

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

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EXECUTIVE
ETHICS COMMISSION

JAMES A. WRIGHT, in his capacity as)
EXECUTIVE INSPECTOR GENERAL for)
AGENCIES OF THE GOVERNOR, State)
Of Illinois,)
Petitioner,)
v.)
NICHOLAS HADDAD,)
Respondent.)

No. 10-EEC-008

DECISION

This cause is before the Administrative Law Judge following a stipulation by the parties. The parties filed a stipulation on July 15, 2010 and have agreed to waive the evidentiary hearing and the filing of briefs.

Petitioner filed a verified complaint with the Commission on December 30, 2009. Respondent filed no objections to the petition, and on May 19, 2010, the Commission determined that the complaint was sufficient to proceed.

Petitioner is represented by Assistant Attorney General Joanna Belle Gunderson. Respondent was represented by Corey Rubenstein.

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 Nicholas Haddad has been employed by the Illinois Department of Transportation (IDOT) since September 1994. He is currently a project manager for the Department.
2. During the relevant timeframe, while employed by IDOT, respondent served as the campaign manager for Gary Nowak, who was a candidate for State representative in 2008.
3. Analysis of respondent's State computer determined that, while employed by IDOT and using his State computer, respondent viewed an email sent to his personal email account attaching a campaign button design with the slogan "NOWAK for STATE REP."

4. Analysis of respondent's State computer determined that, while employed by IDOT and using his State computer, respondent viewed an email sent to his personal email account attaching an invoice dated July 1, 2008. The invoice was from William Wargo Design and billed to "Committee to Elect Gary Nowak."
5. Respondent was suspended without pay for five days as a result of the aforementioned conduct.

CONCLUSIONS OF LAW

1. Respondent Nicolas Haddad 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 misappropriation of State property or resources to engage in prohibited political activity. 5 ILCS 430/5-15(a).
3. "Prohibited political activity" means, among other things, "(12) Campaigning for any elective office or for or against any referendum question." 5 ILCS 430/1-5.
4. "Campaign for elective office" is defined as "any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, State, or local public office..." 5 ILCS 430/1-5.
5. Respondent violated Section 5-15(a) of the State Officials and Employees Ethics Act when he used his State computer to view campaign button designs. 5 ILCS 430/5-15(a).
6. Respondent violated Section 5-15(a) of the State Officials and Employees Ethics Act on or about July 1, 2008 when he used his State computer to view campaign button designs. 5 ILCS 430/5-15(a).
7. Respondent cooperated fully with the investigation conducted by the Executive Inspector General, including his voluntary submission to an interview in which he truthfully admitted all of the relevant facts regarding this matter.
8. The complaint in this matter was timely filed.
9. 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 Nicholas Haddad violated Section 15(a) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a), when he used his State computer to read two emails related to Gary Nowak's campaign for State representative.

WHEREFORE, for the foregoing reasons, the Commission finds that respondent Nicholas Haddad 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 \$250.00 is levied against respondent Nicholas Haddad 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.

ENTERED: August 18 2010