

PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES UNDER THE GOVERNOR
INVESTIGATIVE REPORT

Case Number: 22-00458

Subject(s): Adegbola "Sanjo" Omoniyi

Below is the redacted version of an investigative summary report issued by the Executive Inspector General for the Agencies of the Illinois Governor. Pursuant to section 20-50 of the State Officials and Employees Ethics Act (Act) (5 ILCS 430/20-50), a summary report of an investigation is required to be issued by an executive inspector general when, and only when, at the conclusion of investigation, the executive inspector general determines reasonable cause exists to believe a violation has occurred. If a complaint is not to be filed with the Commission for adjudication of the alleged violation, the Act further requires the executive inspector general to deliver to the Executive Ethics Commission (Commission) a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report of the investigation and of the response from the ultimate jurisdictional authority or agency head regarding the summary report. 5 ILCS 430/20-50(c-5). The Act requires that some summary reports be made available to the public and authorizes the Commission to make others available. 5 ILCS 430/20-52. Before making them available, however, the Commission is to redact from them information that may reveal the identity of witnesses, complainants, or informants and may redact “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

Some summary reports delivered to the Commission may contain a mix of information relating to allegations with respect to which the executive inspector general did and did not determine reasonable cause existed to believe a violation occurred. In those situations, the Commission may redact information relating to those allegations with respect to which the existence of reasonable cause was not determined.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission has redacted certain information contained in this report and identified where said redactions have taken place and inserted clarifying edits as marked. Publication of a summary report of an investigation, whether redacted or not, is made with the understanding that the subject or subjects of the investigation may not have had the opportunity to rebut the report’s factual allegations or legal conclusions before issuance of the report. Moreover, there has not been, nor will there be, an opportunity for the subject to contest or adjudicate them before the Commission. The subject merely has the opportunity to submit a response for publication with the report.

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Agencies of the Illinois Governor Office of Executive Inspector General (“OEIG”). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG’s final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Illinois Governor, and each subject.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52. By publishing the below redacted summary report, the Commission neither makes nor adopts any determination of fact or conclusions of law for or against any individual or entity referenced therein.

– THE REDACTED VERSION OF THE EIG’S SUMMARY REPORT
BEGINS ON THE NEXT PAGE –

I. ALLEGATIONS

On March 4, 2022, the Office of Executive Inspector General (OEIG) received a complaint alleging that Illinois Commerce Commission (ICC or Commission) employee “Abegbola”¹ Omoniyi was the Registered Agent for, and provided legal services to, [Business 1] ([Business 1]), which is a company subject to ICC’s jurisdiction.

II. BACKGROUND

The ICC is a quasi-judicial body made up of five Commissioners responsible for regulating public utilities and certain transportation industries in the State.² Adegbola “Sanjo” Omoniyi began his ICC employment on August 2, 1999, as an analyst in the Policy Department of the Telecommunications Division.³ According to his position description, Mr. Omoniyi’s duties in that position included preparing written testimony and presenting expert witness testimony on policy-related issues in cases⁴ before the Commission, acting as staff case manager, and providing support to Administrative Law Judges and Commissioners.

The Public Utilities Act, the Illinois Administrative Code, and ICC’s Employee Manual prohibit ICC employees from accepting certain outside employment or taking actions that create a conflict of interest or appearance of a conflict. ICC employees are prohibited from accepting employment or anything of value from people or entities subject to ICC supervision or jurisdiction, and from participating in any business being transacted with the State by any private concern in which the employee has a financial or beneficial interest.⁵ ICC employees also are required to avoid situations that might result in actual or apparent conflicts of interest, and to avoid actions that might result in or create the appearance of using public office for private gain, losing impartiality, or adversely affecting public confidence in the ICC’s integrity.⁶

Employees may accept outside employment that “is not in conflict with the employee’s responsibilities with the Commission, or will not interfere with the employee’s official duties.”⁷ However, if “the employee believes [there] may be a conflict of interest” then the employee needs written approval from the immediate supervisor, Division Director, and Bureau Chief and a copy of the approval shall be placed in the employee’s personnel file.⁸ If an employee is “given an assignment by the Commission that involves a person, group, or other entity with which the employee has a personal, financial, or beneficial relationship, the employee should notify the

¹ The OEIG learned that the correct spelling of his first name is Adegbola.

² <https://www.icc.illinois.gov/about/oversight> (last visited May 27, 2022).

³ The paperwork in Mr. Omoniyi’s personnel file and interviewees referred to his position as an “Economic Analyst III” at times and at other times as a “Policy Analyst III.” It appears that Mr. Omoniyi had the same duties throughout his employment with the ICC.

⁴ ICC personnel interviewed also referred to the cases as “dockets.” In order to avoid confusion, throughout the report they will be referred to as cases.

⁵ 220 ILCS 5/2-102(b); ICC Employee Manual Chapter 3 Sections 2 & 23; 83 Ill. Adm. Code §100.20(c).

⁶ 83 Ill. Adm. Code §100.20; ICC Employee Manual Chapter 3 Section 23.

⁷ ICC Employee Manual Chapter 3 Section 24.

⁸ ICC Employee Manual Chapter 3 Section 24.

immediate supervisor *immediately* and be disqualified from any official action related to the assignment.”⁹

III. INVESTIGATION

A. Mr. Omoniyi’s Law Firm

Mr. Omoniyi is an attorney who has been registered with the Illinois Attorney Registration & Disciplinary Commission since 1996. The registration reflects that he practices law at the [Law Firm 1]¹⁰ According to its website, the [Law Firm 1] is in Chicago and has represented clients in litigation matters since 1996.¹¹ Mr. Omoniyi’s ICC personnel file did not contain any disclosures of outside employment.

B. Mr. Omoniyi’s Position With [Business 1]

According to its website, [Business 1] is a company that provides climate friendly, closed loop energy solutions for residential, commercial, and government agencies.¹² In response to an OEIG subpoena, [Business 1] provided a General Counsel Services Agreement between [Business 1] and Mr. Omoniyi, which was signed in the names of Mr. Omoniyi and [Individual 1] as [Business 1]’s CEO and dated June 3, 2021. The agreement indicated that it was in effect for one year but could be renewed annually by mutual consent and terminated at any time with 180 days written notice. The Purpose of Employment section lists such duties as advising [Business 1] staff on legal matters, attending meetings, and instituting legal proceedings, among other things. The agreement states that [Business 1] was to pay a \$2,000 retainer upon signing and regularly replenish it, with Mr. Omoniyi’s work to be billed at \$250 per hour, and paralegal work to be billed at \$75 per hour.¹³ The documents provided by [Business 1] included a copy of a credit union statement for [Individual 1] reflecting [Digital Payment 1] payments of \$2,000 on June 9, 2021, to “sanjo Omini,” and a \$2,000 debit on June 17, 2021, to “[Law Firm 1].”¹⁴

The OEIG also reviewed a Power of Attorney signed in [Individual 1] and Mr. Omoniyi’s names and dated October 15, 2021.¹⁵ The Power of Attorney granted Mr. Omoniyi the authority to take actions on behalf of [Individual 1] with any business he may own or have an interest in. It included, among other things, the authority to participate in legal business of any kind; incorporate, reorganize, consolidate, merge, sell, or dissolve any business; elect or employ officers, directors, and agents; and to exercise voting rights with respect to any stock owned by [Individual 1]. [Business 1]

⁹ ICC Employee Manual Chapter 3 Section 23 (emphasis added).

¹⁰ [Website 1] (last visited September 27, 2022).

¹¹ [Website 2] (last visited September 27, 2022).

¹² [Website 3] (last visited October 12, 2022.)

¹³ The agreement indicated that Mr. Omoniyi was an independent contractor in the performance of the services and not considered an employee of [Business 1].

¹⁴ [Digital Payment 1] is a digital payment network where users can send payments using an email address or mobile telephone number.

¹⁵ The Power of Attorney was submitted with the complaint. During their interviews, [Individual 1] and Mr. Omoniyi confirmed their signatures on the document.

also provided email exchanges between Mr. Omoniyi and [Individual 1] dated August 29 and October 14, 2021, regarding [Business 1] partnerships.

Illinois Secretary of State (SOS) records reflect that on October 20, 2021, a Statement of Conversion was filed changing [Business 1] from a corporation to a Limited Liability Company (LLC) and an Articles of Organization form was filed naming Mr. Omoniyi as the Registered Agent of [Business 1]. Both documents were signed in the name of Mr. Omoniyi as [Business 1]'s General Counsel. The SOS website reflects that on February 16, 2022, the Registered Agent was changed to [Individual 1].¹⁶

On June 30, 2022, the OEIG interviewed [Individual 1]. He said he researched attorneys with experience in energy, the ICC, and Illinois Power Agency and he found Mr. Omoniyi, whom he said he refers to as "Sanjo." [Individual 1] said, through a [Website 4] search, he was aware that Mr. Omoniyi worked for the ICC, but he did not know his role or title. He said they talked for approximately one month before Mr. Omoniyi was officially retained but that Mr. Omoniyi unofficially helped [Business 1] during that time period. He said in April or May 2021, [Business 1] retained Mr. Omoniyi to assist with legal matters and that he was still on retainer as of the time of [Individual 1]'s interview. He said [Business 1] paid a retainer fee using [Digital Payment 1]. He said in October 2021 he gave Mr. Omoniyi a Power of Attorney to help transition [Business 1] from a corporation to an LLC. He said he also decided to list Mr. Omoniyi as the [Business 1] Registered Agent, but once the company was set up properly he changed the Registered Agent from Mr. Omoniyi to himself so any further official State contact would go directly to himself.

C. [Business 1]'s ICC Filings

In his interview, [Individual 1] said he filed an application with the ICC to become a Distributed Generation Installer for solar energy and he asked Mr. Omoniyi about the application. He said Mr. Omoniyi gave him advice on how to properly fill out the paperwork, what paperwork needed to be attached to the application, and that Mr. Omoniyi commented that he provides this advice to everyone.

The OEIG reviewed the ICC eDocket system and copies of multiple documents filed by [Business 1] with the ICC. They reflect that on [Redacted], the ICC received an application for a Certification to Install Energy Efficient Measures submitted by [Business 1] and that certification was granted by the ICC on [Redacted]. The eDocket system did not indicate who the ICC case manager was for this filing.

On January 26, 2022, the ICC received applications submitted by [Business 1] for a Certification to Install Distributed Generation Facilities and a Certification to Install, Maintain, or Repair Electric Vehicle Charging Station Facilities. The ICC eDocket system reflects that the January 26, 2022 [Business 1] applications were assigned to Mr. Omoniyi as the case manager on January 31, 2022. An email dated January 31, 2022, from Mr. Omoniyi's supervisor,

¹⁶ <https://apps.ilsos.gov/corporatellc/CorporateLlcController> (last visited September 28, 2022). As discussed further below, two days previously, on February 14, 2022, Mr. Omoniyi's ICC supervisor had emailed him, noting that Mr. Omoniyi's name appeared on the SOS website as the designated agent for [Business 1].

[ICC Employee 1], to the ICC's Chief Clerk asked that Mr. Omoniyi be assigned to a list of cases that included the two January 26, 2022 [Business 1] applications.

ICC emails reflect that on February 14, 2022, [ICC Employee 1] emailed Mr. Omoniyi, noting that his (Mr. Omoniyi's) name appeared on the SOS website as the designated agent for [Business 1]. On February 16, 2022, Mr. Omoniyi replied that the issue "should have been fixed because, the CEO of the company, [Individual 1], is actually the agent. He is one of the 6 owners of an LLC I advised in late October last year."

The ICC eDocket system reflects that on June 17, 2022, Mr. Omoniyi was removed as the case manager and [ICC Employee 1] was assigned as case manager for the two January 26, 2022 [Business 1] applications.

D. Interview Of Adegbola Omoniyi

On July 20, 2022, the OEIG interviewed Mr. Omoniyi. Mr. Omoniyi said that in his ICC position he reviewed cases from companies seeking certification under the ICC, and if the applicant is qualified, he makes a recommendation for approval. Mr. Omoniyi confirmed that in addition to his work at the ICC he has a law firm, [Law Firm 1].

Mr. Omoniyi said that in May 2021 [Individual 1] contacted him for legal services. He said they discussed converting [Business 1] to an LLC, and approximately one week later [Individual 1] contacted him to retain him as [Business 1]'s General Counsel. Mr. Omoniyi said they discussed Mr. Omoniyi assisting with a merger and acquisition with another company, raising capital, and registering a trademark and copyright. Mr. Omoniyi confirmed that he signed a General Counsel Services Agreement with [Business 1] on May 27, 2021. He said he was paid a retainer via [Digital Payment 1] by [Business 1] and if they need his assistance, they call him and he bills against the retainer. He said at the time of his interview he was still working with [Business 1].

Mr. Omoniyi confirmed he was given [Business 1]'s Power of Attorney and explained that it was done in order to facilitate the conversion of [Business 1] from a corporation to an LLC. Mr. Omoniyi said he was assigned as [Business 1]'s Registered Agent to file the Statement of Conversion. He said his assignment as Registered Agent was temporary and only until [Individual 1] was authorized by the LLC members to become the Registered Agent. He confirmed he signed the Statement of Conversion as [Business 1]'s General Counsel on October 18, 2021, and filed it on October 20, 2021.

Mr. Omoniyi said [Business 1]'s application for a Certification to Install Distributed Generation Facilities and application for a Certification to Install, Maintain, or Repair Electric Vehicle Charging Station Facilities were assigned to him at the ICC. He claimed he did not recall whether he received [Business 1]'s applications for certification through his ICC email, personal email, or law firm email, but that as an ICC employee he saw them and reviewed them. He said he advised [Individual 1] of changes that needed to be made, and that they went back and forth with the applications approximately three times before he recommended approval by the Commission. Mr. Omoniyi said the applications for certification then went to [ICC Employee 1] for review and then they were sent to the Administrative Law Judges for final decisions.

Mr. Omoniyi said he did not ask to be disqualified from the [Business 1] cases that were assigned to him and he was not removed from them. When asked whether he notified his supervisor that he was the [Business 1]’s General Counsel when he was assigned the two [Business 1] cases, he said on February 16, 2022, he replied to an email [ICC Employee 1] sent him and explained his relationship with [Business 1] but he did not notify [ICC Employee 1] when he was assigned the cases because he did not feel there was any conflict of interest. He said the email exchange occurred after he had already made an approval recommendation for [Business 1]’s certifications in the two cases.

Mr. Omoniyi confirmed that [Business 1] is subject to the supervision of the ICC because of its ICC certifications.¹⁷ However, he said that he never advised [Business 1] about anything related to the ICC as [Business 1]’s General Counsel. He said his communications with [Business 1] when applying for the certifications were done in his capacity as an ICC employee rather than as [Business 1]’s General Counsel, and that he did not assist or advise [Business 1] as its General Counsel when it obtained the certifications. He said he did not believe he violated the Public Utilities Act or the Illinois Administrative Code because he was hired by [Business 1] to perform work unrelated to the ICC and he reviewed [Business 1]’s applications as an ICC employee, the same way he reviews all other applications.

Mr. Omoniyi claimed he did not specifically remember telling his supervisor about his outside employment with his law firm, but he assumes he did and has not otherwise notified anyone at the ICC. He said many people at the ICC know of his outside employment because other ICC employees, including some Commissioners, have asked him questions regarding immigration. He also said the ICC is aware that he has outside employment because he usually discloses it on his Statement of Economic Interests if he meets the minimum income disclosure threshold.¹⁸ Mr. Omoniyi said there is not an outside employment disclosure form for ICC employees to utilize.

Mr. Omoniyi retired from the ICC and his last day was July 31, 2022.

E. Interview Of [ICC Employee 1]

On August 8, 2022, the OEIG interviewed [ICC Employee 1] who said he has served in that position since 2017. [ICC Employee 1] said he was Mr. Omoniyi’s supervisor from the time he ([ICC Employee 1]) became the [Redacted] until Mr. Omoniyi retired from the ICC on July 31, 2022.

[ICC Employee 1] said that when Mr. Omoniyi was at the ICC, he (Mr. Omoniyi) reviewed Electric Vehicle Charging Stations Installer and Distributed Generation Installer cases, communicated with applicants about issues with their applications, and wrote a verified statement recommending approval or denial when he considered an application to be complete. [ICC Employee 1] confirmed he reviewed Mr. Omoniyi’s verified statements, then an

¹⁷ In an April 11, 2022 interview, the ICC’s Chief Ethics Officer also confirmed this and said any entity that holds a certificate issued by the ICC is subject to ICC regulation.

¹⁸ The OEIG reviewed Mr. Omoniyi’s StatementS of Economic Interest on the Secretary of State website for 2012 through 2022 and found that from 2012 through 2017 Mr. Omoniyi disclosed that he was the owner of [Law Firm 1]. He did not have a Statement of Economic Interest on file for 2018 through 2022.

Administrative Law Judge prepared a proposed order, and if the ICC voted to approve the case and proposed order, then the certificate was awarded.

[ICC Employee 1] said Mr. Omoniyi never made him aware of having any outside employment. [ICC Employee 1] said he became aware that Mr. Omoniyi's name was listed as the designated agent on the SOS website for [Business 1] when he received a telephone call from an ICC Administrative Law Judge on February 14, 2022, informing him as such. He said he sent the February 14, 2022 email to Mr. Omoniyi that day. In addition, he said he informed the ICC's Public Utilities Bureau Chief as well as the Director of the Office of Ethics and Accountability and Chief Ethics Officer of the situation, and they discussed it and agreed that if Mr. Omoniyi submitted verified statements on the [Business 1] cases he ([ICC Employee 1]) "would sit on them" and not forward the cases for further consideration.¹⁹ He said he did not remember whether Mr. Omoniyi sent him the [Business 1] cases and verified statements before or after he learned of Mr. Omoniyi's relationship with [Business 1]. [ICC Employee 1] said that since that time, he reviewed one of the [Business 1] cases himself and wrote his own verified statement instead of relying on the one drafted by Mr. Omoniyi. [ICC Employee 1] said that case was processed. He said he plans to do the same with the remaining [Business 1] case previously reviewed by Mr. Omoniyi.

[ICC Employee 1] said it was "common sense" that an ICC employee could not accept employment from any entity that the ICC regulates or has jurisdiction over, and that he was sure that the ICC Employee Handbook discussed outside employment or conflicts of interest and that there might be something in the Public Utilities Act. He said he did not know when an employee was required to disclose outside employment to the ICC and he did not know if the ICC had a form for employees to complete to disclose outside employment. He said he has not had an employee disclose outside employment to him but if one did, or notified him of a conflict or potential conflict of interest, he would speak to the ICC Human Resources department for further direction.

IV. ANALYSIS

The Public Utilities Act, Illinois Administrative Code, and ICC Employee Manual prohibit people employed by the ICC from accepting any employment and/or anything of value from any person or entity subject to the jurisdiction of the ICC, and from participating in any business being transacted with the State by any private concern in which the employee has a financial or beneficial interest.²⁰ Additionally, employees are required to avoid situations that might result in actual or apparent conflicts of interest, and notify their supervisor immediately and be disqualified from any official action related to an entity which they have a personal, financial, or beneficial relationship.²¹

Documents reflect that [Business 1] first applied for ICC certification on June 10, 2021, which was granted on August 12, 2021. Documents further reflect, and Mr. Omoniyi and [Individual 1] confirmed in their interviews, that Mr. Omoniyi served as General Counsel for [Business 1] from May 2021 through at least July 2022, during the period [Business 1] was under

¹⁹ The Chief Ethics Officer confirmed this in his April 11, 2022 interview.

²⁰ 220 ILCS 5/2-102(b); ICC Employee Manual Chapter 3 Sections 2 & 23; 83 Ill. Adm. Code §100.20(c).

²¹ 83 Ill. Adm. Code §100.20; ICC Employee Manual Chapter 3 Section 23.

ICC jurisdiction. He also held [Business 1]’s Power of Attorney beginning in October 2021, and served as the company’s Registered Agent from October 2021 to February 2022. Both [Individual 1] and Mr. Omoniyi said Mr. Omoniyi advised how to properly fill out the paperwork for [Business 1]’s ICC filings. Mr. Omoniyi also reviewed [Business 1]’s two January 2022 ICC applications and advised [Individual 1] of changes to make, and, in his capacity as an ICC analyst, he recommended that the ICC approve the applications. Mr. Omoniyi did not inform his supervisor of his relationship with [Business 1] until more than two weeks later, when [ICC Employee 1] asked him about his (Mr. Omoniyi’s) name appearing as the Registered Agent on the SOS website.

The evidence shows that Mr. Omoniyi, as an ICC analyst, took action relating to [Business 1]’s applications at a time when he was also acting and receiving payment as [Business 1]’s General Counsel. Thus, there is reasonable cause to believe that while he was an ICC employee, Mr. Omoniyi accepted employment and payments from [Business 1], an entity subject to the jurisdiction of the ICC, in violation of the Public Utilities Act, applicable administrative rules, and ICC policy. In addition, based on the evidence, there is reasonable cause to believe that Mr. Omoniyi failed to disclose a private interest that conflicted or appeared to conflict with his ICC duties and responsibilities, and failed to immediately notify his supervisor and disqualify himself from official action related to [Business 1].

V. [REDACTED] AND RECOMMENDATIONS

Based on the evidence detailed above, the OEIG has determined **THERE IS REASONABLE CAUSE TO BELIEVE THE FOLLOWING:**

- **[REDACTED]** – Adegbola Omoniyi violated the Public Utilities Act, Illinois Administrative Code, and ICC Employee Manual when he accepted employment and payment from [Business 1], an entity subject to the jurisdiction of the ICC; participated in business being transacted with the ICC by [Business 1]; failed to disclose a private interest that conflicted or appeared to conflict with his ICC duties and responsibilities; and failed to immediately notify his supervisor and disqualify himself from official ICC action related to [Business 1].

The OEIG recommends that the ICC place a copy of this report in Mr. Omoniyi’s personnel file, and not rehire him. In addition, the OEIG recommends that the ICC revise its outside employment policy. Currently, the policy requires employees to obtain written approval if “the *employee believes* [there] may be a conflict of interest.”²² It is preferable for the policy to simply require the employee to report the proposed outside employment to his or her supervisor, or some other designee, prior to accepting the outside employment. The agency should then make an objective assessment of whether the outside employment conflicts, or has the potential to conflict, with the employee’s duties at the ICC, or a risk of abuse of State time or resources, especially for employees working remotely.

²² ICC Employee Manual Chapter 3 Section 24 (emphasis added).

No further investigative action is necessary, and this matter is considered closed.

Date: December 7, 2022

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STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION

December 23, 2022

Via Electronic Mail

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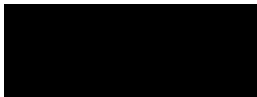
Re: OEIG Case No. 22-00458- AGENCY RESPONSE TO FINAL SUMMARY REPORT

This letter is in response to the OEIG's Final Report regarding the above referenced complaint. As noted in the report the subject of this investigation retired from the Illinois Commerce Commission ("ICC") and his last day was July 31, 2022, therefore, no further disciplinary action will be pursued. In accordance with the Final Report's recommendation, a copy of Final Report has been placed in the subject's personnel file and he will not be re-hired by the ICC.

The ICC has been working to revise its outside employment policy as was recommended by the Final Report. The draft proposed policy contemplates all recommendations suggested within the Final Report and will bring the ICC in line with best practices.

If you have any questions regarding this matter, please don't hesitate to contact me.

Sincerely,



Phil Kosanovich
Chief Ethics Officer