#### STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION

For the Year Ended June 30, 2014

#### STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION For the Year Ended June 30, 2014

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#### STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION For the Year Ended June 30, 2014

#### **AGENCY OFFICIALS**

Executive Director: Chad Fornoff

Deputy Executive Director/Chief Legal Counsel: Whitney Wagner Rosen

Office Administrator: Jeris Gordley

Chief Financial Officer: Tim R. Burch

Chief Information Officer/Compliance Officer: Craig P. Williams II

#### **COMMISSION MEMBERS**

Gil Soffer, Chair James Nowlan, Vice Chair James Faught, Secretary Matthew Berns Sunny Chico Maria Kuzas Shawn Denney

James Schink(Effective 03/23/2015)Stephen Schnorf(Effective 03/23/2015)

#### Commission office is located at:

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



#### **EXECUTIVE ETHICS COMMISSION**

#### STATE OF ILLINOIS

401 S. Spring Street 513 William Stratton Building Springfield, Illinois 62706 Phone: (217) 558-1393 Fax: (217) 558-1399

Email: EEC.cms@illinois.gov

#### STATE COMPLIANCE EXAMINATION

#### MANAGEMENT ASSERTION LETTER

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

Dear Mr. Holland:

April 22, 2015

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 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 year ended June 30, 2014. Based on this evaluation, we assert that during the year ended June 30, 2014, 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.

D. State revenues and receipts collected by the Commission are in accordance with applicable laws and regulations and the accounting and recordkeeping of such revenues and receipts is fair, accurate and in accordance with law.

Yours very truly,

**Executive Ethics Commission** 

Chad Fornoff, Executive Director

Tim Burch, Chief Financial Officer

Whitney Wagner Rosen, Deputy Executive Director/Chief Legal Counsel

#### STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION For the Year Ended June 30, 2014

#### **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.

#### **ACCOUNTANT'S REPORT**

The Independent Accountant's 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	2
Repeated findings	0	2
Prior recommendations implemented		
or not repeated	2	1

#### **SCHEDULE OF FINDINGS**

Item No.	<u>Page</u>	<u>Description</u>
		PRIOR FINDINGS NOT REPEATED
A	8	Contract information not posted electronically
В	8	Failure to ensure emergency procurement procedures were properly administered

#### **EXIT CONFERENCE**

The Commission waived an exit conference in correspondence dated April 20, 2015.

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### OFFICE OF THE AUDITOR GENERAL WILLIAM G. HOLLAND

#### INDEPENDENT ACCOUNTANT'S 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 year ended June 30, 2014. 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.
- D. State revenues and receipts collected by the State of Illinois, Executive Ethics Commission are in accordance with applicable laws and regulations and the accounting and recordkeeping of such revenues and receipts is fair, accurate and in accordance with law.

Our examination was conducted 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 year ended June 30, 2014.

#### **Internal Control**

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 to determine the examination procedures that are appropriate in the circumstances 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.

A deficiency in 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 in internal control 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. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance 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 material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

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

#### 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 for the year ended June 30, 2014 in Schedules 1 through 5 and the Analysis of Operations Section 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 June 30, 2014 accompanying supplementary information in Schedules 1 through 5. However, we do not express an opinion on the accompanying supplementary information.

We have not applied procedures to the June 30, 2013 accompanying supplementary information in Schedules 2 through 5 and in the Analysis of Operations Section, and accordingly, we do not express an opinion or provide any assurance on it.

This report is intended solely for the information and use of the Auditor General, the General Assembly, the Legislative Audit Commission, the Governor, agency 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

Springfield, IL April 22, 2015

#### STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION PRIOR FINDINGS NOT REPEATED

For the Year Ended June 30, 2014

#### A. **FINDING** (Contract information not posted electronically)

During the prior examination, the General Services Chief Procurement Officer (CPO), under jurisdiction of the Commission, failed to ensure that contract information was posted electronically on the awarding agency's website the next business day.

During the current examination, our sample testing showed the CPO posted contract information as required. In addition, we noted the Illinois Procurement Code (30 ILCS 500/15-25 (b-5)) was amended January 1, 2015 to no longer require agencies to post contract notices prior to the execution of the contract. (Finding Code No. 2013-001, 12-2)

## B. **FINDING** (Failure to ensure emergency procurement procedures were properly administered)

During the prior examination, the Chief Procurement Officers (CPOs), under jurisdiction of the Commission, did not file affidavits for emergency purchases with the Office of the Auditor General (Office) and the Procurement Policy Board within ten days after the procurement. In addition, the actual costs of emergency procurements were not filed with the Office.

During the current examination, our sample testing showed the CPOs, under jurisdiction of the Commission, filed emergency procurement affidavits timely with the required information. (Finding Code No. 2013-002, 12-1, 11-1)

#### STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION

#### OAG MANAGEMENT AUDIT RECOMMENDATIONS UPDATE

For the Year Ended June 30, 2014

#### Office of the Auditor General Management Audit Recommendations Update

In March 2012, the Office of the Auditor General released a management audit of the State's Procurement of Health Insurance Vendors for the State's Group Health Insurance Program. The audit contained 15 recommendations directed at various State agencies, including the Executive Ethics Commission.

As part of the compliance examination of the Executive Ethics Commission for the period ended June 30, 2014, auditors followed up on the status of the not fully implemented recommendations and reported the following:

Recommendation 4	Implemented
Recommendation 7	Partially Implemented
Recommendation 12	Implemented
Recommendation 13	Partially Implemented
Recommendation 15	Partially Implemented

Recommendation 4: The Commission should require its staff, during the conduct of its procurement oversight, to determine whether team discussions, which are a recommended part of the evaluation procedures, are being utilized by the Department to clarify questions or identify areas of clarification for evaluators.

**Implemented:** The Chief Procurement Officer for General Services has revised its Procurement Manual to require an instructional meeting to be conducted with all committee members. In addition to the detailed instructions on the evaluation and scoring process, it further states the meetings may be to discuss any questions or clarification an evaluator may have with all committee members present.

Recommendation 7: The Commission should require its staff to review whether policies and procedures regarding scoring were followed before approving the award of State procurements.

**Partially Implemented:** The Chief Procurement Officer for General Services has updated its standard procurement rules (44 Ill. Adm. Code 1.2015), has implemented a form, and has conducted a number of team meetings and trainings with staff. The documentation is general in nature and does not specifically address the issue noted in Recommendation # 7.

Recommendation 12: The Commission should develop policies and procedures to guide its staff in overseeing State procurements. These policies and procedures should address the review of scoring by Commission staff prior to reviewing and approving procurement awards.

**Implemented:** The Chief Procurement Officer for General Services has developed a draft procurement manual that requires the State Purchasing Officer (SPO) to complete a technical

# STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION OAG MANAGEMENT AUDIT RECOMMENDATIONS UPDATE

For the Year Ended June 30, 2014

score ranking of the offers - a technical score tally sheet to reflect each evaluator's score for each offer and a total score for each offer evaluated.

Recommendation 13: The Commission should ensure that if its staff questions whether requirements were satisfied, those questions should be answered and documented prior to approving the award of State health insurance contracts.

**Partially Implemented:** The Chief Procurement Officer for General Services has revised its Procurement Manual to require an instructional meeting to be conducted with all committee members. In addition to the detailed instructions on the evaluation and scoring process, it further states the meetings may be to discuss any questions or clarification an evaluator may have with all committee members present; however, there is no requirement for questions and answers to be documented.

Recommendation 15: The Commission should, in instances where consultants have major roles in procurement activity, ensure its staff has an understanding of the work the consultant conducts prior to approving the award of State contracts.

**Partially Implemented:** While the Chief Procurement Officer for General Services has conducted a number of team meetings and trainings with staff, the documentation noted the topic of consultants' involvement in procurement activity was discussed in general terms. We did not note any documentation indicating the involvement of consultants in procurement activities was discussed in detail.

#### STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION COMPLIANCE EXAMINATION For the Year Ended June 30, 2014

#### 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 – Fiscal Year 2014

Comparative Schedule of Net Appropriations, Expenditures and Lapsed Balances

Schedule of Changes in State Property

Comparative Schedule of Cash Receipts and Reconciliation of Cash Receipts to Deposits Remitted to the State Comptroller Analysis of Significant Variations in Receipts

Analysis of Significant variations in Receip

• Analysis of Operations (Not Examined):

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

The accountant's report that covers the Supplementary Information for State Compliance Purposes presented in the Compliance Report Section states the accountants have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General to the June 30, 2014 accompanying supplementary information in Schedules 1 through 5. However, the accountants do not express an opinion on the supplementary information. The accountant's report also states that they have not applied procedures to the Analysis of Operations Section, and accordingly, they do not express an opinion or provide any assurance on it.

# STATE OF ILLINOIS

# EXECUTIVE ETHICS COMMISSION

# SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

Appropriations for Fiscal Year 2014

Fourteen Months Ended August 31, 2014

Expenditures Through Public Act 98-0064 Appropriations 6/30/14	GENERAL REVENUE FUND - 001	Lump Sum - Regular Operations \$ 6,589,200 \$ 6,510,301	GRAND TOTAL - ALL FUNDS \$ 6,589,200 \$ 6,510,301
Lap Exp 7/01		-	<b>∞</b>
Lapse Period Expenditures 7/01 - 8/31/14		44,872	44,872
Total Expenditures		\$ 6,555,173	\$ 6,5
al itures		55,173	6,555,173
Balances		\$	\$
ped ed		34,027	34,027

Note 1: Appropriations, expenditures, and lapsed balances were obtained from State Comptroller records and have been reconciled to records of the Commission. Note 2: 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

For the Fiscal Years Ended June 30, 2014 and 2013

	Fiscal Year		
	2014	2013	
	P.A. 98-0064	P.A. 97-0727	
General Revenue Fund - 001			
Appropriations	\$ 6,589,200	\$ 6,589,200	
Expenditures			
Lump Sum - Regular Operations	\$ 6,555,173	\$ 6,569,377	
Total Expenditures	\$ 6,555,173	\$ 6,569,377	
Lapsed Balances	\$ 34,027	\$ 19,823	

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

For the Year Ended June 30, 2014

	Equipment	
Balance at July 1, 2013	\$	236,473
Additions		5,351
Deletions		-
Net Transfers		(2,335)
Balance at June 30, 2014	\$	239,489

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

# COMPARATIVE SCHEDULE OF CASH RECEIPTS AND RECONCILIATION OF CASH RECEIPTS TO DEPOSITS REMITTED TO THE STATE COMPTROLLER

For the Fiscal Years Ended June 30,

General Revenue Fund- 001	2014	 2013
Administrative Fines	\$ 65,634	\$ 8,200
Miscellaneous	32,500	16,456
Total cash receipts per Commission	 98,134	 24,656
Less - In transit at End of Year	15,023	-
Plus - In transit at Beginning of Year	-	-
Total cash receipts per State Comptroller's Records	\$ 83,111	\$ 24,656

# STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS

For the Year Ended June 30, 2014

## ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS BETWEEN FISCAL YEARS 2014 AND 2013

#### **General Revenue Fund (001)**

#### Administrative Fines

Beginning March 31, 2013, the Commission took over the responsibility for the collection of administrative fines assessed by the Commission pursuant to the State Officials and Employees Ethics Act (5 ILCS 430/50). These fines were only collected by the Commission during the last three months of Fiscal Year 2013, while administrative fines were collected throughout the entire year for Fiscal Year 2014. This additional time to collect fines resulted in a higher number of administrative fines collected by the Commission.

#### Miscellaneous

During Fiscal Year 2014, the Commission collected a significantly higher dollar amount of prohibited political contributions totaling \$32,500, mainly due to one large receipt totaling \$21,000.

# STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION AGENCY FUNCTIONS AND PLANNING PROGRAM

For the Year Ended June 30, 2014 (Not Examined)

#### **AGENCY FUNCTIONS**

The Executive Ethics Commission (Commission) was originally created by the State Officials and Employees Ethics Act (Ethics Act) (5 ILCS 430/et seq.). The Commission consists of nine 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 Commission also has jurisdiction over all board members and employees of Regional Transit Boards and the Illinois Power Agency and its staff.

The Ethics Act charges the 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 Year Ended June 30, 2014 (Not Examined)

- 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;
- Appoint and establish the salaries of Chief Procurement Officers (CPOs) and Procurement Compliance Monitors (PCMs) to oversee and review procurements and the procurement process;
- Conduct administrative hearings on a complaint, or possible removal, of a Chief Internal Auditor, PCM, or State Purchasing Officer (SPO) brought before the Commission by a CPO or an Executive Officer of a State Agency;
- Grant exemptions requested by the CPOs to remove named individuals from conflict of interest prohibitions; and
- Responsible for oversight of the Illinois Power Agency and authority for the appointment of and removal, if necessary, of its Director.

#### **AGENCY PLANNING**

The Commission is an adjudicative and monitoring body with its powers and duties detailed in the State Officials and Employees Ethics Act, the Illinois Procurement Code, and the Fiscal Control and Internal Auditing Act. The Commission operates to fulfill the statutory responsibilities in a timely and efficient manner. The Commission documents its long-term and short-term goals in the Public Accountability Report (PAR) and the Budgeting for Results Report.

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 Year Ended June 30, 2014 (Not Examined)

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

<u>Division</u>	2014	2013
Administration	12	13
Procurement Compliance Monitoring	15	14
Capital Development Board	6	5
Illinois Department of Transportation	4	4
General Services	31	32
Higher Education	10	10
Total average full-time employees	78	78

# STATE OF ILLINOIS EXECUTIVE ETHICS COMMISSION SERVICE EFFORTS AND ACCOMPLISHMENTS

For the Year Ended June 30, 2014 (Not Examined)

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 website describes the role of the Commission and the Chief Procurement Officers in the procurement process.

The Commission hosted their annual ethics officer conference on April 1, 2014 for Fiscal Year 2014, 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 determinations, ethics officer 101, IT and confidentiality, statements of economic interest and conflicts of interest, ethical climate, Freedom of Information Act, procurement issues, ethics from an internal audit perspective, and an ethics quiz that followed the training.

Statistical information regarding activities of Chief Procurement Officers and Procurement Compliance Monitors appears below:

<b>Chief Procurement Officers</b>	Fiscal Year 2014
Number of procurements procured	9,715
Total dollar value of procurements procured	\$14,786,000,000
<b>Procurement Compliance Monitors</b>	
Number of procurements reviewed	1,318
Total dollar value of procurements reviewed	\$22,717,600,000
Number of issues reviewed	285