

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
8 [5 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 Commission consists of 8 commissioners appointed 2 each by
2 the President and Minority Leader of the Senate and the
3 Speaker and Minority Leader of the House of Representatives.
4 [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
10 shall be one of the appointees of the Senate Minority Leader.
11 The chairperson for subsequent terms shall be elected from
12 among the appointees of each legislative leader on a rotating
13 basis as follows: House Speaker, Senate President, House
14 Minority Leader, Senate Minority Leader.

15 Rule 5-15. Meetings of the Commission.

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

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

21 (c) Meetings of the Commission are not subject to the Open
22 Meetings Act [5 ILCS 120/1.02 and 5 ILCS 430/25-95(c)], but
23 meetings of the Commission, or parts of those meetings, if not
24 prohibited by law, may be open to the public or to specific

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

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

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

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

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

11 Rule 5-30. Duties of staff. The duties and organization of
12 Commission staff are established by the Executive Director as
13 directed by 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 Commission
18 staff shall be compensated at an hourly, daily, or monthly
19 rate established by the Commission.

20 Rule 5-40. Timekeeping; Executive Director and staff. The
21 Executive Director and Commission staff shall periodically
22 submit records documenting time worked in fulfillment of

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

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

14 Rule 5-50. Timekeeping; Inspector General. The Legislative
15 Inspector General shall quarterly submit records documenting
16 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
20 the nature of any investigation.

21 Rule 5-55. Outside employment.

22 (a) Neither the Executive Director, nor 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 General Assembly requests 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.

19 ARTICLE 10. INFORMATION.

20 Rule 10-5. Requests for records. A request for access to
21 records for inspection and copying shall be handled in
22 accordance with the Freedom of Information Act. The Freedom of

1 Information Officer for the Legislative Ethics Commission
2 shall be the Executive Director unless the Commission
3 designates otherwise.

4 Rule 10-10. (Repealed).

5 Rule 10-15. (Repealed).

6 Rule 10-20. (Repealed).

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 commissioners.

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 on any rules that it proposes.

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

1 complaint against a State officer or employee.

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

4 (a) the name of the employee or officer who is alleged to
5 have committed a violation;

6 (b) the identity of the State agency that employs the
7 employee or officer;

8 (c) the name, address, and telephone number of the
9 complainant;

10 (d) the date and time of the alleged violation;

11 (e) a description of the acts and circumstances that
12 surrounded the alleged violation;

13 (f) the names of any other person who witnessed or
14 participated in the alleged violation;

15 (g) an address to which the completed form may be mailed;

16 (h) a statement of the confidentiality of the identity of
17 the complainant [5 ILCS 430/25-90(a)];

18 (i) a statement that the Legislative Inspector General's
19 investigatory files and reports are confidential and exempt
20 from disclosure under the Freedom of Information Act [5 ILCS
21 430/25-90(b) and 25-95(d)];

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

1 (k) a statement that penalties may be imposed for
2 intentionally making a false report alleging a violation [5
3 ILCS 430/50-5(d)]; and

4 (l) any other information that the Legislative Inspector
5 General reasonably requires.

6 Rule 17-15. Opening an investigation file.

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

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

24 Rule 17-20. Referral to the appropriate authority.

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

8 Rule 17-25. Investigations. Investigations shall commence
9 upon the opening of an investigation file in accordance with
10 Rule 17-15. Investigations shall be conducted in accordance
11 with Article 25 of the Act [5 ILCS 430/Art. 25].

12 Rule 17-30. Subpoenas; Inspector General. The Legislative
13 Inspector General may, with the advance approval of the
14 Commission, issue subpoenas to compel the (i) attendance of
15 witnesses for the purpose of testimony or (ii) production of
16 documents for the purposes of inspection and copying.

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

18 (a) Should an investigation not be concluded within 6
19 months after opening an investigation file, the Legislative
20 Inspector General shall submit a report to the Commission and
21 the appropriate ultimate jurisdictional authority within 10
22 days after the close of the 6-month period. The report shall
23 indicate the investigation's unique tracking number, the date

1 the investigation began, a description of the nature of the
2 alleged violation, and reasons for the delay in concluding the
3 investigation.

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

7 ARTICLE 20. HEARINGS.

8 Rule 20-5. Attorney of record. In all cases filed before
9 the Commission, all respondents not appearing pro se must be
10 represented of record by a member of the Illinois Bar.
11 Attorneys admitted to practice in states other than Illinois
12 may appear and be heard upon special leave of the chairperson
13 or administrative law judge, if any. The Attorney General
14 shall represent the Legislative Inspector General as provided
15 in Section 25-45 of the Act. Attorneys shall file a written
16 appearance before addressing the Commission and may not
17 withdraw an appearance for a party without leave of the
18 Commission.

19 Rule 20-10. Filing requirements.

20 (a) To file with the Commission a party shall submit
21 either:

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

1 (2) an electronic copy of all documents with the
2 Commission in the format and manner directed by the
3 Commission.

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

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

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

21 (a) Cases shall be commenced by the filing of a petition
22 for leave to file a complaint with the Commission. Prior to
23 filing the petition, the Attorney General must determine that
24 reasonable cause exists to believe that a violation has
25 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
6 alleged violation and the grounds that exist to support the
7 petition.

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

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

23 Rule 20-30. Objections. A respondent may file objections
24 to the petition within 30 days after the notice of the petition

1 has been served on the respondent. [5 ILCS 430/25-50(e)]. If
2 the respondent fails to object to the petition, a general
3 denial of the facts set forth in the petition shall be
4 considered filed.

5 Rule 20-35. Sufficiency of the petition.

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

10 (b) If the Commission finds that the petition is
11 sufficient, the Commission shall grant the petition to file a
12 complaint. The Commission shall notify the parties by
13 certified mail, return receipt requested, of the decision to
14 grant the petition. The notice shall include a hearing date
15 scheduled within 4 weeks after the date of the notice. [5 ILCS
16 430/25-50(f)]. The Commission may grant, for good cause shown,
17 a continuance of the hearing date contained in the notice.

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

24 Rule 20-40. Discovery.

1 (a) The parties shall not engage in discovery without
2 leave of the Commission, but the Commission encourages the
3 voluntary exchange of information by the parties.

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

8 (1) the names of all witnesses expected to testify at
9 hearing;

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

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

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

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

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

22 (d) All writings or electronic recordings in the
23 possession of either party reflecting prior statements of an
24 identified witness, which statements are related in any way to
25 the subject matter of the witness' expected testimony, or to
26 matters bearing on the witness' credibility, shall be filed

1 with the Commission and be produced to the opposing party no
2 later than one week prior to the commencement of the hearing or
3 at a date determined by the chairperson or administrative law
4 judge, if any. If a statement is part of notes that were taken
5 during the case investigation, the notes may be redacted to
6 remove the author's thoughts, mental impressions, or other
7 work product.

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

13 Rule 20-45. Subpoenas.

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

20 (b) Subpoenas may be issued upon written request of either
21 party if:

22 (1) the request is reasonably designed to produce or
23 lead to the production of evidence related to the alleged
24 violation;

25 (2) the terms of compliance are reasonable given the

1 time frames and other circumstances;

2 (3) the party seeking the subpoena has attempted and
3 failed to obtain the subject of the subpoena through other
4 means; and

5 (4) the subpoena is properly prepared and presented
6 for signature.

7 (c) Subpoenas for testimony of witnesses at hearing will
8 be granted in the absence of compelling circumstances to the
9 contrary.

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

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

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

20 Rule 20-50. Motions.

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

1 (b) The motion shall point out specifically the defect
2 complained of or other grounds for relief and shall specify
3 the requested relief. The moving party shall file a proposed
4 order with each motion.

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

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

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

26 (f) Dispositive motions may not exceed 15 pages in length

1 and non-dispositive motions may not exceed 5 pages in length
2 without first obtaining leave of the Commission.

3 Rule 20-55. Hearings.

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

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

14 (c) Hearings shall be conducted in substantially the same
15 manner as provided in the contested case provisions of Article
16 10 of the Illinois Administrative Procedure Act [5 ILCS
17 100/Art. 10].

18 (d) At the conclusion of the hearing, the chairperson or
19 the administrative law judge, if any, may set a briefing
20 schedule.

21 (e) If a party, or any person at the instance of or in
22 collusion with a party, unreasonably refuses or fails to
23 comply with these Rules or with any order of the Commission,
24 chairperson, or administrative law judge, the chairperson or
25 administrative law judge may enter an adverse finding, or

1 order as may be necessary to ensure just disposition of the
2 matter.

3 (f) The chairperson or the administrative law judge
4 presiding at the hearing may conduct any additional
5 proceedings ancillary to or related to the hearing as he or she
6 deems appropriate.

7 Rule 20-60. Decision of the Commission.

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

11 (b) The decision shall include a description of the
12 alleged misconduct, the decision of the Commission, including
13 any fines levied and any recommendation of discipline, and the
14 reasoning for that decision.

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

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

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

24 ARTICLE 25. REVOLVING DOOR DETERMINATIONS; APPEALS; JUDICIAL

1 APPOINTMENT WAIVER.

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

4 "Relationship" means any arrangement between a source and
5 the officer or employee for employment, compensation, or fees
6 for services.

7 "Requestor" means a person seeking an appeal of a decision
8 of the Legislative Inspector General under subsection (g) of
9 Section 5-45 of the State Officials and Employees Ethics Act
10 [5 ILCS 430/5-45].

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

21 Rule 25-7. Revolving door determination procedure. Within
22 10 calendar days after receiving notification from an employee
23 in a position subject to the policies required by subsection

1 (c) of Section 5-45 of the State Officials and Employees
2 Ethics Act, the Legislative Inspector General shall make a
3 determination as to whether the State employee is restricted
4 from accepting the employment by subsections (a) or (b) of
5 Section 5-45 of the State Officials and Employees Ethics Act.
6 In making a determination, in addition to any other relevant
7 information, the Inspector General shall assess the effect of
8 the prospective employment or relationship upon decisions
9 referred to in subsections (a) and (b) Section 5-45 of the
10 State Officials and Employees Ethics Act, based on the
11 totality of the participation by the former officer, member,
12 or State employee in those decisions.

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

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

22 An officer or employee or the spouse or immediate family
23 member living with such person may seek an appeal of a decision
24 of the Legislative Inspector General in accordance with
25 subsection (g) of Section 5-45 of the State Officials and

1 Employees Ethics Act. The requestor shall file with the
2 Commission a petition to appeal by no later than the 10th
3 calendar day after the date of the determination.

4 (a) (Blank).

5 (b) (Blank).

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

18 The Commission shall decide whether to uphold the
19 Legislative Inspector General's determination within 10
20 calendar days or the person is deemed eligible for the
21 employment opportunity.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (Blank).

25 (d) (Blank).

1 (e) (Blank).

2 (f) (Blank).

3 Rule 25-20. (Repealed).

4 Rule 25-25. Waiver of prohibition of Legislative Inspector
5 General or employees as judicial appointee.

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

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

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

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

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

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

1 procedure.

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

4 (a) Grant the petition.

5 (b) Deny the petition.

6 (c) Request additional written information from the
7 requestor or other persons.

8 (d) Request oral testimony from the requestor or other
9 persons.

10 (e) Conduct further inquiry related to the petition before
11 the Commission.

12 ARTICLE 30. GIFT BAN.

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

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

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

23 (1) it must be in furtherance of the recipient
24 officer's or employee's State duties or employment or in

1 furtherance of other legitimate State interests;

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

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

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

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

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

23 (d) Qualified expenses under the educational mission and
24 State business exceptions to the Gift Ban include those for
25 the officer or employee. If the officer or employee is
26 accompanied by an individual who either (i) is not a State

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

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

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

19 ARTICLE 35. MISCELLANEOUS.

20 Rule 35-5. Personnel policies.

21 (a) Each legislative leader, the Senate Operations
22 Commission, the Speaker of the House of Representatives, the
23 Joint Committee on Legislative Support Services, and each
24 member of the General Assembly shall file copies of the

1 personnel policies adopted and implemented pursuant to 5 ILCS
2 430/5-5 with the Commission upon request of the Commission.

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

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

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

21 Rule 35-10. Quarterly reports.

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

25 (1) the number of allegations received since the date

1 of the last report;

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

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

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

8 (5) the number of summary reports forwarded to the
9 Attorney General since the date of the last report;

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

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

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

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

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

1 Rule 35-15. Ethics guidance. All written guidance provided
2 by the Legislative Inspector General shall be provided in
3 accordance with this Rule.

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

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

23 (c) Nothing in this Rule precludes the Inspector General
24 from providing oral guidance to ethics officers or others
25 designated by a legislative leader on a confidential basis.
26 Guidance provided under this Rule is exempt from disclosure

1 under the Freedom of Information Act as set forth in Section
2 25-95 of the Act [5 ILCS 430/25-95].

3 Rule 35-20. Harassment and discrimination prevention
4 training. The Commission, in consultation with the Inspector
5 General, shall develop harassment and discrimination
6 prevention training in accordance with Section 5-10.5 of the
7 State Officials and Employees Ethics Act.

8 ARTICLE 90. PRIOR RULES.

9 Rule 90-5. Prior rules. The rules of the Legislative
10 Ethics Commission previously adopted are superseded by these
11 rules.

12 ARTICLE 99. EFFECTIVE DATE.

13 Rule 99-5. Effective date. These rules, as amended, take
14 effect on May 25, 2022.