

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: JEFFREY A. ARANOWSKI

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No. 24-EEC-003

Appeal of OEIG
Revolving Door
Determination

DECISION

This cause is before the Executive Ethics Commission (“Commission”) on appeal by Jeffrey A. Aranowski (“Appellant”) from a determination by the Office of the Executive Inspector General for Agencies of the Illinois Governor (“OEIG”). Appellant appears by and through his attorney Carl R. Draper. The OEIG is represented by Assistant Attorneys General Rebekah Newman and Neil MacDonald on behalf of the Office of the Attorney General.

FINDINGS OF FACT

The record of proceedings has been reviewed by the members of the Executive Ethics Commission. The record consists of (i) the OEIG’s Revolving Door “Restricted” determination of June 14, 2024, that Appellant could not take employment with West 40 Immediate Service Center (“WISC”) due to Appellant’s having participated personally and substantially in the award and fiscal administration of three Inter-Governmental Agreements (“IGAs”) with WISC, as well as an award to administer the EANS Final Reallocation Grant; (ii) the OEIG’s basis-for-determination file; (iii) Appellant’s appeal, received effective June 24, 2024; (iv) the Attorney General’s Opposition to an Appeal From a Revolving Door “Restricted” Determination (“Objection”); and (iv) Appellant’s Reply in Support of Appeal. The Commission received no public comment regarding this matter.

Based upon this record, the Commission makes the following findings of fact:

1. Appellant was employed by the Illinois State Board of Education (“ISBE”) from August 16, 2004, through May 23, 2024.
2. From June 1, 2017, through May 23, 2024, Appellant served as the Executive Director for the Center for Safe & Healthy Climate.
3. In that role, Appellant oversaw a team of five State employees tasked with handling contracts, grants, and programs within the Nutrition, Wellness, and Student Care divisions.
4. WISC is an “educational service center,” a public body created by statute and overseen by a governing board. Educational service centers “provide training, technical assistance, coordination and planning in other program areas such as school improvement, school accountability, financial planning, consultation, and services, career guidance, early childhood education, alcohol/drug education and prevention, comprehensive personal health and safety education and comprehensive sexual health education, electronic

transmission of data from school districts to the State, alternative education and regional special education, and telecommunications systems that provide distance learning.” 105 ILCS 5/2-3.62

5. WISC provides “Student Advocacy, Regional Safe School, Remote School, Specialized Support Services, Professional Development, Compliance, Health and Life Safety, Licensure, Fingerprinting, and Pearson Test Center services” to 38 school districts and three co-ops in West Cook County.
6. Appellant provided senior staff review and approvals for three renewals of IGAs with WISC: IGAs 24004, 24027, and 24028.
7. The cumulative value of the WISC IGA renewals exceeded \$25,000.
8. IGA 24004 was executed on May 28, 2023, and IGAs 24027 and 24028 were executed on July 7, 2023.
9. On May 20, 2024, Appellant was placed on a performance improvement plan.
10. On May 23, 2024, Appellant resigned from State employment.
11. Appellant then contacted WISC seeking potential employment.
12. On May 31, 2024, WISC offered employment to Appellant with a prospective start date of July 1, 2024, and an annual salary of \$150,000.
13. Appellant’s position was classified as a c-list position, meaning that it was identified as a position that may have the authority to participate personally and substantially in the award or fiscal administration of State contracts or grants or the issuance of State contract change orders or in licensing and regulatory decisions for purposes of subsection (c) of section 5-45 of the State Officials and Employees Ethics Act (“Ethics Act”)(5 ILCS 430/5-45(c)) and that Appellant would be required to notify the OEIG before accepting an offer of non-State employment pursuant to section 5-45(f).
14. On May 31, 2024, Appellant submitted his Revolving Door Notification of Offer Form (RD-101) to the OEIG regarding WISC’s offer of employment. In that submission, Appellant expressly declared that he was required to notify the OEIG of WISC’s employment offer under 5 ILCS 430/5-45(f).
15. On June 14, 2024, the OEIG issued a determination restricting Appellant from employment with WISC based on his personal and substantial participation in the award and fiscal administration of three IGAs with WISC and personal and substantial participation in the award of the EANS grant.
16. On Monday, June 24, 2024, Appellant submitted an appeal of the OEIG’s determination to the Commission. The Attorney General provided Appellant and the Commission with a copy of the OEIG’s complete determination file the same day.

17. The Attorney General filed an Objection to the appeal on July 1, 2024.
18. Appellant filed a Reply to the Objection on July 2, 2024.
19. In accordance with 5 ILCS 430/5-45(g), the Commission sought written public opinion on this matter by posting the appeal on its website and posting a public notice at its offices in the William G. Stratton Building in Springfield, Illinois. The Commission received no responses from the public.

CONCLUSIONS OF LAW

1. At all times relevant to this matter, Appellant was a “State employee” for purposes of the Ethics Act (5 ILCS 430). 5 ILCS 430/1-5.
2. Section 5-45 of the Ethics Act (5 ILCS 430/5-45) establishes revolving door prohibitions, notification requirements, and procedures for making and appealing OEIG determinations as to the applicability of the prohibitions to specific employees. The relevant revolving door prohibition is found in subsection (a) of that section, which provides, in part:

No former . . . State employee. . . shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the . . . State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award or fiscal administration of State contracts, or the issuance of State contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

5 ILCS 430/5-45(a).

3. Appellant’s job title is properly classified as a “c-list” position pursuant to §5-45(c) of the Ethics Act because a person in that position may possess the authority to participate personally and substantially in the award or fiscal administration of contracts. 5 ILCS 430/5-45(c).
4. Subsection 5-45(f) of the Ethics Act provides:

Any State employee in a position subject to the policies required by subsection (c) or to a determination under subsection (d) . . . who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate Inspector General. Within 10 calendar days after receiving notification from an employee in a position subject to the policies required by subsection (c), such Inspector General shall make a determination as to whether the State employee is restricted from accepting such employment by subsection (a) or (b). In making a determination, in addition to any other relevant information, an Inspector General shall assess the effect of the prospective employment or relationship upon decisions referred to in subsections (a) and (b), based on the totality of the participation by the former officer, member, or State employee in those decisions. A determination by an Inspector General must be in writing, signed and dated by the Inspector General, and delivered to the subject of the determination within 10 calendar days or the person is deemed eligible for the employment opportunity.

5 ILCS 430/5-45(f).

5. Pursuant to Commission rule, an employee's notification to an Executive Inspector General under subsection 5-45(f) must include several elements, including a statement from the employee's ethics officer that identifies agency contracts and regulatory or licensing decisions of the agency over the previous 12 months that involve the employee's prospective employer. 2 Ill. Adm. Code 1620.610(c).
6. The OEIG's "restricted" determination was issued to the Appellant in a timely manner in accordance with Subsection 5-45(f), which provides, in part:

Within 10 calendar days after receiving notification from an employee in a position subject to the policies required by subsection (c), such Inspector General shall make a determination as to whether the State employee is restricted from accepting such employment by subsection (a) or (b).

5 ILCS 430/5-45(f).

7. An Executive Inspector General's determination regarding revolving door restrictions may be appealed to the Commission by the person subject to the decision or the Attorney General no later than the tenth calendar day after the date of the determination. 5 ILCS 430/5-45(g).
8. The Commission decides whether to uphold an Inspector General's determination. 5 ILCS 430/5-45(g). In making that decision, the Commission "shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in subsections (a) and (b), based upon the totality of the participation by the former officer, member, or State employee in those decisions." 5 ILCS 430/5-45(g).
9. Appellant's appeal of the OEIG's June 14, 2024, revolving door determination is properly before the Commission, and the Commission has jurisdiction to decide whether to uphold the determination.
10. Appellant participated personally and substantially in the review and approval of the renewal of three IGAs between ISBE and WISC: IGAs 24004, 24027, and 24048.
11. There is insufficient evidence in the record to uphold a determination that Appellant participated personally and substantially in the fiscal administration of the WISC IGAs.
12. There is insufficient evidence in the record to uphold a determination that Appellant participated personally and substantially in the EANS grant award process.
13. Based upon the totality of Appellant's participation in decisions affecting his prospective employer within one year prior to his date of resignation, and with consideration of the

effect that prospective employment may have had upon the participation in those decisions, the Commission:

- a. Denies the appeal with respect to the award of the IGAs,
- b. Grants the appeal with respect to participation in fiscal administration of the IGAs, and
- c. Grants the appeal with respect to participation in the EANS grant award process.

ANALYSIS

The OEIG determined that Appellant is restricted from accepting employment with WISC pursuant to section 5-45(a) of the Ethics Act in that he personally and substantially participated in the award of three IGAs, the fiscal administration of those IGAs, and the award of the EANS grant within one year prior to his resignation.

In considering an appeal of an OEIG determination, the Commission is not limited to the information available to the OEIG at the time of the determination's issuance. To the contrary, State law requires the Commission to consider facts that may not—perhaps even could not—have been available within the 10 calendar days by which a determination must be rendered by the OEIG. Accordingly, the Commission's review of the restriction against employment includes consideration of public comments and any other relevant information known to the Commission. Only with that additional context can the Commission then consider the totality of the employee's participation in the contract award or fiscal administration and the effect, if any, that the prospective employment had upon that participation. 5 ILCS 430/5-45(g).

Appellant concurs that he was a personal and substantial participant in the award of three WISC IGA renewals. Appellant argues the record does not support a determination that he personally and substantially participated in fiscal administration of those IGAs or the award of the EANS grant.¹

1. The Appellant personally and substantially participated in the award of three WISC IGA renewals.

While Appellant initially disputed that his participation in the award of three WISC IGAs was “minimal,” Appellate conceded in his most recent filing that he “agrees that his approval of the authorization form was personal and substantial participation in the process.”

The record supports Appellant's concession. There is documentary evidence of Appellant's role in the approval of the WISC IGA renewals. In addition, Appellant's former subordinate stated in her OEIG interview that Appellant signed off on and approved the renewals of 24004, 24027, and 24028. She indicated that she sent Contract Authorization Forms (CAFs) to Appellant for the

¹ Appellant additionally suggests that grants might not be “contracts” under section 5-45 of the Ethics Act. As counsel for the OEIG has noted, though, the elements of a contract are well-settled law in Illinois. Accordingly, this issue will be addressed no further here.

three renewals; that if he disapproved, he would verbalize his concerns; and that he had opportunities to discuss them with her before she even drafted the CAFs. The CAFs in question have Appellant's signature. In his initial appeal filing, Appellant argued that he did not have final authority to approve or disapprove the renewals. However, as the Commission explained in *Fayant*, the Ethics Act "requires neither that the employee has initiated nor made the final decision for the [revolving door] restriction to apply." *Fayant*, 23-EEC-001 at 12. That someone else may have initiated the renewal process "and that yet another had the ultimate responsibility to make the decision" did not mean Appellant's participation in the decision to renew the IGAs was not personal and substantial. *Id.* at 13.

2. The evidence does not support a determination that Appellant personally and substantially participated in the financial administration of the WISC IGAs or the award of the EANS grant.

Appellant avers that he had neither personal nor substantial participation in the award of the EANS grant or the fiscal administration of the WISC IGAs. The record supports those claims.

Appellant submits a declaration and the purported statements of two fellow State employees to support his claim that he had no part in awarding the EANS grant. All three statements indicate in clear terms that Appellant was not involved. The statements describe how the EANS grant was processed without reference to Appellant's participation. ISBE's Chief of Staff indicated in her OEIG interview that Appellant was involved in the EANS grant award, but there is no supporting information in the interview summary to establish the extent of that alleged involvement. Further, the record does not contain any documentation associated with the EANS grant that references Appellant or evinces his participation in any way. This is in marked contrast to the documentary evidence of Appellant's involvement with the three WISC IGA renewals. As the Commission noted in *Fayant*, to uphold a restriction on employment, "the participation would need to be direct, extensive, significant, and substantive, as opposed to peripheral, clerical, or a formality before employment would be restricted." *Fayant* at 12. Because the record does not contain evidence of Appellant's extensive, significant, or substantive participation with respect to the award of the EANS grant, the Commission cannot uphold the determination that Appellant's employment is restricted on that basis.

Similarly, the record does not contain evidence that Appellant had "extensive, significant, or substantive participation" in the fiscal administration of the WISC IGAs. Appellant agrees that the IGAs, once executed, were subject to oversight by Appellant and his team. However, there is no documentary or interview evidence in the record of "extensive, significant, or substantive" actions Appellant might have taken regarding the fiscal administration of the WISC IGAs. Accordingly, the Commission cannot uphold the restriction against employment based on Appellant's alleged participation in the fiscal administration of the WISC IGAs.

Nevertheless, the Objection rightly points to the Commission's decision in *Jayaraj*: "The point of the revolving door prohibition [...] is to avoid situations that could create conflicts of

interest or the appearance of impropriety by removing the prospect of employment by an entity.” That aspect of the Ethics Act is not to be taken lightly, and here it weighs in favor of upholding the determination as to those matters where Appellant was clearly a substantive participant, even where the prospect of employment may not have been immediately apparent at the time of the participation itself. The record shows Appellant was placed on a performance improvement plan at ISBE on Monday, May 20, 2024, and resigned from ISBE on Thursday, May 23, 2024. WISC offered him employment on May 31, 2024. According to the record, Appellant reached out directly to WISC, toured WISC’s offices, had some sort of interview with formal and informal questions, and secured an offer of employment — and, evidently, did all this within five business days after his resignation during a holiday week. There is no evidence that WISC publicly posted the position it offered Appellant, and Appellant stated that he did not submit an application or resume to WISC for this position. As a result, the timing and circumstances of Appellant’s receipt of an employment offer from WISC following his departure from ISBE creates a potential appearance of impropriety that, along with the other evidence in the record, warrants the upholding of the OEIG’s determination.

Finally, while Appellant references specific dates upon which the employment restriction may be lifted, the Commission notes that its statutory authority in revolving door appeals is to “decide[] whether to uphold an Inspector General’s determination.” 5 ILCS 430/5-45(g). The Ethics Act does not call upon the Commission to determine the date until which a former State employee is restricted from accepting a specific employment opportunity, and the OEIG’s June 14, 2024, determination did not specify an expiration date for the restriction in question. The Ethics Act states in relevant part:

No former . . . State employee. . . shall, *within a period of one year immediately after termination of State employment, knowingly accept employment* or receive compensation or fees for services from a person or entity if the . . . State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award or fiscal administration of State contracts . . . with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.”

5 ILCS 430/5-45(a)(emphasis added).

CONCLUSION

Considering the totality of Appellant’s participation and all relevant information presented, the Commission finds that, within the year preceding his resignation from State employment, Appellant participated personally and substantially in the renewal of three IGAs between ISBE and WISC and shall be restricted from employment accordingly.

WHEREFORE, the Commission denies Jeffrey A. Aranowski’s appeal in part, grants the appeal in part, and upholds the OEIG’s determination that Mr. Aranowski is restricted from

accepting employment with WISC based upon his participation in award of the WISC IGA renewals.

SO ORDERED.

DATE: July 5, 2024

The Executive Ethics Commission


By: _____
Nathan Rice
Executive Director on behalf of
the Executive Ethics Commission