

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD

COMPLIANCE EXAMINATION

For the Two Years Ended June 30, 2006

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2006

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STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2006

AGENCY OFFICIALS

Executive Director and General Counsel

Kathy D. Twine, Esq.

Chairman of the Board (4/15/06 to Present)
Chairman of the Board (7/28/99 to 4/14/06)

Judge Frederick J. Kapala
William A. Sunderman

Vice Chairman of the Board

Lindsay A. Parkhurst, Esq.

Administrative Assistant (10/2/06 to Present)
Administrative Assistant (6/15/96 to 9/29/06)

Vincent Phillip
Mickey McGuire

Board offices are located at:

James R. Thompson Center
100 West Randolph Street
Suite 14-500
Chicago, IL 60601

Hon. Frederick J. Kapala
Chair
Lindsay Parkhurst, Esq.
Vice Chair
John E. Kreisler
Jill W. Landsberg, Esq.
Raymond J. McGury
Hon. John O. Steele



STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD

Kathy D. Twine, Esq.
Executive Director
General Counsel
100 West Randolph Street
Suite 14-500
Chicago, Illinois 60601-3233
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MANAGEMENT ASSERTION LETTER

February 16, 2007

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

Dear Mr. Holland:

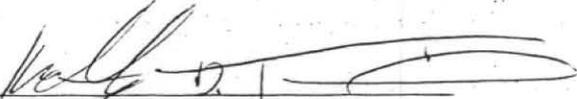
We are responsible for the identification of, and compliance with, all aspects of laws, regulations, contracts, or grant agreements that could have a material effect on the operations of the State of Illinois, Judicial Inquiry Board (Board). We are responsible for and we have established and maintained an effective system of, internal controls over compliance requirements. We have performed an evaluation of the Board's compliance with the following assertions during the two-year period ended June 30, 2006. Based on this evaluation, we assert that during the two years ended June 30, 2006, the Board has materially complied with the assertions below.

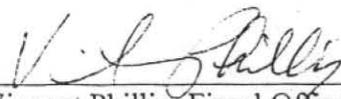
- A. The Board has obligated, expended, received and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Board has obligated, expended, received and used public funds of the State in accordance with any limitations,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

E. The money or negotiable securities or similar assets handled by the Board on behalf of the State or held in trust by the Board have been properly and legally administered, and the accounting and record keeping relating thereto is proper, accurate and in accordance with law.

Yours very truly,

Judicial Inquiry Board


Kathy D. Twine, Executive Director


Vincent Phillip, Fiscal Officer/Administrative Assistant *

* Note: Vincent Phillip did not assume position until October 2, 2006

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
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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.

AUDITORS' 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

<u>Number of</u>	<u>This Report</u>	<u>Prior Report</u>
Findings	1	1
Repeated findings	0	1
Prior recommendations implemented or not repeated	1	0

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

SCHEDULE OF FINDINGS

<u>Item No.</u>	<u>Page</u>	<u>Description</u>
CURRENT FINDINGS (STATE COMPLIANCE)		
06-1	9	Property control weaknesses
PRIOR FINDINGS NOT REPEATED		
06-2	11	Inadequate policies and procedures

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2006

EXIT CONFERENCE

The findings and recommendations appearing in this report were discussed with Board personnel at an exit conference on April 4, 2007. Attending were:

Judicial Inquiry Board

Kathy D. Twine, Esq. – Executive Director

Vincent Phillip – Administrative Assistant

Office of the Auditor General

Jane Clark, CPA – Audit Manager

Jessica West – Audit Supervisor

Responses to the recommendations were provided by Kathy Twine in a letter dated April 10, 2007.

SPRINGFIELD OFFICE:

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740 EAST ASH · 62703-3154
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CHICAGO OFFICE:

STATE OF ILLINOIS BUILDING · SUITE S-900
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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, Judicial Inquiry Board's (Board) 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, 2006. The management of the Board is responsible for compliance with these requirements. Our responsibility is to express an opinion on the Board's compliance based on our examination.

- A. The Board 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 Board 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 Board has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.
- D. The State revenues and receipts collected by the Board 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.
- E. Money or negotiable securities or similar assets handled by the Board on behalf of the State or held in trust by the Board have been properly and legally administered and the accounting and recordkeeping relating thereto is proper, 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 Board's compliance with those requirements 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 Board's compliance with specified requirements.

In our opinion, the Board complied, in all material respects, with the aforementioned requirements during the two years ended June 30, 2006. However, the results of our procedures disclosed instances of noncompliance with those requirements, 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 State findings as finding 06-1. As required by the Audit Guide, immaterial findings relating to instances of noncompliance excluded from this report have been reported in a separate letter.

Internal Control

The management of the Board is responsible for establishing and maintaining effective internal control over compliance with the requirements of laws and regulations. In planning and performing our examination, we considered the Board's internal control over compliance with the aforementioned requirements 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.

Our consideration of internal control over compliance with the aforementioned requirements would not necessarily disclose all matters in internal control that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more internal control components does not reduce to a relatively low level the risk that noncompliance with applicable requirements of laws and regulations that would be material in relation to one or more of the aforementioned requirements being examined may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving internal control over compliance that we consider to be material weaknesses. However, the results of our procedures disclosed other matters involving internal control 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 State findings as finding 06-1. As required by the Audit Guide, immaterial findings relating to internal control deficiencies 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 2006 and the 2005 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 2004 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, and 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

February 16, 2007

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
COMPLIANCE EXAMINATION
SCHEDULE OF FINDINGS
For the Two Years Ended June 30, 2006

Current Findings

06-1. **FINDING** (Property control weaknesses)

The Judicial Inquiry Board (Board) did not maintain sufficient controls over the recording, reporting, and identification of State-owned equipment.

During our testing, we noted the following:

- One of 9 (11%) equipment additions tested was not recorded on the property listing at the correct purchase price resulting in an overstatement of \$19. The Illinois Administrative Code (44 Ill. Adm. Code 5010.240) states the purchase price of the equipment is the price of the equipment delivered and installed, including delivery and installation costs, if any.
- The Board did not submit the Accounting for Leases-Lessee Form (SCO-560) for FY05 and FY06 to the State Comptroller. The Board has a lease purchase agreement for a copy machine with a fair market value of \$20,712. The Statewide Accounting and Management System (SAMS) Manual (Procedure 27.20.60) requires all agencies who lease property complete Form SCO-560 for each multiple period lease in which the asset being leased has a fair market value greater than \$5,000, in order to determine whether the lease is a capital lease or an operating lease and to calculate commitments for future years. It further states, if an asset is determined to be a capital lease item, the cost determined by the Comptroller should be recorded on the agency's books, the Agency Report of State Property (Form C-15) and the Capital Asset Summary (SCO-538).
- The Board does not have an adequate system of marking State property to identify equipment items under \$100. The Illinois Administrative Code (44 Ill. Adm. Code 5010.210) requires all equipment regardless of value to be clearly marked to indicate that it is the property of the State of Illinois.

Board officials stated the recording and reporting deficiencies were due to employee oversight and not being familiar with property requirements. In addition, property tags were created for equipment items reported on the property listing. The Board believed they were only responsible for tagging equipment on their property listing as items less than \$100 are not included on the listing.

Failure to maintain accurate property records and to submit accurate information to the Comptroller causes Statewide consolidated fixed asset information to be inaccurate. In

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
COMPLIANCE EXAMINATION
SCHEDULE OF FINDINGS
For the Two Years Ended June 30, 2006

Current Findings – continued

addition, failure to permanently mark equipment regardless of value increases the potential for loss or theft of State property. (Finding Code No. 06-1)

RECOMMENDATION

We recommend the Board comply with the Illinois Administrative Code and SAMS requirements to ensure all equipment is properly recorded, reported, and marked.

BOARD RESPONSE

The Board will comply with the Illinois Administrative Code and SAMS requirements to ensure all equipment is properly recorded, reported, and marked.

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
COMPLIANCE EXAMINATION
SCHEDULE OF FINDINGS
For the Two Years Ended June 30, 2006

Prior Findings Not Repeated

06-2. **FINDING** (Inadequate policies and procedures)

During the prior period, the Board did not have adequate written policies and procedures over its daily operations.

During the current period, the Board developed an employee handbook to address policies and procedures over its daily operations. (Finding Code No. 04-1)

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
COMPLIANCE EXAMINATION
For the Two Years Ended June 30, 2006

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
- Reconciliation Schedule of Cash Receipts to Deposits Remitted to the State Comptroller
- 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 auditors' 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 to the 2006 and 2005 Supplementary Information for State Compliance Purposes, except for information on the Service Efforts and Accomplishments on which they did not perform any procedures. However, the auditors do not express an opinion on the supplementary information.

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
 For The Fiscal Year Ended June 30, 2006

P.A. 94-0015 FISCAL YEAR 2006	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period		Balances Lapsed August 31
			Expenditures July 1 to August 31	Total Expenditures 14 Months Ended August 31	
General Revenue Fund - 001					
Personal Services	\$ 286,400	\$ 286,084	\$ 0	\$ 286,084	\$ 316
Employee Retirement					
Contribution Paid by the State	11,150	11,147	0	11,147	3
State Contributions to State					
Employees' Retirement System	22,300	21,714	0	21,714	586
State Contributions to Social Security	20,900	20,490	0	20,490	410
Contractual Services	321,700	237,162	79,205	316,367	5,333
Travel	20,600	14,292	0	14,292	6,308
Commodities	2,000	1,957	0	1,957	43
Printing	4,650	1,335	0	1,335	3,315
Equipment	500	269	0	269	231
Electronic Data Processing	0	0	0	0	0
Telecommunications	8,500	7,039	617	7,656	844
Operation of Automotive Equipment	3,000	1,896	284	2,180	820
Total Fiscal Year 2006	\$ 701,700	\$ 603,385	\$ 80,106	\$ 683,491	\$ 18,209

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

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

For The Fiscal Year Ended June 30, 2005

P.A. 93-0842 FISCAL YEAR 2005	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period		Total Expenditures 14 Months Ended August 31	Balances Lapsed August 31
			Expenditures July 1 to August 31	Expenditures August 31		
General Revenue Fund - 001						
Personal Services	\$ 285,700	\$ 278,038	\$ 0	\$ 278,038	\$ 7,662	
Employee Retirement Contribution Paid by the State	10,925	10,788	0	10,788	137	
State Contributions to State Employees' Retirement System	46,015	43,441	0	43,441	2,574	
State Contributions to Social Security	20,890	19,743	0	19,743	1,147	
Contractual Services	287,942	277,666	1,847	279,513	8,429	
Travel	16,276	14,918	1,195	16,113	163	
Commodities	1,300	778	0	778	522	
Printing	7,000	1,433	4,520	5,953	1,047	
Equipment	1,217	1,216	0	1,216	1	
Electronic Data Processing	0	0	0	0	0	
Telecommunications	8,350	7,858	382	8,240	110	
Operation of Automotive Equipment	2,355	1,895	460	2,355	0	
Total Fiscal Year 2005	\$ 687,970	\$ 657,774	\$ 8,404	\$ 666,178	\$ 21,792	

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

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES
 For the Fiscal Years Ended June 30,

	Fiscal Year		
	2006	2005	2004
General Revenue Fund - 001	P.A. 94-0015	P.A. 93-0842	P.A. 93-0064
<hr/>			
Appropriations (Net of Transfers)	\$ 701,700	\$ 687,970	\$ 670,500
<hr/>			
<u>Expenditures</u>			
Personal Services	\$ 286,084	\$ 278,038	\$ 277,527
Employee Retirement			
Contribution Paid by the State	11,147	10,788	10,726
State Contributions to State			
Employees' Retirement System	21,714	43,441	25,327
State Contributions to Social Security	20,490	19,743	19,754
Contractual Services	316,367	279,513	207,000
Travel	14,292	16,113	15,142
Commodities	1,957	778	2,201
Printing	1,335	5,953	5,096
Equipment	269	1,216	2,813
Electronic Data Processing	0	0	0
Telecommunications	7,656	8,240	7,693
Operation of Automotive Equipment	2,180	2,355	2,828
	<hr/>	<hr/>	<hr/>
Total Expenditures	\$ 683,491	\$ 666,178	\$ 576,107
	<hr/>	<hr/>	<hr/>
Lapsed Balances	\$ 18,209	\$ 21,792	\$ 94,393
	<hr/>	<hr/>	<hr/>

Note: The Board did not make any efficiency initiative payments during FY05 or FY06.

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
SCHEDULE OF CHANGES IN STATE PROPERTY
 For the Two Years Ended June 30, 2006

Balance at July 1, 2004	\$ 98,441
Additions	3,260
Deletions	(3,811)
Balance, June 30, 2005	<u>\$ 97,890</u>
Balance at July 1, 2005	\$ 97,890
Additions	208
Deletions	(60)
Balance, June 30, 2006	<u>\$ 98,038</u>

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

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
**RECONCILIATION SCHEDULE OF CASH RECEIPTS
 TO DEPOSITS REMITTED TO THE STATE COMPTROLLER**
 For the Fiscal Year Ended June 30,

<u>General Revenue Fund - 001</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>
Receipts per Agency Records	\$ 0	\$ 34	\$ 0
Add: Deposits in Transit, Beginning of Year	17	0	0
Less: Deposits in Transit, End of Year	<u>0</u>	<u>(17)</u>	<u>0</u>
Deposits Recorded by the Comptroller	<u>\$ 17</u>	<u>\$ 17</u>	<u>\$ 0</u>

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES
 For the Two Years Ended June 30, 2006

Fiscal Year 2006

A comparative schedule of significant variations in expenditures exceeding 20% for the fiscal years ended June 30, 2006 and June 30, 2005 are shown below:

<u>EXPENDITURE ITEM</u>	<u>FISCAL YEAR ENDED JUNE 30</u>		<u>INCREASE (DECREASE)</u>	
	<u>2006</u>	<u>2005</u>	<u>AMOUNT</u>	<u>%</u>
State Contributions to State Employees' Retirement System	\$21,714	\$43,441	(\$21,727)	(50%)
Commodities	\$1,957	\$778	\$1,179	152%
Printing	\$1,335	\$5,953	(\$4,618)	(78%)
Equipment	\$269	\$1,216	(\$947)	(78%)

Board personnel provided the following explanations for the significant variations identified above.

State Contributions to State Employees' Retirement System

The decrease in State Contributions to State Employees' Retirement System in FY06 was due to the overall State employee retirement rate decreasing from 16.107% in FY05 to 7.792% in FY06.

Commodities

The increase in commodities expenditures was due to the Board purchasing toner cartridges and stationary supplies in FY06.

Printing

The decrease in printing expenditures was due to the Board not printing an annual report during FY06.

Equipment

The decrease in equipment expenditures was due to the Board only purchasing small items during FY06. The Board's FY05 purchases included a set of compiled statutes books and a printer.

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES
 For the Two Years Ended June 30, 2006

Fiscal Year 2005

A comparative schedule of significant variations in expenditures exceeding 20% for the fiscal years ended June 30, 2005 and June 30, 2004 are shown below:

<u>EXPENDITURE ITEM</u>	<u>FISCAL YEAR ENDED JUNE 30</u>		<u>INCREASE (DECREASE)</u>	
	<u>2005</u>	<u>2004</u>	<u>AMOUNT</u>	<u>%</u>
State Contributions to State				
Employees' Retirement System	\$43,441	\$25,327	\$18,114	72%
Contractual Services	\$279,513	\$207,000	\$72,513	35%
Commodities	\$778	\$2,201	(\$1,423)	(65%)
Equipment	\$1,216	\$2,813	(\$1,597)	(57%)

Board personnel provided the following explanations for the significant variations identified above.

State Contributions to State Employees' Retirement System

The increase in State Contributions to State Employees' Retirement System was due to the State suspending payments to the State Employees' Retirement System in FY04 as a result of Public Act 93-0665, which became effective in March 2004. The Act suspended contribution payments from the effective date of the Act through the payment of the final payroll from FY04 appropriations. Contributions resumed in FY05. In addition, the overall State employee retirement rate increased from 13.439% in FY04 to 16.107% in FY05.

Contractual Services

The increase in contractual services expenditures was due to legal and court reporting fees paid in relation to the Board's investigation and prosecution of Illinois judges during FY05. The Board had 3 court commission cases in FY05 compared to 1 case in FY04.

Commodities

The decrease in commodities expenditures was due to fewer office supplies purchased during FY05. The Board purchased toner cartridges, stationary, and bulk pens in FY04. Due to the small size of the Board these supplies did not need to be replenished in FY05.

Equipment

The decrease in equipment expenditures was due to less expensive equipment items purchased in FY05. The Board's FY04 purchases included 5 flat panel monitors.

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
ANALYSIS OF SIGNIFICANT LAPSE PERIOD SPENDING
 For the Two Years Ended June 30, 2006

Our testing of lapse period expenditures for the fiscal year ended June 30, 2006 disclosed one appropriation line item for fiscal year 2006 with significant (20% or more) lapse period expenditures, as scheduled below:

	Fiscal Year Ended June 30, 2006		
	<u>TOTAL</u>	<u>LAPSE PERIOD</u>	
	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>	<u>PERCENTAGE</u>
Contractual services	\$316,367	\$79,205	25%

Board personnel provided the following explanation for the significant lapse period expenditures identified above.

Contractual services

Two invoices for legal services and fees totaling \$72,784 were not received until late in the fiscal year and were paid during the lapse period.

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
ANALYSIS OF SIGNIFICANT LAPSE PERIOD SPENDING
 For the Two Years Ended June 30, 2006

Our testing of lapse period expenditures for the fiscal year ended June 30, 2005 disclosed two appropriation line items for fiscal year 2005 with significant (20% or more) lapse period expenditures, as scheduled below:

	Fiscal Year Ended June 30, 2005		
	<u>TOTAL</u>	<u>LAPSE PERIOD</u>	<u>PERCENTAGE</u>
	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>	<u>PERCENTAGE</u>
Printing	\$5,953	\$4,520	76%
Operation of automotive equipment	\$2,355	\$460	20%

Board personnel provided the following explanation for the significant lapse period expenditures identified above.

Printing

An invoice totaling \$4,520 for the printing of the Board's FY04 annual report was not received and paid until the lapse period.

Operation of automotive equipment

An invoice for repair and maintenance work completed on the Board's automobiles totaling \$213 and an invoice for gasoline totaling \$247 were not received and paid until the lapse period.

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD
COMPLIANCE EXAMINATION
ANALYSIS OF OPERATIONS
For the Two Years Ended June 30, 2006

BOARD FUNCTIONS AND PLANNING PROGRAM

Functions

The Judicial Inquiry Board (Board) is the sole disciplinary entity to inquire into allegations of misconduct or physical or mental incapacity of Illinois judicial officers. After investigation and upon determination by the Board that there is a reasonable basis to charge a judge with misconduct or incapacity, the Board will file and prosecute a formal complaint before the State of Illinois Courts Commission (Commission).

The Board was created by the Constitution of the State of Illinois which was adopted in 1970 and became effective July 1, 1971.

The Board consists of nine members (two Circuit Court judges, three lawyers and four non-lawyers). The two Circuit Court Judges are selected by the Illinois Supreme Court and the remaining seven members are appointed by the Governor. No more than two of the lawyers and two of the non-lawyers appointed by the Governor belong to the same political party. Each member is appointed to serve a term of four years with no member serving more than eight years. The Board members at June 30, 2005 and 2006 were:

2005

Circuit Judges:
Judge Michael J. Murphy
Judge Frederick J. Kapala

Lawyers:
William A. Sunderman – Chairman
Lindsay A. Parkhurst – Vice Chair
Jill W. Landsberg

Non-Lawyers:
Vacant
Michael Pittman
John E. Kreisler
Myrna H. Mazur

2006

Circuit Judges:
Judge Michael J. Murphy
Judge Frederick J. Kapala – Chairman (4/15/06 - Present)

Lawyers:
William A. Sunderman – Chairman (7/28/99 - 4/14/06)
Lindsay A. Parkhurst - Vice Chair
Jill W. Landsberg

Non-Lawyers:
Raymond J. McGury (1/13/06 - Present)
Michael Pittman
John E. Kreisler
Myrna H. Mazur

STATE OF ILLINOIS
 JUDICIAL INQUIRY BOARD
 COMPLIANCE EXAMINATION
ANALYSIS OF OPERATIONS
 For the Two Years Ended June 30, 2006

Functions (continued)

The Board's primary functions are to receive or initiate complaints against judges or associate judges, conduct investigations, and file complaints with the Commission. A complaint filed with the Commission requires the concurrence of five members who believe that a reasonable basis exists to charge a judge or associate judge with one or more of the following: willful misconduct in office, persistent failure to perform his/her duties, other conduct prejudicial to the office or that brings the judicial office into disrepute, and/or a physical or mental incapacity to perform his/her duties. The Board is responsible for adopting its own rules for governing its procedures. It has subpoena power as well as the authority to appoint and direct its staff. Funds for the operation of the Board are appropriated by law through the General Assembly of the State of Illinois.

Planning Program

The Board does not utilize a formal written planning policy. The Board utilizes Article 6 Section 15 of the Constitution of the State of Illinois to achieve its single mission: to conduct investigations, receive or initiate complaints concerning a judge or associate judge and file such complaints with the Illinois Courts Commission. The Board utilizes the budget process for short-term planning. The budget is approved by the Board and monitored by the Executive Director.

Auditor's Assessment

We have reviewed the Board's planning program and it appears adequate for the size and limited functions of the Board.

AVERAGE NUMBER OF EMPLOYEES

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

<u>Position</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>
Executive Director	1	1	1
Administrative Assistant	1	1	1
Investigator	2	2	2
Executive Secretary	1	1	1
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Total average full-time employees	<u>5</u>	<u>5</u>	<u>5</u>

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SERVICE EFFORTS AND ACCOMPLISHMENTS (not examined)

The following table, prepared from Board records, presents the type/number of allegations received by the Board during the fiscal years ended June 30:

TYPE OF ALLEGATIONS	2006	2005	2004
Administrative misconduct	12	15	21
Alcohol/drugs	1	5	1
Bias, prejudice, partiality	133	129	100
Bribe	0	0	0
Delay in scheduling or deciding a matter	34	33	22
Demeanor/injudicious temperament (i.e. impatient, rude, conduct that is intimidating and inappropriate language/commentary)	109	96	85
Ex parte-communication (one-sided)	46	30	38
Failure to recuse/disqualify/conflict of interest	23	25	19
Illegal activity	55	72	53
Judicial decision/discretion (i.e. dissatisfaction with court procedures or rulings, use or nonuse of evidence, criminal sentences, custody, general outcome of the case)	319	302	321
Mental incapacity	6	4	3
Physical incapacity	1	2	2
Inappropriate political activity (i.e. publicly endorse or oppose a candidate for public office, personal solicitation of funds, make speeches on behalf of a political organization, misrepresentation of qualifications)	2	4	3
Racial/ethnic/gender bias or discrimination	30	30	35
Sexual misconduct/harassment	6	1	1
Inappropriate conduct off the bench (i.e. prohibited charitable, business or personal conduct)	9	2	7
Misconduct while an attorney	0	0	0
Violation of Constitutional rights	87	93	91
Misconduct by a candidate	0	0	1
Prejudgment of a case	11	10	19
Abuse of power	17	21	22
Comment on Pending/Impending Case	1	0	0
Other	4	1	12
TOTAL -	906	875	856

Number of complaints received/initiated	450	439	455
Complaints filed with the Illinois Courts Commission	0	3	1

Note: Total allegations exceed the number of complaints received because many complaints contained multiple allegations.