

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

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EXECUTIVE  
ETHICS COMMISSION

RICARDO MEZA, in his capacity as )  
EXECUTIVE INSPECTOR GENERAL for )  
AGENCIES OF THE GOVERNOR, State )  
Of Illinois, )  
Petitioner, )  
v. )  
JEROME STERMER, )  
Respondent. )

No. 11-EEC-010

DECISION

This cause is before the Executive Ethics Commission following petitioner's motion for summary judgment and the parties' stipulation filed on July 26, 2011. Petitioner filed a verified complaint with the Commission on April 28, 2011, to which Respondent has not objected.

Petitioner is represented by Assistant Attorney General Barbara Delano. Respondent appears pro se.

FINDINGS OF FACT

A complete copy of the record of proceedings has been reviewed by the members of the Executive Ethics Commission. Based upon this record, the Commission makes the following findings of fact:

1. Respondent Jerome Stermer, at all relevant times, served as Chief of Staff of the Illinois Governor.
2. On January 12, 2010, respondent self-reported to the Office of the Executive Inspector General potential violations of the State Officials and Employees Ethics Act.
3. These potential violations involved three emails of a political nature sent from respondent's State email account.
4. On Monday, December 7, 2009, respondent sent one email from his State-issued cellular phone to campaign staffers concerning proposed responses to a Chicago Tribune candidates' questionnaire.

5. Respondent's two other emails were sent on a Sunday and not from a State-issued device.
6. Respondent has agreed not to file a response to petitioner's motion for summary judgment other than what is contained in the joint stipulation.

#### CONCLUSIONS OF LAW

1. Respondent Jerome Stermer was at all times relevant to this complaint a State employee, as "employee" is defined in the State Officials and Employees Ethics Act ("Act") to include regular employees and appointees. 5 ILCS 430/1-5.
2. The Executive Ethics Commission has jurisdiction over respondent in the matter of his alleged intentional misappropriation of State property or resources by engaging in political activity. 5 ILCS 430/5-15(a).
3. "Prohibited political activity" means, among other things, "(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes." 5 ILCS 430/1-5.
4. Respondent violated Section 5-15(a) of the State Officials and Employees Ethics Act when, he misappropriated his State-issued cellular telephone to prepare and review responses to a candidate questionnaire in connection with a campaign for elective office. 5 ILCS 430/5-15(a).
5. Respondent has admitted in his stipulation that he violated Section 5-15(a).
6. Petitioner has demonstrated by a preponderance of the evidence that respondent violated Section 5-15(a).
7. The complaint in this matter was timely filed.
8. The Executive Ethics Commission may levy an administrative fine of up to \$5,000 for a violation of the State Officials and Employees Ethics Act. 5 ILCS 430/50-5(e).

#### ANALYSIS

Respondent Jerome Stermer violated Section 15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a)), when he misappropriated his State-issued cellular telephone to prepare and review responses to a candidate questionnaire in connection with a campaign for elective office. His stipulation admits this violation.

This admission leaves to the Commission the matter of an appropriate sanction. The Office of the Attorney General seeks a nominal fine.

The Ethics Act does not provide any aggravating or mitigating factors for the Commission to consider when levying a fine. In mitigation, respondent not only has admitted to the violation, but actually self-reported the violation, which appears to be limited to a single email message.

In aggravation, respondent held a very high position in State government and he, more than most, should be held accountable for his violation. As the Governor's Chief of Staff, he serves as an example for all employees.

WHEREFORE, for the foregoing reasons, the Commission grants petitioner's motion for summary judgment and finds that respondent Jerome Stermer violated Section 5-15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a)).

IT IS FURTHER ORDERED that an administrative fine of \$500.00 is levied against respondent Jerome Stermer in accordance with his violation of Section 5-15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a)).

This is a final administrative decision and subject to the Administrative Review Law.