STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION

COMPLIANCE EXAMINATION

For the Two Years Ended June 30, 2010

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION For the Two Years Ended June 30, 2010

TABLE OF CONTENTS

	Page
Agency Officials	1
Management Assertion Letter	2
Compliance Report	
Summary	3
Accountants' Reports	
Independent Accountants' Report on State Compliance,	
on Internal Control Over Compliance, and on	
Supplementary Information for State Compliance	
Purposes	4
Schedule of Findings	-
Prior Findings Not Repeated	7
Supplementary Information for State Compliance Purposes Summary	8
Fiscal Schedules and Analysis	
Schedule of Appropriations, Expenditures and	
Lapsed Balances	9
Comparative Schedule of Net Appropriations,	
Expenditures and Lapsed Balances	11
Schedule of Changes in State Property	12
Analysis of Significant Variations in Expenditures	13
Analysis of Significant Lapse Period Spending	16
Analysis of Operations	17
Agency Functions and Planning Program	17
Average Number of Employees	19
Service Efforts and Accomplishments (Not Examined)	20

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION For the Two Years Ended June 30, 2010

AGENCY OFFICIALS

Chairperson (10/01/09 – Current)

Chairperson (07/01/09 – 09/30/09)

Chairperson (07/01/08 – 06/30/09)

Executive Director

Office Administrator

James Faught

Ellen Craig

Shawn Denney

Chad Fornoff

Jeris Gordley

Commission offices are located at:

401 S. Spring Street 513 Wm. Stratton Building Springfield, Illinois 62706



EXECUTIVE ETHICS COMMISSION

STATE OF ILLINOIS

401 S. Spring Street 513 Wm. Stratton Bldg. Springfield, IL 62706 Area Code: 217 Phone: 558-1393 Fax: 558-1399

MANAGEMENT ASSERTION LETTER

January 20, 2011

Honorable William G. Holland Auditor General Iles Park Plaza 740 East Ash Street Springfield, IL 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 Illinois Executive Ethics Commission (Commission). 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, 2010. Based on this evaluation, we assert that during the years ended June 30, 2009 and June 30, 2010, 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,

Illinois Executive Ethics Commission

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Mr. Chad Fornoff, Executive Director

Eris A. Gordley

Ms Jeris Gordley, Office Administrator

<u>ibutreywige Reser</u> Ms. Whitney Rosen, Legal Counsel

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION For the Two Years Ended June 30, 2010

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

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

SCHEDULE OF FINDINGS

The Executive Ethics Commission did not have any current year findings.

PRIOR FINDINGS NOT REPEATED

Item No.	Page	Description
А	7	Inadequate segregation of duties

EXIT CONFERENCE

The Executive Ethics Commission waived an exit conference in correspondence dated January 12, 2011.

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CHICAGO OFFICE: MICHAEL A. BILANDIC BLDG. · SUITE S-900 160 NORTH LASALLE · 60601-3103 PHONE: 312/814-4000 FAX: 312/814-4006

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, 2010. 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 compliance requirements listed in the first paragraph of this report during the two years ended June 30, 2010.

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 as a basis for designing 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 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.

A *deficiency* in an entity's internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct noncompliance with the requirements listed in the first paragraph of this report on a timely basis. A *material weakness over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance such that there is a reasonable possibility that material noncompliance with a requirement listed in the first paragraph of this report will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over compliance with the requirements listed in the first paragraph of this report was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

As required by the Audit Guide, immaterial findings excluded from this report have been reported in a separate letter.

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 2010 and

the 2009 Supplementary Information for State Compliance Purposes, except for information on 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 2008 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, the Executive Ethics Commission, and Commission management and is not intended to be and should not be used by anyone other than these specified parties.

BRUCE L. BULLARD, CPA Director of Financial and Compliance Audits

January 20, 2011

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION SCHEDULE OF FINDINGS For the Two Years Ended June 30, 2010

Prior Findings Not Repeated

A. **<u>FINDING</u>** (Inadequate segregation of duties)

During the prior examination, the Illinois Executive Ethics Commission (Commission) did not maintain an adequate segregation of duties in the areas of expenditure control and fixed assets.

During the current examination, we noted the Commission established an appropriate compensating control. Under this new procedure, Commission personnel prepare monthly reconciliations of all expenditures, including equipment purchases, and members of the Commission review and sign the reconciliations. (Finding Code No. 08-1)

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION For the Two Years Ended June 30, 2010

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	SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
EXECUTIVE ETHICS COMMISSION	Appropriations for Fiscal Year 2010

Fourteen Months Ended August 31, 2010

		Approximate	Balances	Lapsed	
		Approximate	Total	Expenditures	
Approximate	Lapse Period	Expenditures	July 1 to	August 31	
			Expenditures	Through June 30	
		Appropriations	(Net of	Transfers)	
			P.A. 96-0042	FISCAL YEAR 2010	

GENERAL REVENUE FUND - 001

893,474	893,474
Ś	÷
440,726	440,726
\$	÷
91,887	91,887
\$	÷
348,839	348,839
\$	÷
1,334,200	1,334,200
\$	÷
Operating Expenses of the Executive Ethics Commission	Total Fiscal Year 2010

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

Note B: Expenditure amounts are vouchers approved for payment by the Commission and submitted to the State Comptroller for payment to the vendor.

Note C: Approximate lapse period expenditures do not include interest payments approved for payment by the Commission and submitted to the Comptroller for payment after August.

STATE OF ILLINOIS	EXECUTIVE ETHICS COMMISSION	SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES	Appropriations for Fiscal Year 2009
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Fourteen Months Ended August 31, 2009

			Lapse Period		
	Appropriations		Expenditures		
P.A. 95-0732	(Net of	Expenditures	July 1 to	Total	Balances
FISCAL YEAR 2009	Transfers)	Through June 30	August 31	Expenditures	Lapsed

GENERAL REVENUE FUND - 001

222	~	_ ∥
	74,399	74,399
	\$	Ś
	270,071	270,071
	÷	\Leftrightarrow
	2,270	2,270
	÷	\Leftrightarrow
	267,801	267,801
	\$	÷
	344,470	344,470
	\$	\$
	Operating Expenses of the Executive Ethics Commission	Total Fiscal Year 2009

Note A: Appropriations, expenditures, and lapsed balances were obtained from Commission records and have been reconciled to records of the State Comptroller. Note B: Expenditure amounts are vouchers approved for payment by the Commission and submitted to the State Comptroller for payment to the vendor.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION

COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

			Fi	scal Year		
		2010		2009		2008
GENERAL REVENUE FUND - 001	Р	.A. 96-0042	P.4	A. 95-0732	P.4	A. 95-0348
Appropriations (Net of Transfers)	\$	1,334,200	\$	344,470	\$	363,000
Expenditures						
Operating Expenses of the Executive Ethics Commission	\$	440,726	\$	270,071	\$	266,832
Total Expenditures	\$	440,726	\$	270,071	\$	266,832
Lapsed Balances	\$	893,474	\$	74,399	\$	96,168

NOTE: Fiscal Year 2010 expenditures and related lapsed balances do not reflect any interest payments approved for payment by the Commission and submitted to the Comptroller for payment after August.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION SCHEDULE OF CHANGES IN STATE PROPERTY For the Two Years Ended June 30, 2010

Equipment Balance at July 1, 2008 \$ 24,559 Additions 4,265 Deletions (1,880)Net Transfers (1,893)Balance at June 30, 2009 \$ 25,051 Balance at July 1, 2009 \$ 25,051 Additions 43,718 Deletions (452)Net Transfers 452 Balance at June 30, 2010 \$ 68,769

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, 2010

	FISCAL Y	<u>YEAR</u>
<u>GENERAL REVENUE FUND (GRF) - 001</u>	2010	2009
Personal Services	\$ 226,431	\$ 165,858
Employee Retirement Contributions		
Paid by Employer	7,671	6,637
State Contributions to State Employees'		
Retirement System	0 A	34,926
State Contributions to Social Security	16,294	12,267
Contractual Services	30,008	22,406
Travel	18,667 B	11,388
Commodities	5,153 C	2,207
Printing	4,477	5,968
Equipment	121,106 D	4,955
Telecommunications	9,260 E	3,459
Electronic Data Processing	1,414 F	0
Gasoline, Oil, and Antifreeze	51 G	0
Interest-Prompt Payment	<u> 194</u> H	0
Total General Revenue Fund Expenditures	<u>\$440,726</u>	<u>\$270,071</u>

Explanations of significant variations in expenditures (fluctuations of 40% or more) for the year ended June 30, 2010 are presented below.

- A The decrease in the State Contribution to State Employees' Retirement System was due to Public Act 96-0045, which did not require agencies to make the contribution during Fiscal Year 2010 for employees paid out of the General Revenue Fund.
- **B** The increase in travel expenditures was due to the appointment of a new Commissioner, employee travel to a regional ethics conference, and the addition of four employees who were required to travel during the last quarter of Fiscal Year 2010.
- **C** The increase in the commodities expenditures was due to the purchase of start up supplies for four additional employees hired during Fiscal Year 2010.
- **D** The increase in equipment expenditures was due to the purchase of additional furniture for new offices and employees per additional duties given in Public Act 96-0795.
- **E** The increase in telecommunication expenditures was due to additional telephone lines and purchase of equipment for employees added in response to Public Act 96-0795.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES For the Two Years Ended June 30, 2010

- **F** The increase in electronic data processing expenditures was due to upgrading computers and the addition of new employees during Fiscal Year 2010 in response to Public Act 96-0795.
- **G** The increase in gasoline, oil, and anti-freeze expenditures was due to an instance when a state employee traveled in a rented vehicle.
- **H** The increase in the interest-prompt payment expenditures was due to vouchers not being paid within the 60 day time period as required and interest being due to those specific vendors.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES For the Two Years Ended June 30, 2010

	FISCA	L YEAR
GENERAL REVENUE FUND (GRF) - 001	2009	2008
Personal Services	\$ 165,858	\$ 158,783
Employee Retirement Contributions		
Paid by Employer	6,637	6,356
State Contributions to State Employees'		
Retirement System	34,926	26,316
State Contributions to Social Security	12,267	11,764
Contractual Services	22,406	30,742
Travel	11,388	15,362
Commodities	2,207	2,424
Printing	5,968	7,250
Equipment	4,955	3,900
Telecommunications	3,459	3,935
Total General Revenue Fund Expenditures	<u>\$ 270,071</u>	<u>\$ 266,832</u>

We noted no significant variances in expenditures between Fiscal Year 2008 and Fiscal Year 2009.

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

For the Two Years Ended June 30, 2010

FISCAL YEAR

	FISCAL I EAK	
GENERAL REVENUE FUND (GRF) - 001	2010	2009
Personal Services	\$ 0	\$ 0
Employee Retirement Contributions		
Paid by Employer	0	0
State Contributions to State Employees'		
Retirement System	0	0
State Contributions to Social Security	0	0
Contractual Services	9,454 A	930
Travel	432	397
Commodities	1,422 B	0
Printing	0	0
Equipment	72,638 B	485
Telecommunications	6,616 B	458
Electronic Data Processing	1,131 B	0
Gasoline, Oil, and Antifreeze	0	0
Interest-Prompt Payment	194 C	0
Total General Revenue Fund Expenditures	\$91,887	\$2,270

Explanations of significant lapse period spending (spending greater than 20% of expenditures) are presented below for the two years ended June 30, 2010.

- A The lapse period expenditures for contractual service in Fiscal Year 2010 were due to the payment of contracts in connection with the remodeling of additional office space late in Fiscal Year 2010. The related invoices were received and processed in the lapse period.
- **B** The lapse period expenditures for commodities, equipment, telecommunications, and electronic data processing were for costs incurred related to the hiring of additional employees during the last quarter of Fiscal Year 2010. The hiring of these additional employees required the Commission to purchase additional office supplies, furniture items, computers, telephones, and office equipment. In addition, the Commission had to have additional telephone lines installed to accommodate the additional personnel. The invoices related to these expenditures were received and processed in the lapse period. The employees were hired by the Commission to perform duties as required by Public Act 96-0795.
- C The lapse period expenditures for Interest-Prompt Payment in Fiscal Year 2010 was due to vouchers not being paid within 60 days and interest being owed to vendors.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION AGENCY FUNCTIONS AND PLANNING PROGRAM For the Two Fiscal Years Ended June 30, 2010

FUNCTIONS

The Executive Ethics Commission (Commission) was originally created by the State Officials and Employees Ethics Act (Act) (5 ILCS 430/<u>et seq.</u>). 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 AGENCY FUNCTIONS AND PLANNING PROGRAM For the Two Fiscal Years Ended June 30, 2010

- Consider petitions to waive the revolving door prohibition on certain former State employees. (Executive Ethics Commission had this duty until P.A. 96-555, effective August 18, 2009, which gave this duty to the Executive Inspector General.)
- 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 investigative 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 administrative 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, 2010

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,

Description	<u>2010</u>	<u>2009</u>	<u>2008</u>
Executive Director	1	1	1
Office Administrator	1	1	1
Legal Counsel	0*	0	0
Chief Procurement Officers	0*	0	0
Total average full-time employees	2	2	2

*During Fiscal Year 2010, a Legal Counsel position and three Chief Procurement Officer (CPO) positions were added to the Executive Ethics Commission. The Legal Counsel position was established on April 16, 2010, one CPO position was created on May 16, 2010, and two CPO positions were created on June 1, 2010. However, the persons hired for the CPO positions were not confirmed by the Senate until Fiscal Year 2011.

STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION SERVICE EFFORTS AND ACCOMPLISHMENTS (NOT EXAMINED) For the Two Years Ended June 30, 2010

The Executive Ethics Commission (Commission) maintained 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 website also contains redacted reports from the Office of the Inspector General regarding certain allegations and investigations.

The Commission hosted their annual ethics officer conferences on April 29, 2009 and March 23, 2010 for Fiscal Year 2009 and Fiscal Year 2010, respectively, inviting ethics officers and general counsels from each agency under their jurisdiction to attend. Over 100 attendees participated 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 deserving Illinois officers and employees during the conferences.

The Commission also received 6 revolving door petitions during Fiscal Year 2009. 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 received:

Action	FY 2009
Granted petition	2
Denied petition	0
Petition was withdrawn	1
Determined prohibition did not apply	3
Petition remains open	0
Total petitions received	6

In Fiscal Year 2010, P.A. 96-555 gave the Executive Inspector General the responsibility of handling revolving door petitions.