

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.)
JUDITH FRAZER,)
Respondent.)

No. 10-EEC-014

DECISION

This cause is before the Commission following a stipulation by the parties. The parties filed a stipulation on September 27, 2010 and have agreed to waive the evidentiary hearing and the filing of briefs.

Petitioner filed a verified complaint with the Commission on April 2, 2010. Respondent filed objections to the complaint on May 11, and petitioner filed a response on July 16, 2010. On August 18, 2010, the Commission determined that the complaint was sufficient to proceed.

Petitioner is represented by Assistant Attorney General Joanna Belle Gunderson. Respondent is represented by Scott D. Miller.

FINDINGS OF FACT

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 Judith Frazer was at all times relevant to the complaint an employee of the Illinois Department of Human Services (DHS), serving as a Human Services Caseworker since 2000.
2. On October 27, 2008 respondent received on and forwarded from her State email account, an email message that sought volunteers to campaign on behalf of Barack Obama in his bid for President of the United States. Respondent forwarded the email message to 26 other State employees.
3. On January 4, 2010, respondent received an oral reprimand from DHS for the conduct described above.

4. Respondent admits that she violated Section 5-15(a) of the State Officials and Employees Ethics Act. (5 ILCS 430/5-15(a)).
5. The parties agree to the Commission imposing a \$100 administrative fine.

CONCLUSIONS OF LAW

1. Respondent Judith Frazer 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 her alleged prohibited political activity. 5 ILCS 430/5-15(a).
3. Respondent violated Section 5-15(a) of the Act when she forwarded from her State email account to 26 other State employees a political email message that sought volunteers to campaign on behalf of Barack Obama in his bid for President of the United States. 5 ILCS 430/5-15(a).
4. The complaint in this matter was timely filed.
5. The Executive Ethics Commission may levy an administrative fine of up to \$5,000 against a person who violated the Act. 5 ILCS 430/50-5(e).

ANALYSIS

Respondent Judith Frazer violated Section 5-15(a) of the State Officials and Employees Ethics Act (5 ILCS 4305-15(a)) when she forwarded an email message seeking volunteers to campaign for Barack Obama to 26 State employees.

The parties have agreed to the imposition of a fine of \$100. While the Commission is not bound by this agreement, in the interest of judicial economy and to encourage cooperation in future matters, the Commission approves this agreement. The Commission will levy an administrative fine of \$100 for violating Section 5-15(a) of the Act. (5 ILCS 430/5-15(a)).

WHEREFORE, for the foregoing reasons, the Commission finds that respondent Judith Frazer 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 \$100.00 is levied against respondent Judith Frazer in accordance with her 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.

SO ORDERED.