

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

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

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EXECUTIVE
ETHICS COMMISSION

No. 09-EEC-012

DECISION

This cause is before the Executive Ethics Commission (“Commission”) following an evidentiary hearing. This decision will also serve as the Commission’s final administrative decision in this matter.

Petitioner filed a petition for leave to file complaint (“petition”) and verified complaint with the Commission on April 28, 2009. On February 24, 2010, the Commission determined that the complaint was sufficient to proceed.

An evidentiary hearing was conducted on July 8, 2010 at which petitioner was represented by Assistant Attorney General Thomas Klein and respondent was represented by David Petrich. Both parties filed post-hearing briefs on September 13, 2010.

FINDINGS OF FACT

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

1. Respondent Stanley Moore did not testify during the evidentiary hearing and no witnesses were called on his behalf. According to the uncontradicted allegations of the complaint, respondent was employed by the Illinois Department of Transportation (IDOT) starting in May 2005. He served as Deputy Director for the Office of Business and Workforce Diversity. Upon information and belief, respondent’s employment at IDOT was terminated effective April 1, 2009.
2. In October 2007, respondent became a candidate for State Representative for Illinois’ 27th District. (Petitioner’s exhibit #1). Claire Manaois served as his fundraising consultant. (Tr. 116).

3. As part of her fundraising efforts, Manaois and respondent met at the law office of Bob Jenkins to make telephone calls and solicit donations or other support for respondent's campaign. (Tr. 117). For respondent's campaign, these calls occurred during the work week, usually between 9-11 a.m. (Tr. 118, 122-123).
4. Manaois personally made such phone calls with respondent on December 18, 2007 and January 14, 2008. (Tr. 117-118, 122). On January 8, 2008, an associate of Manaois, Heather Tarczan, made calls with respondent. (Tr. 118-119). Manaois emailed respondent and Tarczan a list of people to call on the morning of January 8, 2008 (Petitioner's exhibit #12) and later confirmed that the call time did take place (Tr. 133).
5. Respondent's IDOT time sheet for December 18, 2007 indicates that respondent started the day at 9:00 a.m. and went to lunch at 1:00 p.m. Respondent's IDOT time sheet for January 8, 2008 indicates that respondent started the day at 9:30 a.m. and went to lunch at 1:00 p.m. Respondent's IDOT time sheets for January 14, 2008 indicate that respondent started the day at 9:00 a.m. and went to lunch at 12:00 p.m. None of the time sheets indicate that respondent took personal or vacation time on any of these three dates. (Petitioner's exhibit #15).
6. During an interview with an investigator from the OEIG, respondent stated that he attended work-related meetings on December 18, 2007 and January 14, 2008. (Tr. 50-52).
7. Sign-in sheets from those meetings, however, do not contain respondent's name. (Petitioner's exhibit #16). Minutes from the December 18, 2007 meeting do not reflect respondent's attendance at that meeting. (Id.)

CONCLUSIONS OF LAW

1. Respondent Stanley Moore 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. "Prohibited political activity" means, among other things, "(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution." 5 ILCS 430/1-5.
6. Respondent Stanley Moore intentionally engaged in prohibited political activity during compensated time in violation of 5 ILCS 430/5-15(a) when he made fundraising calls for his campaign on December 18, 2007, January 8, 2008 and January 14, 2009.
7. Respondent Stanley Moore has violated Section 5-15(a) of the State Officials and Employees Ethics Act. 5 ILCS 430/5-15(a).
8. Respondent Stanley Moore intentionally obstructed and interfered with an investigation conducted under the State Officials and Employees Ethics Act by an inspector general in violation of 5 ILCS 430/50-5(e) when he made false statements to an Executive Inspector General concerning his attendance at work-related meetings on December 18, 2007 and January 14, 2008.
9. Respondent Stanley Moore has violated Section 50-5(e) of the State Officials and Employees Ethics Act. 5 ILCS 430/50-5(e).
10. 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

On three occasions, respondent Stanley Moore engaged in political activity during compensated State time when he left his workplace to solicit contributions for his political campaign. Respondent is free to engage in political activity outside compensated time, and so long as he does not misappropriate State property and resources to do so. Respondent, however, chose to engage in this activity during compensated time. This activity was substantial in nature and could in no way be described as inadvertent.

Respondent continued to make poor choices when he chose to be untruthful during his interviews with an OEIG investigator. Furthermore, as a high-ranking State employee, respondent was responsible for setting a positive example for the other employees in his office.

During the evidentiary hearing, respondent's attorney raised motions to dismiss based on alleged failure to tender information (Tr. 27) and alleged failure of the OEIG to notify the Commission that the investigation was six-months old. (Tr. 9). Respondent's attorney also re-raised an argument that the Administrative Law Judge should recuse himself in this matter. (Tr. 12). All of these and any similar motions are hereby denied.

WHEREFORE, for the foregoing reasons, the Commission finds that respondent Stanley Moore violated Sections 5-15(a) and 50-5(e) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a), 5 ILCS 430/50-5(e)).

IT IS FURTHER ORDERED that an administrative fine of \$3,000.00 is levied against respondent Stanley Moore in accordance with his violation of Sections 5-15(a) and 50-5(e) of the State Officials and Employees Ethics Act (5 ILCS 430/5-15(a), 5 ILCS 430/50-5(e)).

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

ENTERED: