



ROBBINS
SCHWARTZ
NICHOLAS
LIFTON &
TAYLOR LTD.

Local Governments UPDATE

ETHICS AND CONFLICTS OF INTEREST

Newly Elected Officials Workshop

Presented by:

Kenneth M. Florey
Eugene J. Hanes, Jr.
Todd K. Hayden
Nanci N. Rogers
Paul L. Stephanides
Susan W. Glover
M. Neal Smith

ROBBINS SCHWARTZ NICHOLAS LIFTON & TAYLOR, LTD.

www.rsnlt.com

June 11th ■ June 18th ■ June 25th ■ June 30th

ELECTED OFFICIALS PROHIBITED CONTRACTS AND CONFLICTS OF INTEREST

I. INTRODUCTION

Public officers are expected to adhere to the highest standards of ethical conduct. It is unethical for public officers to use the knowledge and power of their positions to further their private interests. When private interests compete with the performance of duty, a conflict of interest arises. Conflicts of interest are prohibited by common law and statute not only to prevent the actual abuse of power for an officer's own benefit, but also to prevent the officer from being placed in a situation that carries within it the potential of abuse.

II. PROHIBITED INTERESTS IN CONTRACTS

Public officers may not have an interest in contracts with the governmental body they serve, subject to a few, limited exceptions. The common law rules prohibiting interests in contracts by public officers were codified in statutory form and are found in the Illinois Municipal Code and the Public Officer Prohibited Activities Act.

Section 3.1-55-10(a) of the Illinois Municipal Code states:

A municipal officer shall not be financially interested directly in the officer's own name or indirectly in the name of any other person, association, trust, or corporation in any contract, work, or business of the municipality, or in the sale of any article whenever the expense, price, or consideration of the contract, work, business, or sale is paid either from the treasury or by an assessment levied by statute or ordinance. A municipal officer shall not be interested, directly or indirectly, in the purchase of any property that (i) belongs to the municipality, (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the municipality.

65 ILCS 5/3.1-55-10(a).

Section 4-8-6(a) of the Municipal Code, which applies to the commission form of government, similarly prohibits elected or appointed officers and employees from having an interest in contracts with the municipality they serve. 65 ILCS 5/4-8-6(a).

The Public Officer Prohibited Activities Act states:

No person holding any office, either by election or appointment under the laws or Constitution of this State, may be in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust, or corporation, in any contract or the

Although the information contained herein is considered accurate, it is not, nor should it be construed to be legal advice. If you have an individual problem or incident that involves a topic covered in this document, please seek a legal opinion that is based upon the facts of your particular case.

performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust, or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor may any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character.

50 ILCS 105/3(a).

Contracts made in violation of the Illinois conflict of interest statutes are void. A public officer who violates a conflict of interest statute is guilty of a Class 4 felony which is punishable by up to three years in prison and a fine of up to \$10,000. In addition, the officer is removed from public office.

III. EXCEPTIONS ALLOWING INTERESTS IN CONTRACTS

The conflict of interest statutes include several exceptions to their prohibitions which allow public officers to have a limited interest in contracts. Both the Public Officer Prohibited Activities Act and Municipal Code Section 3.1-55-10 prescribe narrow conditions under which elected or appointed officers may sell goods and services to the public body they serve.

- A. Interested members may provide materials, merchandise, property, services, or labor to the municipality if the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member has less than a 7 ½ % share in the ownership and (1) the interested member publicly discloses the nature and extent of the interest prior to or during deliberations concerning the proposed award of the contract; (2) the interested member abstains from voting on the award of the contract; and (3) those members presently holding office approve the contract by a majority vote. In addition, if the amount of the contract exceeds **\$1,500**, the contract must be awarded after sealed bids to the lowest responsible bidder or awarded without bidding if the amount is less than \$1,500. The contract may not be awarded if it would cause the aggregate amount of all contracts awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **\$25,000**.
- B. Another exception exists when the amount of the contract does not exceed **\$2,000** and the award of the contract would not cause the aggregate amount of all contracts awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **\$4,000**. Again, the interested member (1) must publicly disclose the nature and extent of the interest prior to or during the deliberations concerning the proposed award of the contract; (2) must

abstain from voting on the award of the contract; and (3) the award of the contract must be approved by a majority vote of the governing body of the municipality.

- C. An elected officer may provide goods and services if the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member has less than a **1 %** share in the ownership and (1) the interested member publicly discloses the nature and extent of the interest before or during deliberations concerning the proposed award of the contract; (2) the interested member abstains from voting on the award of the contract; and (3) those members presently holding office approve the contract by a majority vote.
- D. **Public utility service contracts** awarded when one or more members of the governing body are employees of or hold an ownership interest of no more than **7 ½ %** in the public utility company are not barred by statute. Moreover, an ownership interest of any size in a public utility company in municipalities of less than 7,500 when the public utility's rates are approved by the Illinois Commerce Commission also are not conflicts of interest.
- E. The officer is not deemed interested if he or she owns or holds an interest of **1%** or less through a **mutual fund**, in a company doing business with the municipality and that company's **stock is traded** on a nationally recognized securities market.
- F. An officer is not deemed interested if the officer is an **employee** of a company or **owns or holds an interest of 1 %** or less in the officer's individual name in a company, or both, that company is involved in the transaction of business with the municipality, and that company's **stock is traded** on a nationally recognized securities market, provided the interested member (1) publicly discloses the interest before deliberations; (2) refrains from evaluating, recommending, approving, deliberating, or otherwise participating in the negotiation, approval, or both, of the contract, work, or business; (3) abstains from voting on the award of the contract; and (4) the contract is approved by a majority vote of those members currently holding office.
- G. Under Illinois Municipal Code section 3.1-55-10, a contract for deposit of moneys, loans, or other financial services by a governing body with a **local bank or local savings and loan association** is not prohibited where a member of the governing body is interested in the bank or savings and loan association as an officer or employee or as a holder of less than **7 ½ %** of the total ownership interest provided (1) the interested officer publicly discloses the nature and extend of the interest during deliberations; (2) the interested officer does not participate in any deliberations; and (3) the interested officer abstains from voting on the

proposed award. A majority of those presently holding office must vote to approve the contract. Consideration and award of contracts with local banks or savings and loans can be made only at regularly scheduled public meetings.

IV. COMMON LAW CONFLICT OF INTEREST

The conflict of interest statutes reflect long-standing common law doctrine that the faithful performance of official duties is best secured if governmental officers, like any other persons holding fiduciary positions, are not called upon to make decisions that could result in a personal advantage or disadvantage to their individual interests. Common law conflicts of interest may exist even in circumstances that do not violate the Illinois conflict of law statutes.

V. DECISIONS INTERPRETING THE CONFLICT OF INTEREST STATUTES

Illinois courts and the Illinois Attorney General have interpreted the common law and state statutes prohibiting public officials from having an interest in contracts. Although opinions of the attorney general are not binding on the courts, they are influential, especially if the opinion involves a question of first impression and the reasoning is persuasive.

Many of the following cases and opinions were decided before the exceptions allowing some permissible interests were added to the conflict of interest statutes; however the decisions are still highly informative for their analysis of the law as applied to particular fact situations. Because conflict of interest cases are very “fact driven,” predicting whether a particular situation constitutes a prohibited conflict of interest is often difficult.

A. Direct Conflict of Interest

The conflict of interest statutes state that public officers may not have an interest **directly** in their own names in any contract, work, or business of the public body they serve with a few, limited exceptions as explained above. In the following cases, the issue was whether the public officer had such a direct conflict of interest.

1. A park district commissioner owned an aviation business that was a tenant of the park district airport. *Croissant v. Joliet Park District*, 141 Ill. 2d 449 (1990). As a commissioner he had voted to purchase a new tug, or tractor, for use at the airport and had voted to participate in a block grant program for airport expansion. The Illinois Supreme Court held that the commissioner did not have a conflict of interest under the Corrupt Practices Act (precursor to the Public Officer Prohibited Activities Act) because the commissioner was not himself financially interested, either directly or indirectly, in the contract or the performance of the work. Even though, as the owner of an aviation business he could make use of the airport

facilities, the benefit to him was no different from the **benefits enjoyed by the public at large**. Compare this result with the following cases in which the courts found conflict of interest violations because the public officers reaped some personal benefit from their official positions.

2. A tenant of a public housing authority was appointed to a two-year term as a commissioner of the same housing authority. In *Brown v. Kirk*, 64 Ill. 2d 144 (1976), the Illinois Supreme Court found that since the interests of a housing authority commissioner would “center on the points at which management policies and functions of the authority come into contact with individual tenants,” a conflict of interest existed. The court said the authority of a commissioner could include the selection and retention of tenants, a determination of rents to be charged, the services and other benefits to be furnished, and the enforcement of the rules governing the conduct and rights of the tenants. Therefore, the tenant, as a housing commissioner, would benefit herself by her vote, because her personal interests were always directly or indirectly involved in her vote on the commission.
3. Another case decided by the Illinois Supreme Court finding a prohibited conflict of interest was *People v. Scharlau*, 141 Ill. 2d 180 (1990). In *Scharlau*, city commissioners negotiated and approved a settlement of a federal lawsuit against the city. In the settlement they included an arrangement for their own employment with the city. The court stated that the commissioners had a duty to act in the best interests of the city and to refrain from using their positions as city commissioners for their own personal benefit. The court found that the commissioners, in negotiating and approving their own employment with the city, had obtained a personal advantage in violation of state statutes.
4. A similar situation arose in *Mulligan v. Bradley*, 131 Ill. App. 3d 513 (1985), in which a former village president resigned to take an employment position with the village as administrator. As village president, he had urged the other board members to vote in favor of creating the position of village administrator and to offer the position to him. Four trustees had voted in favor of creating the new position and two trustees had voted against it. The village president had not voted. The Third District, Appellate Court of Illinois held that the employment contract was void and unenforceable because it violated conflict of interest statutes that prohibit an elected or appointed official from having an interest in a contract on which he may be called on to vote or when the consideration of the contract is paid from the public treasury. The fact that the village president

abstained from voting to create the new position and to offer it to himself did not cure the conflict of interest.

B. Conflicts of Interest Where No Contract Is Executed

The existence of an actual executed contract is not always necessary to find a conflict of interest violation. In the following appellate court case and Illinois Attorney General Opinion, the question was whether a conflict of interest violation may exist when there is no contract.

1. A forest preserve commissioner held a one-fourth interest in land the commission sought to acquire in *People v. Savaiano*, 31 Ill. App. 3d 1049 (1975). As chairman of the commission's finance committee, Savaiano chaired meetings during which negotiations were conducted with his co-owners. The finance committee and the three co-owners came to a verbal understanding that the land would be purchased for \$6,750 an acre and the owners would receive mining royalties. Before the deal was consummated, Savaiano sold his interest in the land at a price of \$6,500 per acre to another party. Eleven days later, the commission approved the purchase of the land for \$6,750, but without the mining royalties. The sale to the commission was never completed, presumably because the final offer did not adhere to the verbal agreement reached with the owners with regard to the mining royalties. Instead, the commission instituted condemnation proceedings.

Despite extensive negotiations and a tentative understanding between the parties, no contract was ever executed or completed. The commissioner argued that there must be a contract or there can be no conflict of interest crime since the statute prohibits a public official from being interested "in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote." The Second District, Appellate Court of Illinois held that the commissioner's conduct was within the spirit and letter of the prohibitory language of the statute. Further, the court concluded that the word "contract" in the statute "should be construed to include the whole bargaining process which leads up to the completion of a binding contract or agreement with the governmental agency."

2. In this next case, the Illinois Attorney General was asked to give an opinion on whether a trustee of a public library district whose property was sought after for purchase by the library district, would be violating the Public Officer Prohibited Activities Act if the library district obtained the property through eminent domain. The attorney general found that the initiation of a condemnation action on a parcel of property does not create a contract and, consequently, a

vote by the library district to commence a condemnation proceeding would not constitute a vote on a contract in which a public officer holds an interest. The attorney general said the key factor that distinguished the eminent domain proceeding from the voluntary sale of the property, a transaction that would have been a conflict of interest violation, was the interposition of the court in the process.

Although not finding a statutory conflict of interest, the attorney general advised that the trustee abstain in all matters relating to the proposed condemnation of his property because of a well-established principle under the common law that a member of a public body who has a personal interest in a matter under consideration by the body is prohibited from acting or voting thereon. Illinois Attorney General Opinion No. 92-012 (1992).

C. Indirect Conflicts of Interest

The conflict of interest statutes state that public officers may not be interested **indirectly** in the name of any other person, association, trust, or corporation in any contract, work, or business of the public body, or in the sale of any article. The reasoning behind this prohibition is that one should not do indirectly that which is directly prohibited.

1. In *Cohen v. Keane*, 64 Ill. 2d 559 (1976), the complaint alleged that Keane used inside knowledge gained from his position as alderman and chairman of the committee on finance of the city council to ascertain the location of various proposed land development projects. Acting through others, he purchased, at scavenger sales, various tax delinquent parcels located within those areas. Legal title to these properties was placed in land trusts in which Keane held a substantial beneficial interest. Some of the property he acquired at that time was subject to the liens of unpaid special assessments. Keane recommended to the city council, without disclosure of his interest, that the council clear those liens and the council adopted his recommendations. After the liens had been cleared, Keane used his official position and influence to induce several other governmental units to purchase the properties which he had purchased. The Supreme Court of Illinois stated that if these allegations had been proved against a defendant occupying a fiduciary position in the private sector, they would establish that the defendant had exploited his fiduciary position for his personal benefit. A public officer's fiduciary responsibility, the court said, cannot be less than that of a private individual. Keane's private interest would necessarily affect his judgment, as well as that of other aldermen whose vote might have been different had they known of Keane's personal interest. Therefore, the court reversed

the lower court's dismissal of the complaint saying that these were important matters which the public was entitled to have considered.

2. Concerns about indirect conflicts of interest sometime arise when public officers' spouses are employed by the governing unit they serve. In *People v. Simpkins*, 45 Ill. App. 3d 202 (1977), a mayor's wife was employed as a water department clerk of the same city. The mayor was charged with having an interest in a city contract by virtue of his alleged interest in his wife's employment with the city. The Fifth District, Appellate Court of Illinois stated that in almost every instance when the question has been presented to courts of various jurisdictions, the mere fact of relationship, without more, has not been held to constitute a conflict of interest. In finding no conflict of interest under these circumstances, the court said that the general rule is that "the wife's interest is not necessarily the husband's interest, provided the contract is not a mere subterfuge for his own pecuniary interest."
3. Another case discussed whether the mere existence of a marital relationship created a conflict of interest on the part of a board of education member whose spouse was employed by the board. In *Hollister v. North*, 50 Ill. App. 3d 56 (1977), the Fourth District, Appellate Court of Illinois cited the result in *Simpkins* and the general rule that one spouse's interest is not necessarily the other's. The court said that since the law provides that a married woman has the right to contract as if she were single, and a right to her earnings as her own separate property, the court could not find that a husband, as a matter of law, has an interest in his wife's contracts and earnings.
4. In another situation involving a school board member and a spouse employed by the school district, the Illinois Attorney General found no *per se* conflict of interest. The marital relationship, in itself, does not give rise to an interest in a contract within the meaning of the conflict of interest statutes. The attorney general stated that husbands and wives, as a matter of law, have no interest in their spouse's contracts. Illinois Attorney General Opinion No. 80-035 (1980).
5. In the following case, the Illinois Attorney General found no direct conflict of interest as a result of a marital relationship, but found that the public officer had committed an indirect conflict of interest violation. A commissioner of a home equity assurance program, on more than one occasion, voted on proposals to award advertising contracts to a firm owned by his wife. In furtherance of the contract, the wife's firm placed paid advertisements on behalf of the commission in a newspaper published by a company that employed

the commissioner as its comptroller. The attorney general stated that nothing indicated that the commissioner had an ownership interest in his spouse's firm, or that the business was a subterfuge to disguise a pecuniary interest of the commissioner. In the absence of such facts, the wife's interest, standing alone, did not constitute a *per se* violation of the Public Officer Prohibited Activities Act.

However, the attorney general found a violation of the Act because the commissioner possessed an indirect pecuniary interest in the contract. The contract was awarded with the knowledge and intent that the funds would be used for the purchase of advertisements in the newspaper employing the commissioner. An employee is deemed to have at least an indirect pecuniary interest in the contracts of his or her employer. The attorney general stated that when a member of a governing body anticipates that he or his employer will benefit financially from a contract awarded by the body, that knowledge will naturally affect his judgment in determining to award the contract. Illinois Attorney General Opinion No. 93-014 (1993).

D. Public Officers as Employees of Parties Awarded Contracts

The next section continues the discussion of situations in which the public officers themselves were employees of an entity conducting business with the officer's governmental unit. The following cases and opinions expand on the idea that employees may have indirect interests in the contracts of their employers.

1. A city council awarded a contract for the construction of pavement to a contractor who, at the time the contract was made, employed nine out of eleven members of the city council. The Supreme Court of Illinois, in *People v. Sperry*, 314 Ill. 205 (1924), held that the city officers were indirectly interested in the contract because they "had such an interest in the business and welfare of the contractor in this case as would naturally tend to affect their judgment in the determination to let the contract and to pass upon the question whether or not the same was completed in full accord with the terms thereof." The city officers testified they had acted in the best interests of the city. The court stated that a showing of intentional bad faith or fraudulent intent in the officers' decision to award the contract was not necessary. The court said the contract was one that the statutes declare to be void and under the law the court must declare the contract void even though it may appear that it was as good a contract on behalf of the city as the city officers could have obtained.

2. In *Kruse v. Streamwood Utilities Corp.*, 34 Ill. App. 2d 100 (1962), members of a village board of trustees, by a unanimous vote, granted a 30-year sewer and water license to an engineering corporation. At the time the license was granted, the trustees were employees or officials of the corporation and had been employees or officials of the partnership which preceded the formation of the engineering corporation. The First District, Appellate Court of Illinois found an indirect conflict of interest because the trustees had a pecuniary interest in the installation of the water and sewer pipes.
3. The previous two cases dealt with situations in which public officers were employees of a private business entity. The following attorney general opinion discusses whether a public officer employed by another governmental unit has a conflict of interest when the two conduct business. A village trustee who contracted with a county for police services and also worked as a part-time deputy sheriff for the county did not have a prohibited pecuniary interest according to the Illinois Attorney General. Illinois Attorney General Opinion No. 96-011 (1996). The attorney general said it was clear that if a village contracted with a private corporation that employed a village trustee, rather than another public body, the village trustee would have a prohibited conflict of interest. However, public employees typically do not have the sort of financial interest in the contract of their employer that a private firm's employees may have. Numerous cases have held that an interest that violates the conflict of interest statutes must be "certain, definable, pecuniary or proprietary; it must be financial in nature." Contracts between public bodies do not necessarily benefit employees financially, since the salary or wages for such employees are not likely to depend upon such contracts.

The attorney general said that although there was no *per se* violation of the conflict of interest statutes here, the possibility existed that under certain circumstances there could be an indirect interest. For example, if the county board were to establish the number of part-time deputies the sheriff may appoint based, either formally or informally, upon the number of police service contracts the county enters into with local municipalities.

In addition to a potential indirect conflict of interest, the attorney general further elaborated that the trustee/deputy sheriff could have a common law conflict of interest. The common law recognizes conflicts of interest other than those covered by statute. Therefore, the attorney general suggested that the village trustee abstain from voting or acting on matters from which he may personally benefit as a part-time deputy sheriff for the county.

E. Common Law Conflict of Interest

Another opinion of the Illinois Attorney General found a common law conflict of interest where there was no statutory conflict of interest.

The Illinois Attorney General found a common law conflict of interest, but no violation of the Public Officer Prohibited Activities Act, in a situation involving the chairman of a county board's insurance committee. The chairman was an independent insurance agent leasing office space from an insurance agency that was awarded the county's health insurance contract after competitive bidding. Although the chairman of the insurance committee was in a position to vote or otherwise act upon the award of the insurance contract in his capacity as a county board member, the attorney general said that the particular circumstances did not demonstrate that he had a pecuniary interest, either direct or indirect, in the contract. The chairman was not an employee of the agency and he received no commission or other compensation from the agency's contracts. Unlike an employee, the chairman's income was not dependent upon the profitability of the agency, and he did not share, even indirectly, in the profits of its business.

However, the attorney general noted that the chairman maintained a close business relationship with the insurance agency. As chairman, he was in a position to influence the recommendations of the insurance committee, which, in turn, may economically benefit the insurance agency. By being in a position to help steer business to the agency, he may indirectly benefit himself in his business relationship with the agency. In order to avoid the potential for abuse of official power in this circumstance, the attorney general said that the chairman must disqualify himself from voting or otherwise acting in any way in his capacity as chairman of the insurance committee upon matters in which that insurance agency was interested. Illinois Attorney General Opinion No. 93-010 (1993).

VI. CONCLUSION

Public officers must be aware that their actions and relationships may constitute conflicts of interest. With a few, limited exceptions, being financially interested, either directly or indirectly, in any contract, work, or business of the public body they serve is a violation of the Illinois conflict of interest statutes and long-standing common law principles against self-dealing by public officers. Because predicting what particular set of facts will constitute a prohibited conflict of interest is difficult, the public officer should seek legal advice to determine if a conflict of interest exists.

ETHICS VIOLATIONS AND CONCERNS

I. THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 430/1 et seq.)

A. Introduction

The State Official and Employees Ethics Act (the “Act”) was signed into law on November 19, 2003 and significant amendments were adopted effective December 9, 2003. The Act sets standards of conduct for State officers and employees and covers a wide variety of conduct relative to State officers and employees.

The affirmative requirements of the Act are more limited as applied to local governments, including community colleges (“governmental entities”). Specifically, Section 70-5 of the Act requires governmental entities to adopt an ethics ordinance that is no less restrictive than Sections 5-10 and 5-15 of the Act. Thus, an ethics ordinance adopted by a Governmental Entity in accordance with Section 70-5 will prohibit, among other things:

- employees from intentionally performing any prohibited political activity during any compensated time (other than vacation, personal or compensatory time off);
- employees from intentionally misappropriating any government property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization;
- elected officials, department heads, supervisors or employees from intentionally misappropriating the services of any government employee by requiring the employee to perform any prohibited political activity (i) as part of that employee’s duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the governmental body (such as vacation, personal or compensatory time off);
- employees from being required at any time to participate in any prohibited political activity in consideration for being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise; and
- employees from being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in

Although the information contained herein is considered accurate, it is not, nor should it be construed to be legal advice. If you have an individual problem or incident that involves a topic covered in this document, please seek a legal opinion that is based upon the facts of your particular case.

consideration for the employee's participation in any prohibited political activity.

B. State Agencies under the Act

In 2005, Attorney General Madigan issued an opinion holding that community colleges were "state agencies" for the purposes of the State ethics law. 2005 Ill. Atty. Gen. Op. 05-009. Community colleges are "units of local government" under Illinois law and are governed by separately elected boards of trustees. Normally, community colleges do not operate as part of the state government. However, the drafting and phraseology used in the new ethics law led Attorney General Madigan to conclude that community colleges must be considered "state agencies" under the ethics law. This had the effect of subjecting community colleges to the more comprehensive regulations than they otherwise would have been subject to.

Amendments to the Act since the above attorney general opinion have clarified that community colleges are governmental entities under the Act and not "state agencies."

II. ETHICAL CONCERNS

A. Political activity

1. Prohibited Political Activity

Employees are prohibited from intentionally performing prohibited political activity during any compensated time, including lunch time. Compensated time does not include vacation, personal or compensated time off. 5 ILCS 430/5-15.

Prohibited political activities include:

- Preparing for, organizing, or participating in any political meeting, political rally, political demonstration or other political event.
- Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

- Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- Campaigning for any elective office or for or against any referendum question.
- Managing or working on a campaign for elective office or for or against any referendum question.
- Serving as a delegate, alternate, or proxy to a political party convention.

- Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members.

Note: Many organizations, including unions, associations and advocacy groups engage in activity of a political nature. However, none of these are a “political organization” as defined by the Act.

5 ILCS 430/1-5.

Employees may not intentionally misappropriate any governmental property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization. 5 ILCS 430/5-15(a).

Ex. Employees may not use a government-issued telephone or cell phone to make campaign calls after working hours. Nor can employees use government fax machines, computers, or workspaces to engage in prohibited political activity during the lunch hour or after work.

2. Contributions

Campaign contributions may not be solicited, accepted, offered or made on State property by officials, employees, candidates or lobbyists. 5 ILCS 430/5-35.

“State property” means any building or portion thereof owned or exclusively leased by the State or any State agency at the time the contribution is solicited, offered, accepted, or made.” 5 ILCS 430/5-35.

B. Gift ban

Employees, their spouses and family members living at home may not intentionally solicit or accept gifts from prohibited sources. Employees who receive gifts in violation of the ban should attempt to return them or donate an amount equal to the value of the gift to an appropriate charity. 5 ILCS 430/10-30.

A “gift” is defined as “any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government

employment or the official position of an employee, member, or officer.”
5 ILCS 430/1-5.

A “prohibited source” includes any person or entity: (1) who is seeking official action by the officer or employee or an officer, State agency or other employee who is directing the employee; (2) who does business or seeks to do business with an officer or employee or an officer, State agency or other employee who is directing the employee; (3) who conducts activities regulated by an officer or employee or an officer, State agency or other employee who is directing the employee; (4) who has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee; (5) is registered or required to be registered under the Lobbyist Registration Act; or (6) is an agent of, a spouse of, or an immediate family member who is living with a “prohibited source.” 5 ILCS 430/1-5.

1. Exceptions to the gift ban include:

- gifts available on the same conditions to the general public;
- anything for which market value is paid;
- lawfully made campaign contributions;
- educational material or missions;
- travel expenses for a meeting to discuss business;
- gifts from a relative;
- gifts given on the basis of personal friendship, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse and not because of the personal friendship;
- food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered.
- food, lodging, transportation or other benefits related to outside business or employment activities;
- intra-governmental and inter-governmental gifts;
- bequests, inheritances, and other transferences at death; and

- any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

Each of the exceptions listed above is mutually exclusive and independent of every other.

2. How to determine the “value” of a gift

One of the exceptions to the gift ban is anything for which the officer, member, or State employee pays the market value. This suggests that the proper value of a gift is not what the gift costs the giver, nor the subjective value that the employee places on the gift, but rather what the “market” would pay for the gift.

Ex. A prohibited source software company might be able to reproduce copies of a computer program for only a few dollars. The employee might have little use for the program and value it as insignificant. In the market, however, consumers might pay hundreds or even thousands of dollars for the software. As far as the Act is concerned, market value is what matters. When in doubt, the best practice is to use market value.

III. A GIFT BAN SCENARIO

A. The Problem

The law firm of TLNSR decides to throw a dinner party for the senior administrators of The Whertugud Community College and their immediate family members. The dinner party is being held at *Le Expensive* banquet hall and is being catered by Chef Emeril Lagasse, who will prepare the food and provide delivery and service at the banquet hall. This event will cost TLNSR \$15,000.00, since they have contracted the appearance of Emeril Lagasse. The senior administrators and their families happily accepted the invitation.

The dinner party took place on October 19, 2006 and it was a smashing success. The administrators and their families had a very enjoyable evening and were stuffed with fabulous food, plus they each got an autographed picture of Emeril Lagasse. TLNSR had an amazing year and were thrilled to be able to provide such an event to their biggest client.

A few weeks later at a cabinet meeting, the College’s HR Administrator, Sandy Allright, who was unable to attend the dinner party, informed the rest of the cabinet members that she believed the event that TLNSR hosted was in violation of Article 10 Section 1 of The Whertugud Community College Ethics Ordinance. All the administrators consulted

the Ordinance and reached the same conclusion, the question was how they could remedy the acceptance of this gift.

B. The Resolution

After a complete review of Article 10, the administrators came to a decision that they would have to donate a gift equal to the value of the dinner party to a charity that is exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1986. The board resolved that they would donate \$15,000.00 to the *We're So Lucky* charity in Chicagoville, Illinois.

Soon thereafter the administrators made another resolution; they fired their attorneys and hired the best in the business, Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd., who has vowed never to throw an extravagant dinner party.

C. Discussion

Section 10-3 of Article 10 entitled "Gift Ban" of the Model Ethics Ordinance states "an officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded."

IV. MODEL ETHICS ORDINANCE

- A. The Illinois Attorney General has developed a model ethics ordinance for local governmental entities. A local governmental entity may have adopted an ethics ordinance based, in whole or in part, on the model ordinance of the Attorney General.
- B. A copy of the Model Ethics Ordinance is included.
- C. Article 15 ("Ethics Advisor") and Article 20 ("Ethics Commission") are optional sections that are not required to be adopted by local governmental entities. The ethics ordinances that have been adopted by individual governmental entities will not always have these or similar sections.



MODEL ETHICS ORDINANCE

PREAMBLE

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

WHEREAS, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

NOW, THEREFORE, BE IT ORDAINED BY THE [CORPORATE AUTHORITIES] OF THE [INSERT NAME OF ENTITY], AS FOLLOWS:

SECTION 1: The Code of Ordinances of [*name of entity*] is hereby amended by the addition of the following provisions:

ARTICLE 1

DEFINITIONS

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the [*name of entity*], whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the [*name of entity*].

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance,

or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

ARTICLE 5

PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities. (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the [*name of entity*] in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 10

GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any

prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

ARTICLE 15

ETHICS ADVISOR

Section 15-1. The [*chief executive officer*], with the advice and consent of the [*corporate authorities*] shall designate an Ethics Advisor for the [*name of entity*]. The duties of the Ethics Advisor may be delegated to an officer or employee of the [*name of entity*] unless the position has been created as an office by the [*name of entity*].

Section 15-2. The Ethics Advisor shall provide guidance to the officers and employees of the [*name of entity*] concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the [*corporate authorities*].

ARTICLE 20

ETHICS COMMISSION

Section 20-1. There is hereby created a commission to be known as the Ethics Commission of [*name of entity*]. The Commission shall be comprised of three members appointed by the [*chief executive officer*] with the advice and consent of the [*corporate authorities*]. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of [*name of entity*]. [*For entities in which officers are elected on a partisan basis, insert the following: No more than two members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.*]

Section 20-2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 20-3. The [*chief executive officer*], with the advice and consent of the [*corporate authorities*], may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4. The Commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this Ordinance and refer violations of Article 5 or Article 10 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the [*name of entity*] to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

Section 20-5. (a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.

(b) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Article 10 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of this Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(d) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the

opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the [*chief executive officer or other officer having authority to discipline the officer or employee*], or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the [*chief executive officer or other officer having authority to discipline the officer or employee*] or impose a fine upon the violator, or both.

(g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(h) The Commission may fine any person who intentionally violates any provision of Article 10 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.

(i) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

ARTICLE 25

PENALTIES

Section 25-1. Penalties. (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) A person who intentionally violates any provision of Article 10 of this Ordinance is

subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the [*name of entity*] by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the [*name of entity*], or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

SECTION 2: This Ordinance shall be in effect upon its passage, approval and publication [*if required*] as provided by law.

KENNETH M. FLOREY

PARTNER, CHICAGO

312-332-7760

kflorey@rsnlt.com

Ken Florey concentrates his practice representing public and private clients, including municipalities, school districts, community colleges, private owners, contractors and design professionals regarding land use, municipal law, construction, tax, finance and litigation.

Ken was the Chair of the DuPage County Bar Association's Local Government Committee for 2001-2002. He served as a Trustee for the Village of Lombard for eight years. He was appointed Special Assistant Attorney General to prosecute and defend construction litigation claims on behalf of the Illinois Capital Development Board (1996-98, 2000 to present).

AWARDS

Illinois Institute for Local Government Law, Annual Litigation Award, (February 2009).

RECENT PUBLICATIONS

Contributing author, "School Property and Environmental Issues," *ILLINOIS SCHOOL LAW*, (IICLE, 2010)

RECENT PRESENTATIONS

Legal Aspects of Bidding, 2011 IASBO Annual Convention (May 2011)

Legal Aspects of Construction, 2011 IASBO Annual Convention (May 2011)

Illinois Community College Trustees Association Legal Update, ICCTA Conference, Double Tree Hotel, Oak Brook, IL (November 2010)

Public Bidding from the Basics to the Advanced, IASBO Doubletree Guest Suites & Conference Center, Downers Grove, IL (October 2010)

Constitutional Challenges to Zoning Ordinances, DuPage County Bar Association's Local Government Committee MCLE program (October 2010)

School Districts – Risk Management Update, IASBO Risk Management Litigation Update, Double Tree Hotel Chicago, Arlington Heights, IL (September 2008)

How to Win in Construction Project Disputes, 2008 IASB/IASA/IASBO Joint Annual Conference, Hyatt Regency Chicago, Chicago, IL (November 2008)



PRACTICE AREAS

Commercial Transactions
Construction Law
Education Law
Finance
Municipal Law
Property Tax &
Revenue Preservation
Real Estate Development

EDUCATION

J.D., DePaul University
College of Law, 1992;
Managing Editor, *DePaul
Journal of Art and
Entertainment Law* (1991-
92)

B.A., University of Illinois
at Urbana-Champaign,
1989

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

Illinois Community College Trustees Association Legal Update, Illinois Community College Trustees Association, Double Tree Hotel Chicago Magnificent Mile, Chicago, IL (November 2008)

The Incurable Contractor and Construction Delivery Systems, Wisconsin Association of School Business Officials' Midwest Facility Masters Conference, Wyndham Milwaukee Airport Hotel & Convention Center, Milwaukee, WI (October 2008)

Standard of Review for Zoning Decisions, Illinois Municipal League's 95th Annual Conference, Hilton Chicago, Chicago, IL (September 2008)

Practical Guide to Zoning and Land Use Law, National Business Institute, Oak Brook, IL (June 2008)

Urban Development and Redevelopment in Illinois, Lorman Education Services, Chicago, IL (May 2008)

Creating a Legal Risk Management Plan: The Pearl City Appellate Court Decision, Spring 2008 ICCCFD Conference, Utica, IL (April 2008)

Land Use Law: Current Issues in Subdivision, Annexation and Zoning, National Business Institute, Oak Brook, IL (December 2007)

Purchasing, Bidding & Contract Management; School Boards and the Law, 15th Annual Educational Support Professionals' Conference, Naperville, IL (September 2007)

Practical Guide to Zoning and Land Use Law, National Business Institute, Naperville, IL (June 2007)

Ethics and Immunities for Elected Officials, Elected Officials Seminar, Hinsdale, IL (June 2007)

Using the Illinois School Code to Research School Law, IASBO 14th Annual Educational Support Professionals' Conference, DeKalb, IL (April 2007)

Outsourcing: Should I? How Do I Begin?, IASBO 55th Annual Conference, St. Charles, IL (May 2006)

Bidding from the Basics to Advanced Problems and Solutions, Facility Purchasing Seminar, IASBO, Downers Grove, IL (March 2006)

Legal and Legislative Update, Illinois Community College Trustees Association, Rosemont, IL (March 2006)

EUGENE J. HANSES, JR.

PARTNER, COLLINSVILLE

618-343-3540

ehanses@rsnlt.com

Gene Hanses counsels and represents public and private sector clients with respect to real estate transactions, commercial and contractual relationships and disputes and real property tax assessment law. Gene practices from the Firm's Collinsville office and serves clients with legal concerns arising in both Illinois and Missouri.

Prior to joining the firm, Gene served for more than ten years with the Law Department for the City of St. Louis. As an Associate City Counselor, he provided representation and consultation to a municipal corporation, its elected officials and cabinet-level officers. Gene served as lead counsel for a variety of transactional and other commercial projects, with a substantial emphasis on matters pertaining to real property acquisition, disposition, valuation, tax assessment and related legislative and civil actions. He previously maintained a private legal practice and worked as a licensed Missouri real estate sales agent.

RECENT PRESENTATIONS

Legislative and Judicial Updates, Regional Office of Education #40, Jerseyville, IL (February 2011)

Compliance with the Amended Illinois Freedom of Information Act, Regional Office of Education No. 40; Jerseyville, IL (January 2010)

Compliance with the Amended Illinois Freedom of Information Act, Regional Office of Education No. 20 and WOVSED; Norris City, IL (December 2009)

Board Governance Update: Recent Amendments to FOIA and OMA, Wabash and Ohio Valley Special Education Superintendent Training; Whittington, IL (July 2009)

Advertising on School Property and Websites, Wabash and Ohio Valley Special Education Superintendent Training; Whittington, IL (July 2009)

Board Duties and Governance Tips: Ensuring Compliance with the Illinois Open Meetings and Freedom of Information Acts, Coles County 911 Board, Mattoon, IL (May 2009)

Internet Liability Issues for Schools, Area IV Learning Technology Center Administrators' Academy, Rantoul, IL (April 2009)

Legal Developments – Identifying and Investigating Pedophile Grooming, Regional Office of Education No. 40, Regional District Superintendent Training, Jerseyville, IL (January 2009)

School Construction Projects – On Time & Under Budget: Bidding and Contracting, 2008 IASB/IASA/ IASBO Joint Annual Conference, Chicago, IL (November 2008)



PRACTICE AREAS

Commercial Transactions
Education Law
Finance
Municipal Law
Real Estate Development
Student Discipline
Property Tax &
Revenue Preservation

EDUCATION

J.D., Washington
University, 1990

B.A., Northwestern
University, 1987

ADMITTED TO PRACTICE

Supreme Court of Illinois

Supreme Court of
Missouri

ORGANIZATIONS

Illinois Council of School
Attorneys

National Council of School
Attorneys

Student Records, Wood River-Hartford Elementary School District No. 15 In-Service, Wood River, IL (October 2008)

Identifying and Investigating Pedophile Grooming, Thompsonville Community Unit School District No. 174 In-Service, Thompsonville, IL (August 2008)

Legal Updates: Open Meetings Act and Freedom of Information Act; Wabash and Ohio Valley Special Education District Conference; Whittington, IL (July 2008)

Board Governance Issues Facing the Community College Student Trustee; Illinois Community College Trustees Association; Springfield, IL (June 2008)

Current Legal Issues: Risk Management Plans, IASB Wabash Valley Division Business Meeting, Noble, IL (March 2008)

Risk Management Programs, Mississippi Valley Association of School Business Officials, Collinsville, IL (January 2008)

“Bong Hits 4 Jesus” and Student Speech Issues, 2007 IASB/IASA/IASBO Joint Annual Conference, Chicago, IL (November 2007)

Municipal Representation & Administrative Proceedings, IICLE 2nd Annual Municipal Practice & Litigation Institute, Champaign, IL (October 2007)

Risk Management Programs and Open Meeting Act Overview, Wabash & Ohio Valley Special Education District In-Service, Whittington, IL (July 2007)

2007 Internet Liability Seminar, Learning Technology Center No. 6, Grayville, IL (April 2007)

Purchasing, Bidding and Contract Management, Illinois Association of School Business Officials Purchasing Seminar, Springfield, IL (July 2006)

Legal Do’s and Don’ts, Township Clerks Association, Continuing Education Seminar, Fairview Heights, IL (June 2006)

Deciphering the Illinois Open Meetings Act, Illinois Association of School Boards, Shawnee Division Conference, Herrin, IL (March 2006)

The Ethics Act and School Boards: Where Does it Start and Where Does it End?, Illinois Association of School Boards, Illini Division Conference, St. Joseph, IL (February 2006)

Pushing the Tort Expenditures Envelope: Risky Business, Mississippi Valley Association of School Business Officials School Legal Seminar, Collinsville, IL (February 2006)

TODD K. HAYDEN

PARTNER, JOLIET

815-722-6560

thayden@rsnlt.com

Todd Hayden has practiced since 1992, in the areas of school and municipal law. He provides governmental employers with guidance and counseling regarding labor and employment, including employee discipline and termination, board governance, collective bargaining, contract, public finance and transactional matters.

Todd has represented employers in various employer-employee disputes including federal and state litigation, EEOC/Department of Human Rights charges, State Labor Board Proceedings and grievance and arbitration proceedings. Todd has extensive experience in collective bargaining, including unit formation proceedings, negotiations, mediation and interest arbitration. He has performed construction contract reviews, served as local bond counsel and worked on school boundary changes.

RECENT PUBLICATIONS

Contributing author, "Civil Rights Litigation," *ILLINOIS SCHOOL LAW*, (IICLE, 2010)

RECENT PRESENTATIONS

District Website Postings: What's Required? What's Recommended?, 2010 Joint Annual IASB/IASA/IASBO Conference, Chicago, IL (November 2010)

Issues in Public Labor and Employment, Illinois Municipal League's 97th Annual Conference (September 2010)

Containing Labor Costs in Tough Economic, National Business Institute Conference, Oak Brook, IL (June 2010)

Technology On and Off School Grounds, National Business Institute Conference, Oak Brook, IL (June 2010)

Collective Bargaining Implications of SB 315, In-Service, Troy SD 70 (May 2010)

Sweeping Changes Made to the Illinois Freedom of Information Act, Management Association of Illinois, Downers Grove, IL (April 2010)

Cyberbullying, In-Service, Streator SD 44 (March 2010)

Collective Bargaining and Employment Issues, Illinois Municipal League Conference, Chicago, IL (September 2009)



PRACTICE AREAS

Commercial Transactions
Education Law
Finance
Labor & Employment
Municipal Law
Student Discipline

EDUCATION

J.D., *cum laude*, Indiana University School of Law, 1992

B.A., University of Michigan, 1989

ADMITTED TO PRACTICE

Supreme Court of the United States

U.S. Court of Appeals for the Seventh Circuit

Trial Bar of the U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

Containing Labor Costs in Tougher-Than-Ever Economic Times, IASB/IASA/Illinois ASBO Joint Annual Conference (November 2009)

Employee Benefits Conference, Springfield, IL (October 2009)

The Illinois Open Meetings Act, In-Service (June 2009)

Legal Responsibilities in Connection with Breach of Data Security, IASBO Annual Conference (May 2009)

Family and Medical Leave Act – Military Family Leave and Updated Regulations, Illinois Association of School Personnel Administrators (January 2009)

Collective Bargaining Update, South Suburban School Business Officials (October 2008)

Fair Labor Standards Act Update, Management Association of Illinois Law Conference (October 2008)

Student Discipline and Student Records, In-Service, Streator SD 44 (October 2008)

Avoiding Problems with the Open Meetings Act, Elected Officials Seminar (June 2007)

Internet Liability Issues, Kankakee County Regional Office of Education (September 2006)

Legal Do's and Don'ts, Township Clerks Association (May 2006)

ORGANIZATIONS

Illinois Council of School Attorneys

Illinois State Bar Association

Will County Bar Association – Local Government Committee

NANCI N. ROGERS

PARTNER, CHICAGO

312-332-7760

nrogers@rsnlt.com

Nanci Rogers represents clients on a wide range of matters related to education and local government law. Nanci counsels employers in all areas of employment and labor law, including employee discipline and termination, grievance arbitration, employee benefits plans, employment agreements, and labor contract administration. She advises municipalities and educational employers in the areas of finance, risk management, tax and Board governance issues. Nanci represents school districts, community colleges, municipalities and other local governmental bodies in matters before state and federal courts and in administrative review proceedings, including proceedings involving zoning and land use, property tax rate objections, and employment and contract disputes.

Nanci was recently awarded the Annual Litigation Award from the Illinois Institute for Local Government Law for her work on obtaining a favorable Illinois Supreme Court ruling in the case of *Napleton v. Village of Hinsdale*, 229 Ill. 2d 296 (2008), which established that municipal governments' zoning decisions are reviewed under the deferential rational basis test. In 2008, 2009 and 2010, Nanci was named a "Rising Star" by Super Lawyers Magazine in the area of Governments, Cities, and Municipal Law. Nanci is a member of the Executive Committee of the Illinois Council of School Attorneys and currently serves on the PRESS policy advisory board of the Illinois Association of School Boards.

Prior to joining the firm, Nanci represented private business entities in complex civil litigation matters. She is also a former judicial extern to the Honorable Reuben Castillo, United States District Judge, Northern District of Illinois. Nanci's pre-law career includes work as a research economist for Harris Bank in Chicago, and service in public school administration as Assessment Systems Director for a large unit school district in Illinois.

AWARDS

Named Illinois "Rising Star", by Super Lawyers Magazine, in the area of Government/Cities/Municipal Law (2010, 2009, 2008)

Illinois Institute for Local Government Law, Annual Litigation Award, (February 2009).

Beta Gamma Sigma

RECENT PUBLICATIONS

Contributing author, "Illinois Supreme Court Clarifies Standard of Review for Zoning Decisions," *Illinois Municipal Review* (August 2008)



PRACTICE AREAS

Education Law
Labor & Employment
Municipal Law
Property Tax &
Revenue Preservation

EDUCATION

J.D., *summa cum laude*,
Loyola University Chicago
School of Law, 2001

M.M., *with distinction*,
Kellogg Graduate School
of Management,
Northwestern University,
1984

B.A., Northwestern
University, 1975

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of Illinois

Supreme Court of Illinois

RECENT PRESENTATIONS

National Health Care Reform – What Employers Need to Know and Do Now, Springfield, IL (October 2010)

The New Frontier: Advising School Clients on Compliance with the Amended Illinois Freedom of Information Act, Illinois Council of School Attorneys Annual Seminar on School Law, Chicago, IL (November 2009)

Options for Funding Employer Provided Health Benefits, Lisle, IL and Springfield, IL (October 2009)

Section 403(b) Deferred Compensation Plan Compliance for Educational Employers (Oak Brook, IL, September 2008; Springfield, IL, May 2008)

Managing Employee Use of the School Technology System, K.I.D.S. ROE and Learning Technology Center 2 East (Rockford, IL, May 2008; Utica, IL, September 2007)

Internet Liability and Computer Acceptable Use Policies for Schools, Illinois Technology Conference for Education, St. Charles, IL (February 2008)

Internet Liabilities: Issues for Schools, North Cook Intermediate Service Center Administrators' Academy, Des Plaines, IL (March 2007)

School Internet Use and Liability Issues, Illinois Technology Conference for Educators, Administrators' Academy Program, St. Charles, IL (February 2007)

Zoning, Subdivision and Land Development Law in Illinois, Lorman Education Services Seminar, Oak Brook, IL (September 2006)

Outsourcing Contracts – Implications for Collective Bargaining, IASBO Annual Conference, St. Charles, IL (May 2006)

Employee Evaluations: How to Provide More Effective Evaluations, Harper College, Palatine, IL (April 2006)

ORGANIZATIONS

American Bar Association

Chicago Bar Association

Illinois Association of School Boards, PRESS Advisory Board

Illinois Council of School Attorneys, Executive Council

Illinois State Bar Association

National Association of School Boards, Council of School Attorneys

PAUL L. STEPHANIDES

PARTNER, JOLIET

815-722-6560

pstephanides@rsnlt.com

Paul Stephanides' practice is concentrated in the areas of transactional work, real estate, land use and zoning, litigation, construction law and counseling for municipalities, school districts, community colleges, townships, corporations, and local government boards and commissions.

Before joining Robbins, Schwartz, Paul was a Senior Assistant City Attorney for the City of Naperville. In this capacity, Paul defended and prosecuted numerous court and administrative actions for the City, including personal injury and torts, labor and employment, civil rights, administrative review, condemnation, contractual disputes, class actions, appeals and criminal prosecutions. Paul also was responsible for corporate matters, including legal counseling, real estate and commercial transactions, land use and zoning, drafting of laws and ordinances, claims liability, collective bargaining and labor and employment matters. Prior to his tenure with the City of Naperville, Paul worked as an Assistant General Attorney for the Chicago Park District, where he concentrated his litigation practice in personal injury and tort defense.

Paul served as the Chair of the Local Government Committee of the DuPage County Bar Association and was a member of the Regulatory Issues Committee of the DuPage Mayors and Managers Conference. Paul serves on the Advisory Board of Little Friends, Inc., a private, non-profit organization serving children and adults with developmental, emotional or behavioral disabilities based in Naperville, Illinois.

RECENT PRESENTATIONS

The Role of the Zoning Board of Appeals, In-Service (March 2010)

Plan Commission and Zoning Board of Appeals Meeting Procedures, In-Service (January 2010)

Letting The Sunshine In: Implementing the Sweeping Changes To Illinois' Freedom of Information Act, Township Clerks Association of Cook County (September 2009)

New Notary Requirements: Signatures, Identification and Notarial Records, In-Service (August 2009)

Village Clerk Duties and Notarizing Documents, Kankakee County Municipal Clerks Associations (May 2009)

Standard of Review for Zoning Decisions, Illinois Municipal League's 95th Annual Conference, Hilton Chicago, Chicago, IL (September 2008)



PRACTICE AREAS

Commercial Transactions
Construction Law
Municipal Law
Real Estate Development

EDUCATION

J.D., DePaul University
College of Law, 1990;
Moot Court Society
Executive Board Member

B.A., cum laude, DePaul
University, 1987

Budapest University of
Economic Sciences and
Public Administration,
Study Abroad, Budapest,
Hungary, 1987

ADMITTED TO PRACTICE

Supreme Court of the
United States

U.S. Court of Appeals for
the Seventh Circuit

Trial Bar for the U.S.
District Court for the
Northern District of Illinois

Supreme Court of Illinois

Practical Guide to Zoning and Land Use Law, National Business Institute, Oak Brook, IL (June 2008)

Urban Development and Redevelopment in Illinois, Lorman Education Services, Chicago, IL (May 2008)

Advising Public Officials at Board Meetings, DuPage County Bar Association (March 2008)

Records Retention and Electronic Records, Kankakee County Municipal Clerks Association (March 2008)

The Path of Being a Governmental Lawyer, DePaul University College of Law (February 2008)

Land Use Law: Current Issues in Subdivision, Annexation and Zoning, National Business Institute (December 2007)

Practical Guide to Zoning and Land Use Law, National Business Institute (June 2007)

Parliamentary Procedures Made Easy, Elected Officials Seminar (June 2007)

Duties of Boards and Commissions, In-Service (November 2006)

ORGANIZATIONS

Hellenic Bar Association of Illinois

Illinois Municipal League Home Rule Attorneys Committee

International Municipal Lawyers Association

Will County Bar Association

SUSAN W. GLOVER

ASSOCIATE, JOLIET

815-722-6560

sglover@rsnlt.com

Sue Glover's practice encompasses labor and personnel issues, federal employment litigation, collective bargaining, grievance processing, investigation of employee and student discrimination allegations and organizing educational foundations and other tax exempt organizations.

While at IIT Chicago-Kent College of Law, Sue served as student editor of the Labor and Industrial Relations public employee reporter.

RECENT PRESENTATIONS

Staff and Student Electronic Communications Issues for Community Colleges, Community College Conference on Legal Issues, Valencia Community College, Orlando, FL (February 2011)

Update on Recent Changes to the FMLA and ADA, Community College Conference on Legal Issues, Valencia Community College, Orlando, FL (February 2009)

Balancing Campus Safety Issues and Student and Employee Privacy Rights, Community College Conference on Legal Issues, Valencia Community College, Orlando, FL (February 2009)

Internet Liability Issues for Community Colleges and FMLA and Employee Leave Workshop, Community College Conference on Legal Issues, Valencia Community College, Orlando, FL (February 2008)

Internet Liability Issues for Schools, South Cook ISC 4 (May 2007)

Effective Management of Employee Leave and Accommodation Rights under FMLA, ADA, Workers' Compensation Laws and Domestic Violence Protection Laws, Community College Conference on Legal Issues, Valencia Community College, Orlando, FL (February 2007)

Legal Do's and Don'ts, Township Clerks Association (June 2006)



PRACTICE AREAS

Education Law
Labor & Employment
Municipal Law
Student Discipline

EDUCATION

J.D., IIT Chicago-Kent
College of Law, 1996

B.A., University of Illinois,
1993

ADMITTED TO PRACTICE

Supreme Court of the
United States

U.S. Court of Appeals for
the Seventh Circuit

U.S. District Court for the
Northern District of Illinois

U.S. District Court for the
Southern District of
Indiana

Supreme Court of Illinois

M. NEAL SMITH

ASSOCIATE, JOLIET

815-722-6560

nsmith@rsnlt.com

Neal Smith practices in the areas of municipal law and labor and employment law. He provides legal advice to municipalities, townships and local governmental boards and commissions.

Prior to joining Robbins, Schwartz, Neal concentrated his practice in the areas of municipal law, labor law, election law and litigation. He has represented municipalities and local governmental entities in State and Federal Court, before the Illinois Commerce Commission and in employer-employee disputes involving EEOC charges and unfair labor practice charges.



PRACTICE AREAS

Labor & Employment
Municipal Law

EDUCATION

J.D., *cum laude*, Northern Illinois University College of Law, 2004

B.A., Hampden-Sydney College, 2000

ADMITTED TO PRACTICE

U.S. District Court for the Central District of Illinois

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

American Bar Association

Chicago Bar Association

DuPage County Bar Association

Illinois Bar Association

Will County Bar Association