STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION

COMPLIANCE EXAMINATION

For the Two Years Ended June 30, 2008

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION

For the Two Years Ended June 30, 2008

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STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION

AGENCY OFFICIALS

Chairman (07/01/07 – current) Shawn W. Denney

Chairman (07/1/06 – 06/30/07) James M. Brennan

Executive Director Chad Fornoff

Office Administrator Jeris Gordley

Commission offices are located at:

401 S. Spring Street 403 Wm. Stratton Building Springfield, Illinois 62706



EXECUTIVE ETHICS COMMISSION

401 S. Spring Street 403 Wm. Stratton Bldg. Springfield, IL 62706

STATE OF ILLINOIS

Area Code: 217 Phone: 558-1393

Fax: 558-1399

November 24, 2008

Honorable William G. Holland Auditor General Iles Park Plaza 740 East Ash Street Springfield, Illinois 62703-3154

Dear Mr. Holland:

We are responsible for the identification of, and compliance with, all aspects of laws, regulations, contracts, or grant agreements that could have a material effect on the operations of the Agency. We are responsible for and we have established and maintained an effective system of internal controls over compliance requirements. We have performed an evaluation of the Commission's compliance with the following assertions during the two-year period ended June 30, 2008. Based on this evaluation, we assert that during the year(s) ended June 30, 2007 and June 30, 2008, the Commission has materially complied with the assertions below.

- A. The Commission has obligated, expended, received and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Commission has obligated, expended, received and used public funds of the State in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The Commission has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.

Yours very truly,

Executive Ethics Commission

Chad I Found

Jeris Gordley, Office Administrator

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION

COMPLIANCE REPORT

SUMMARY

The compliance testing performed during this examination was conducted in accordance with *Government Auditing Standards* and in accordance with the Illinois State Auditing Act.

ACCOUNTANTS' REPORTS

The Independent Accountants' Report on State Compliance, on Internal Control Over Compliance and on Supplementary Information for State Compliance Purposes does not contain scope limitations, disclaimers, or other significant non-standard language.

SUMMARY OF FINDINGS

Number of	Current Report	Prior Report
Findings	1	1
Repeated findings	0	N/A
Prior recommendations implemented		
or not repeated	1	N/A

Details of findings are presented in a separately tabbed report section of this report.

SCHEDULE OF FINDINGS

Item No.	<u>Page</u>	<u>Description</u>	Finding Type
08-1	8	Inadequate segregation of duties	Significant Deficiency
			and Noncompliance

PRIOR FINDINGS NOT REPEATED

A 9 Contract not executed timely

EXIT CONFERENCE

The findings and recommendations appearing in this report were discussed with Commission personnel at an exit conference on November 24, 2008. Attending were:

Executive Ethics Commission	
Chad Fornoff, Executive Director	
Jeris Gordley, Office Administrator	

Office of the Auditor General Gayla Rudd, Manager Adanna Nwodu, Supervisor Responses to the recommendations were provided on November 24, 2008 by Jeris Gordley, Office Administrator.

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OFFICE OF THE AUDITOR GENERAL WILLIAM G. HOLLAND

INDEPENDENT ACCOUNTANTS' REPORT ON STATE COMPLIANCE, ON INTERNAL CONTROL OVER COMPLIANCE, AND ON SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES

Honorable William G. Holland Auditor General State of Illinois

Compliance

We have examined the State of Illinois, Executive Ethics Commission's compliance with the requirements listed below, as more fully described in the Audit Guide for Financial Audits and Compliance Attestation Engagements of Illinois State Agencies (Audit Guide) as adopted by the Auditor General, during the two years ended June 30, 2008. The management of the State of Illinois, Executive Ethics Commission is responsible for compliance with these requirements. Our responsibility is to express an opinion on the State of Illinois, Executive Ethics Commission's compliance based on our examination.

- A. The State of Illinois, Executive Ethics Commission has obligated, expended, received, and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The State of Illinois, Executive Ethics Commission has obligated, expended, received, and used public funds of the State in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The State of Illinois, Executive Ethics Commission has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.

We conducted our examination in accordance with attestation standards established by the American Institute of Certified Public Accountants; the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States; the Illinois State Auditing Act (Act); and the Audit Guide as adopted by the Auditor General pursuant to the Act; and, accordingly, included examining, on a test basis, evidence about the State of Illinois, Executive Ethics Commission's compliance with those requirements listed in the first paragraph of this report and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the State of Illinois, Executive Ethics Commission's compliance with specified requirements.

In our opinion, the State of Illinois, Executive Ethics Commission complied, in all material respects, with the requirements listed in the first paragraph of this report during the two years ended June 30, 2008. However, the results of our procedures disclosed instances of noncompliance, which are required to be reported in accordance with criteria established by the Audit Guide, issued by the Illinois Office of the Auditor General and which are described in the accompanying schedule of findings as finding 08-1.

Internal Control

The management of the State of Illinois, Executive Ethics Commission is responsible for establishing and maintaining effective internal control over compliance with the requirements listed in the first paragraph of this report. In planning and performing our examination, we considered the State of Illinois, Executive Ethics Commission's internal control over compliance with the requirements listed in the first paragraph of this report in order to determine our examination procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Audit Guide issued by the Illinois Office of the Auditor General, but not for the purpose of expressing an opinion on the effectiveness of the State of Illinois, Executive Ethics Commission's internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the State of Illinois, Executive Ethics Commission's internal control over compliance.

Our consideration of internal control over compliance was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses as defined below. However, as discussed below, we identified certain deficiencies in internal control over compliance that we consider to be significant deficiencies.

A control deficiency in an entity's internal control over compliance exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect noncompliance with the requirements listed in the first paragraph of this report on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to comply with the requirements listed in the first paragraph of this report such that there is more than a remote likelihood that noncompliance with a requirement that is more than inconsequential will not be prevented or detected by the entity's internal control. We consider the deficiencies in internal control over compliance described in the accompanying schedule of findings as item 08-1 to be significant deficiencies.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that material noncompliance with a requirement listed in the first paragraph of this report will not be prevented or detected by the entity's internal control. We did not consider any of the deficiencies described in the accompanying schedule of findings and questioned costs to be material weaknesses.

There were no immaterial findings that have been excluded from this report.

The State of Illinois, Executive Ethics Commission's response to the findings identified in our examination are described in the accompanying schedule of findings. We did not examine State of Illinois, Executive Ethics Commission's response and, accordingly, we express no opinion on it.

Supplementary Information for State Compliance Purposes

Our examination was conducted for the purpose of forming an opinion on compliance with the requirements listed in the first paragraph of this report. The accompanying supplementary information as listed in the table of contents as Supplementary Information for State Compliance Purposes is presented for purposes of additional analysis. We have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General to the 2008 and 2007 Supplementary Information for State Compliance Purposes, except for information on the Service Efforts and Accomplishments on which we did not perform any procedures. However, we do not express an opinion on the supplementary information.

We have not applied procedures to the 2006 Supplementary Information for State Compliance Purposes, and accordingly, we do not express an opinion thereon.

This report is intended solely for the information and use of the Auditor General, the General Assembly, the Legislative Audit Commission, the Governor, Commission management, and the agency's governing board and is not intended to be and should not be used by anyone other than these specified parties.

<u> Duce I. Bullard</u> BRUCE L. BULLARD, CPA

Director of Financial and Compliance Audits

November 24, 2008

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION SCHEDULE OF FINDINGS

For the Two Years Ended June 30, 2008

08-1. **FINDING** (Inadequate segregation of duties)

The Illinois Executive Ethics Commission (Commission) did not maintain adequate segregation of duties in the areas of expenditure control and fixed assets.

During testing, we noted the following inadequate segregations of duties:

- One person had authority to approve vouchers, maintain accounting records and perform monthly expenditure reconciliations.
- One person had authority to approve all fixed asset purchases, tag all inventory, maintain the property records and complete the quarterly fixed asset reports.

Fiscal Control and Internal Auditing Act (30 ILCS 10/3001) requires State agencies to establish and maintain a system, or systems, of internal fiscal and administrative controls to provide assurance that funds, property, and other assets and resources are safeguarded against waste, loss, unauthorized use, and misappropriation. In addition, good business practices require the Commission to maintain an adequate segregation of duties in order to help ensure the safeguarding of assets, prevent improper expenditures, ensure the accuracy and reliability of accounting data and promote operational efficiency.

Commission personnel stated they were aware of the inadequate segregation of duties, which are caused by the Commission only having two staff members.

The lack of adequate segregation of duties increases the likelihood that a loss from errors or irregularities could occur and would not be found in the normal course of employees carrying out their assigned duties. (Finding Code No. 08-1)

RECOMMENDATION

We recommend the Commission properly segregate the duties in order to maintain effective internal controls over the expenditure records and fixed assets.

COMMISSION RESPONSE

The Commission accepts this finding and notes that no assets have been misappropriated, lost or wasted. It agrees that good business practices require segregation of duties and has adopted measures to segregate duties as much as possible between its two employees. The Commission will involve one or more Commission members to further segregate accounting and property control responsibilities.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION PRIOR FINDINGS NOT REPEATED

For the Two Years Ended June 30, 2008

A. **FINDING** (Contract not executed timely)

During the prior examination period, the Commission did not timely execute written contract agreements.

During the current examination period, the result of our sample tests indicated the Commission timely executed written contract agreements. (Finding Code No. 06-1)

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION

For the Two Years Ended June 30, 2008

SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES

SUMMARY

Supplementary Information for State Compliance Purposes presented in this section of the report includes the following:

Fiscal Schedules and Analysis:

Schedule of Appropriations, Expenditures and Lapsed Balances Comparative Schedule of Net Appropriations, Expenditures and Lapsed Balances Schedule of Changes in State Property Analysis of Significant Variations in Expenditures Analysis of Significant Lapse Period Spending

Analysis of Operations:

Agency Functions and Planning Program Average Number of Employees Service Efforts and Accomplishments (Not Examined)

The accountants' report that covers the Supplementary Information for State Compliance Purposes presented in the Compliance Report Section states the auditors have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General, except for information on Service Efforts and Accomplishments on which they did not perform any procedures. However, the accountants do not express an opinion on the supplementary information.

STATE OF ILLINOIS

EXECUTIVE ETHICS COMMISSION

SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

For The Fiscal Year Ended June 30, 2008

					Lapse Period		Total		
	Appı	Appropriations			Expenditures		Expenditures	Balances	SS
	<u> </u>	(Net of	Expenditures	SS	July 1 to		14 Months Ended	Lapsed	-
P.A. 95-0348	Tr	Transfers)	Through June 30	30	August 31		August 31	August 31	31
GENERAL REVENUE FUND - 001									
Operating Expenses of the Executive Ethics Commission	↔	363,000	\$ 259,	259,517	\$ 7,315	\$	266,832	\$ 96,168	89
Total Fiscal Year 2008	8	363,000	\$ 259,	259,517	\$ 7,315	 	266,832	\$ 96,168	89

Note: Appropriations, expenditures, and lapsed balances were obtained from Agency records and have been reconciled to records of the State Comptroller.

STATE OF ILLINOIS

EXECUTIVE ETHICS COMMISSION

SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

For The Fiscal Year Ended June 30, 2007

					Lap	Lapse Period		Total		
	App	Appropriations			Exp	Expenditures	Exp	Expenditures	B	Balances
		(Net of	Exp	Expenditures	Jı	July 1 to	14 Mo	14 Months Ended	Н	Lapsed
P.A. 94-0798	T	Transfers)	Thron	Through June 30	Aı	August 31	Au	August 31	Au	August 31
GENERAL REVENUE FUND - 001										
Operating Expenses of the										
Executive Ethics Commission	↔	370,000	∨	267,882	↔	6,258	⊗	274,140	\$	95,860
	•		•	000	+		÷		€	0
Total Fiscal Year 2007	₽	3 / 0,000	₽	788,707	A	6,238	•	2/4,140	↔	\$ 95,860

Note: Appropriations, expenditures, and lapsed balances were obtained from Agency records and have been reconciled to records of the State Comptroller.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION

COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

For the Fiscal Years Ended June 30,

	Fiscal Year			
	2008	2007	2006	
GENERAL REVENUE FUND - 001	P.A 95-0348	P.A. 94-798	P.A. 94-0015	
Appropriations (Net of Transfers)	\$ 363,000	\$ 0	\$ 385,000	
Expenditures				
Operating Expenses of the Executive Ethics Commission	\$ 266,832	\$ 274,140	\$ 252,534	
Lapsed Balances	\$ 96,168	\$ 95,860	\$ 132,466	

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION SCHEDULE OF CHANGES IN STATE PROPERTY

For the Two Years Ended June 30, 2008

	Eq	uipment
Balance at July 1, 2006	\$	21,866
Additions		465
Deletions		-
Net Transfers		-
Balance at June 30, 2007	\$	22,331
Balance at July 1, 2007	\$	22,331
Additions		2,228
Deletions		-
Net Transfers		-
Balance at June 30, 2008	\$	24,559

Note: The above schedule has been derived from Commission records which have been reconciled to property reports submitted to the Office of the Comptroller.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES

For the Two Years Ended June 30, 2008

	FISCAL YI	EAR
GENERAL REVENUE FUND - 001	2008	2007
Personal Services	\$ 158,783	\$ 153,702
Employee Retirement Contributions		
Paid by Employer	6,356	6,154
State Contributions to State Employees'		
Retirement System	26,316 A	17,731
State Contributions to Social Security	11,764	11,421
Contractual Services	30,742 B	53,457
Travel	15,362	14,793
Commodities	2,424	2,031
Printing	7,250 C	11,799
Equipment	3,900 D	149
Telecommunications	3,935 E	2,903
Total General Revenue Fund Expenditures	<u>\$ 266,832</u>	<u>\$ 274,140</u>

Explanations of significant variations in expenditures (fluctuations of 20% or more) for the year ended June 30, 2008 are presented below.

- A The increase in expenditures for state contributions to state employees' retirement system was due to a change in contribution percentage increasing from 11.525% in FY07 to 16.561% in FY08.
- **B** The decrease in expenditures for contractual services was due to fewer billed hours for Special Investigators.
- C The decrease in expenditures for printing was due to fewer brochures printed in FY08 because there were unused brochures from FY07. Decrease was also due to the printing of Employees Ethics Survey questionnaires and final reports under the Office of the Governor in FY07. In FY08, the Survey for the Office of the Secretary of State was completed but survey results will not be printed until FY09.
- **D** The increase in expenditures for equipment was due to the purchase of two new computers.
- E The increase in expenditures for telecommunications was due to the upgrade of the Executive Director's smart phone. Increase was also due to the Commission paying \$915 to Central Management Services (CMS) for communication charges.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES

For the Two Years Ended June 30, 2007

	FISCAL YEAR			
GENERAL REVENUE FUND - 001		2007		2006
Personal Services	\$	153,702	\$	146,506
Employee Retirement Contributions				
Paid by Employer		6,154		5,860
State Contributions to State Employees'				
Retirement System		17,731 F		11,416
State Contributions to Social Security		11,421		10,950
Contractual Services		53,457		49,480
Travel		14,793		14,666
Commodities		2,031 G		2,648
Printing		11,799 H		6,972
Equipment		149 I		1,176
Telecommunications		2,903		2,860
Total General Revenue Fund Expenditures	\$	274,140	\$	252,534

Explanations of significant variations in expenditures (fluctuations of 20% or more) for the year ended June 30, 2007 are presented below.

- **F** The increase in expenditures for state contributions to state employees' retirement system was due to a change in contribution percentage increasing from 7.792% in FY06 to 11.525% in FY07.
- **G** The decrease in expenditures for commodities was due to the purchase of supplies for Ethics Officer Conference in FY06. There were extra supplies remaining, which were consequently used in FY07.
- **H** The increase in expenditures for printing was due to the printing of additional brochures, and 2006-2007 Employees Ethics Survey questionnaires and final reports for agencies under the Office of the Governor.
- I The decrease in expenditures for equipment was due to the purchase of furniture in FY 2006. Expenditures in FY07 was due to the purchase of two books.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION ANALYSIS OF SIGNIFICANT LAPSE PERIOD SPENDING

For the Two Years Ended June 30, 2008

		FISCAI	L YEAR	
GENERAL REVENUE FUND - 001	2	.008	2	007
Personal Services	\$	0	\$	0
Employee Retirement Contributions				
Paid by Employer		0		0
State Contribution to State Employees'				
Retirement System		0		0
State Contributions to Social Security		0		0
Contractual Services		3,609		4,342
Travel		1,071		1,681
Commodities		165		0
Printing		0		0
Equipment		1,319 J		0
Telecommunications		1,151 K		235
Total General Revenue Fund Expenditures in				
Lapse Period	\$	7,315	\$	6,258

Explanations of significant lapse period spending (spending greater than 20% of expenditures) are presented below for the two years ended June 30, 2008.

- **J** The lapse period expenditures for equipment in FY08 were due to the purchase of two printers. The printers were ordered prior to June 30, but the related invoices were not received and paid until the lapse period.
- **K** The lapse period expenditures for telecommunications in FY08 were due to payments for a training video produced by CMS. The related invoices were not received and paid until the lapse period.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION ANALYSIS OF OPERATIONS

For the Two Fiscal Years Ended June 30, 2008

AGENCY FUNCTIONS

The Executive Ethics Commission (Commission) was created by the State Officials and Employees Ethics Act (Act) (5 ILCS 430/et seq.). The Commission consists of 9 commissioners appointed by the five executive branch Constitutional officers. The Governor appoints five of the nine Commissioners, and the Attorney General, Secretary of State, Treasurer and Comptroller each appoint one.

The jurisdiction of the Commission extends to all officers and employees of State agencies other than the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate operations Commission, the legislative support services agencies, and the Office of the Auditor General.

The State Officials and Employees Ethics Act charges the Executive Ethics Commission with the following duties:

- Promulgate rules governing the performance of Commission duties and governing the investigations of the Executive Inspectors General.
- Conduct administrative hearings on investigations brought before the Commission by an Executive Inspector General.
- Receive periodic reports from the Executive Inspectors General and the Attorney General regarding ongoing and completed investigations.
- Prepare and publish manuals and guides and oversee training of executive agency employees.
- Prepare public information materials to facilitate compliance, implementation, and enforcement of the Ethics Act.
- Make rulings, issue recommendations and impose administrative fines on ethics cases brought before it.
- Issue subpoenas with respect to matters pending before the Commission.
- Appoint Special Executive Inspectors General to investigate Executive Inspectors General or to pursue investigations of executive agency ethical misconduct allegations that have failed to be resolved within six months.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION ANALYSIS OF OPERATIONS

For the Two Fiscal Years Ended June 30, 2008

- Consider petitions to waive the revolving door prohibition on certain former State employees.
- Receive reports of ex parte communications that each agency and constitutional officer is required to file with the Commission.
- Liaise with Ethics Officers of various Executive Branch offices and agencies.

PLANNING PROGRAM

The Commission is an adjudicative body with its powers and duties detailed in the State Officials and Employees Ethics Act. As a result, the Commission does not have formal written goals and objectives, but instead operates to fulfill the statutory responsibilities in a timely and efficient manner.

The Commission's Adopted Rules help implement and communicate the responsibilities set forth in the State Officials and Employees Ethics Act.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION AVERAGE NUMBER OF EMPLOYEES

For the Two Years Ended June 30, 2008

AVERAGE NUMBER OF EMPLOYEES

The following table, prepared from Commission records presents the average number of employees, by function, for the Fiscal Years ended June 30, 2008:

<u>Position</u>	<u>2008</u>	<u>2007</u>
Executive Director	1	1
Office Administrator	1	1
Total average full-time employees	2	2

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION SERVICE EFFORTS AND ACCOMPLISHMENTS (NOT EXAMINED)

For the Two Years Ended June 30, 2008

The Executive Ethics Commission (Commission) established a website for State employees and the general public. This website outlines information about the Commission and staff, publications, decisions reached by the Commission, statutes and rules governing the Commission, frequently asked questions, other ethics organizations and quarterly reports. In addition, the website provides contact information for the Commission as well as information on contacting the Office of Executive Inspector General.

The Commission hosted its second annual Ethics Officer Conference on April 17, 2007, inviting ethics officers and general counsel from each agency under its jurisdiction to attend. Over 100 attendees participate in sessions on ethics-related topics, including ex parte communications, revolving door prohibitions and procedures, whistle blowing and employee rights, gift ban and political activities, personnel issues and conflicts of interest, advanced ethics training, techniques and employee surveys, and roundtable discussions, including ethics officer best practices.

In addition, the Commission bestowed the Abraham Lincoln Ethics Award to Illinois deserving officers or employees during the conference.

The Commission also received 8 and 7 revolving door petitions during fiscal years 2007 and 2008, respectively. In each case, the Commission reviewed the petition and supporting documents provided by the related ethics officers in making their decision. Below is a summary of the action taken on each of the petitions:

<u>Action</u>	FY 2007	FY 2008
Granted petition	3	2
Denied petition	0	0
Petition was withdrawn	1	0
Determined prohibition did not apply	4	4
Petition remains open	0	1
Total petitions received	8	7