cc: Senator Schmidt
Jo Johnson via email