

CERTIFICATE

To All To Whom These Presents Shall Come, Greeting:

I, Louis Simpson, President
(Name of Certifying Official) (Title of Certifying Official)

do hereby certify that the attached is a true and correct copy of Ordinance/

Resolution number 1999-3 adopted by Tri-Township Park District on

7-14-99
(Date of Adoption)

(SEAL)


(Signature of Official)

ORDINANCE NO. 1999-3

AN ORDINANCE ADOPTING STATE GIFT BAN ACT PROVISIONS

WHEREAS, the State of Illinois has enacted a "State Gift Ban Act" as set out in 5 ILCS 425/1 et seq.; and

WHEREAS, the provisions of 5 ILCS 425/83 require units of local government to adopt provisions to prohibit the solicitation and acceptance of gifts; and

WHEREAS, the provisions of 5 ILCS 425/35 require the designation of an Ethics Officer to review statements and provide guidance in the interpretation and implementation of the Act.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TRI-TOWNSHIP PARK DISTRICT AS FOLLOWS:

Section 1: That the provisions of the Illinois State Gift Ban Act as set out in 5 ILCS 425/1 et seq. and attached to this Ordinance as Exhibit "A", are hereby ratified and adopted by the Tri-Township Park District and shall be enforced as set forth therein.

Section 2: That the Board of Commissioners may appoint a person to serve as the Ethics Officer as set forth in 5 ILCS 425/35, and such person shall serve in that capacity until his successor is appointed.

Section 3: Future Amendments to State Gift Ban Act. Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption shall not be incorporated into this Ordinance by reference without formal action by the corporate authorities of the District.

Section 4: Future Declaration of Unconstitutionality of State Gift Ban Act.

(a) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearing. The Ordinance shall be deemed repealed without further action by the corporate

authorities of the District if the Act is found unconstitutional by the Illinois Supreme Court.

(b) If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the district.


Section 5: This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED by the Board of Commissioners 7-14, 1999.

Ayes: 5


Nays: 0

Absent: 2



President, Board of Commissioners
Tri-Township Park District

ATTEST:



Secretary

EXHIBIT "A"

**Illinois Compiled Statutes
General Provisions
State Gift Ban Act
5 ILCS 425/**

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(5 ILCS 425/)

(5 ILCS 425/1)

Sec. 1. Short title. This Act may be cited as the State Gift Ban Act.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/5)

Sec. 5. Definitions. As used in this Act:

"Commission" means an ethics commission created by this Act.

"Employee" means all full-time, part-time, and contractual employees, appointed and elected officials, and directors of a governmental entity.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, officer, or judge.

"Governmental entity" means each office, board, commission, agency, department, authority, institution, university, body politic and corporate, administrative unit, and corporate outgrowth of the executive, legislative, and judicial branches of State government, whether created by the Illinois Constitution, by or in accordance with statute, or by executive order of the Governor.

"Judge" means judges and associate judges of the Supreme Court, Appellate Courts, and Circuit Courts.

"Member" means a member of the General Assembly.

"Officer" means a State constitutional officer.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not the individual or electors are selected, nominated, elected, or appointed. The term includes the making of expenditures relating to an office described in the preceding sentence that, if incurred by the individual, would be allowable as a federal income tax deduction for trade or business expenses.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the member, officer, or judge or (ii) in the case of an employee, by the employee or by the member, officer, judge, governmental entity, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member, officer, or judge or (ii) in the case of an employee, with the

employee or with the member, officer, judge, governmental entity, or other employee directing the employee;

(3) conducts activities regulated (i) by the member, officer, or judge or (ii) in the case of an employee, by the employee or by the member, officer, judge, governmental entity, or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, employee, or judge; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act.

"Ultimate jurisdictional authority" means the following:

(1) For members, partisan staff, and their secretaries, the appropriate legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For judges, the Chief Justice of the Supreme Court.

(6) For State employees of the judicial branch, the Administrative Office of the Illinois Courts.

(7) For State employees of an executive branch constitutional officer, the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

(9) For officers, the General Assembly.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/10)

Sec. 10. Gift ban. Except as otherwise provided in this Act, no member, officer, employee, or judge shall solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes spouses of and immediate family living with the member, officer, employee, or judge. No prohibited source shall offer or make a gift that violates this Section.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/15)

Sec. 15. Exceptions. The restriction in Section 10 does not apply to the following:

(1) Anything for which the member, officer, employee, or judge pays the market value or anything not used and promptly disposed of as provided in Section 25.

(2) A contribution, as defined in Article 9 of the Election Code that is lawfully made under that Act or attendance at a fundraising event sponsored by a political organization.

(3) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(4) Anything provided by an individual on the basis of a personal

friendship unless the member, officer, employee, or judge has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, employee, or judge and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the member, officer, employee, or judge shall consider the circumstances under which the gift was offered, such as:

(i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(ii) whether to the actual knowledge of the member, officer, employee, or judge the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(iii) whether to the actual knowledge of the member, officer, employee, or judge the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, employees, or judges.

(5) A commercially reasonable loan evidenced in writing with repayment due by a date certain made in the ordinary course of the lender's business.

(6) A contribution or other payments to a legal defense fund established for the benefit of a member, officer, employee, or judge that is otherwise lawfully made.

(7) Intra-office and inter-office gifts. For the purpose of this Act, "intra-office gifts" means:

(i) any gift given to a member or employee of the legislative branch from another member or employee of the legislative branch;

(ii) any gift given to a judge or employee of the judicial branch from another judge or employee of the judicial branch;

(iii) any gift given to an officer or employee of the executive branch from another officer or employee of the executive branch;

(iv) any gift given to an officer or employee of a unit of local government, home rule unit, or school district, from another employee of that unit of local government, home rule unit, or school district;

(v) any gift given to an officer or employee of any other governmental entity not included in item (i), (ii), (iii), or (iv), from another employee of that governmental entity; or

(vi) any gift given to a member or employee of the legislative branch, a judge or employee of the judicial branch, an officer or employee of the executive branch, an officer or employee of a unit of local government, home rule unit, or school district, or an officer or employee of any other governmental entity not included in item (i), (ii), (iii), or (iv) from a member or employee of the legislative branch, a judge or employee of the judicial branch, an officer or employee of the executive branch, an officer or employee of a unit of local government, home rule unit, or school district, or an officer or employee of any other governmental entity.

(8) Food, refreshments, lodging, transportation, and other benefits:

(i) resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the member, officer, employee, or judge, as an office holder or employee) of the member, officer, employee, judge, or the spouse of the member, officer, employee, or judge, if the benefits have not been offered or enhanced because of the official position or employment of the member, officer, employee, or judge and are customarily provided to others in similar circumstances;

(ii) customarily provided by a prospective employer in connection with bona fide employment discussions; or

(iii) provided by a political organization in connection with a fundraising or campaign event sponsored by that organization.

(9) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(10) Informational materials that are sent to the office of the member, officer, employee, or judge in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(11) Awards or prizes that are given to competitors in contests or events open to the public, including random drawings.

(12) Honorary degrees (and associated travel, food, refreshments, and entertainment provided in the presentation of degrees and awards).

(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a member, officer, employee, or judge, if the training is in the interest of the governmental entity.

(14) Educational missions, including meetings with government officials either foreign or domestic, intended to educate public officials on matters of public policy, to which the member, officer, employee, or judge may be invited to participate along with other federal, state, or local public officials and community leaders.

(15) Bequests, inheritances, and other transfers at death.

(16) Anything that is paid for by the federal government, the State, or a governmental entity, or secured by the government or governmental entity under a government contract.

(17) A gift of personal hospitality of an individual other than a registered lobbyist or agent of a foreign principal, including hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual's family or on property or facilities owned by that individual or the individual's family.

(18) Free attendance at a widely attended event permitted under Section 20.

(19) Opportunities and benefits that are:

(i) available to the public or to a class consisting of all employees, officers, members, or judges, whether or not restricted on the basis of geographic consideration;

(ii) offered to members of a group or class in which membership is unrelated to employment or official position;

(iii) offered to members of an organization such as an employee's association or credit union, in which membership is related to employment or official position and similar opportunities are available to large segments of the public through organizations of similar size;

(iv) offered to any group or class that is not defined in a manner that specifically discriminates among government employees on the basis of branch of government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(vi) in the form of reduced membership or other fees for participation in organization activities offered to all government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(20) A plaque, trophy, or other item that is substantially commemorative in nature and that is extended for presentation.

(21) Golf or tennis; food or refreshments of nominal value and catered food or refreshments; meals or beverages consumed on the premises from which they were purchased.

(22) Donations of products from an Illinois company that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

(23) An item of nominal value such as a greeting card, baseball cap, or T-shirt.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/20)

Sec. 20. Attendance at events.

(a) A member, officer, employee, or judge may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if:

(1) the member, officer, employee, or judge participates in the event as a speaker or a panel participant, by presenting information related to government, or by performing a ceremonial function appropriate to the member's, officer's, employee's, or judge's official position or employment; or

(2) attendance at the event is appropriate to the performance of civic affairs in Illinois or the official duties or representative function of the member, officer, employee, or judge.

(b) A member, officer, employee, or judge who attends an event described in subsection (a) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual.

(c) A member, officer, employee, or judge, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

(d) For purposes of this Section, the term "free attendance" may include waiver of all or part of a conference or other fee, the provision of transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees, except as authorized under subsection (21) of Section 15.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/25)

Sec. 25. Disposition of gifts. The recipient of a gift that is given in violation of this Act may, at his or her discretion, return the item to the donor or give the item or an amount equal to its value to an appropriate charity.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/30)

Sec. 30. Reimbursement.

(a) A reimbursement (including payment in kind) to a member, officer, employee, or judge from a private source other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, fact finding trip, or similar event in connection with the duties of the member, officer, employee, or judge as an office holder or employee shall be deemed to be a reimbursement to the governmental entity and not a gift prohibited by this Act if the member, officer, employee, or judge:

(1) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives, the Secretary of the Senate, the State Comptroller, fiscal officer, or similar authority as appropriate, within 30 days after the travel is completed; and

(2) in the case of an employee, receives advance authorization, from the member, officer, judge, or other employee under whose direct supervision the employee works to accept reimbursement.

(b) For purposes of subsection (a), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a member, officer, employee, or judge as an office holder or employee.

(c) Each advance authorization to accept reimbursement shall be

signed by the member, officer, judge, or other employee under whose direct supervision the employee works and shall include:

- (1) the name of the employee;
- (2) the name of the person who will make the reimbursement;
- (3) the time, place, and purpose of the travel; and
- (4) a determination that the travel is in connection with the duties of the employee as an employee and would not create the appearance that the employee is using public employment for private gain.

(d) Each disclosure made under subsection (a) of expenses reimbursed or to be reimbursed shall be signed by the member, officer, or judge (in the case of travel by the member, officer, or judge) or by the member, officer, judge, or other employee under whose direct supervision the employee works (in the case of travel by an employee) and shall include:

- (1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;
 - (2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;
 - (3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;
 - (4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed; and
 - (5) a determination that all those expenses are necessary transportation, lodging, and related expenses.
- (Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/35)

Sec. 35. Ethics Officer. Each officer and the head of each governmental entity shall designate an Ethics Officer for the office or governmental entity. For the legislative branch, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives shall each appoint an ethics officer for the legislative members of their political party. Ethics Officers shall:

- (1) review statements of economic interest and disclosure forms of members, officers, judges, senior employees, and contract monitors before they are filed with the Secretary of State; and
- (2) provide guidance to members, officers, employees, and judges in the interpretation and implementation of this Act.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/40)

Sec. 40. Further restrictions. A governmental entity may adopt or maintain policies that are more restrictive than those set forth in this Act and shall continue to follow any existing policies, statutes, or regulations that are more restrictive or are in addition to those set forth in this Act.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/45)

Sec. 45. Ethics Commissions.

(a) Ethics Commissions are created for the branches of government as provided in this Section. The initial appointments to each commission shall be made within 60 days after the effective date of this Act. The appointing authorities shall appoint commissioners who have experience holding governmental office or employment and shall appoint commissioners from the general public or from within the appointing authority's branch of government. With respect to each of the ethics commissions designated in items (1), (2), (3), (4), and (5), no more than 4 of the 7 appointees shall be of the same political party. The appointee shall establish his or her political party affiliation by his or her last record of voting in a party primary election.

- (1) For the ethics commission of the Governor there shall be 7 commissioners appointed by the Governor. This ethics commission

shall have jurisdiction over all of the executive branch of State government except the officers specified in items (2), (3), (4), and (5) and their employees.

(2) For the ethics commission of the Attorney General there shall be 7 commissioners appointed by the Attorney General.

(3) For the ethics commission of the Secretary of State there shall be 7 commissioners appointed by the Secretary of State.

(4) For the ethics commission of the Comptroller there shall be 7 commissioners appointed by the Comptroller.

(5) For the ethics commission of the Treasurer there shall be 7 commissioners appointed by the Treasurer.

(6) For the ethics commission of the legislative branch there shall be 8 commissioners. The Speaker and the Minority Leader of the House of Representatives and the President and the Minority Leader of the Senate shall each appoint 2 commissioners.

(7) For the ethics commission of the judicial branch there shall be 6 commissioners. The Chief Justice of the Supreme Court shall appoint the commissioners with the concurrence of 3 other Supreme Court Judges.

(b) At the first meeting of each commission, the initial appointees shall draw lots to divide into 2 groups. Commissioners of the first group shall serve 2-year terms, and commissioners of the second group shall serve one-year terms. Thereafter commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms.

(c) The respective appointing authority or authorities may remove a commissioner appointed by that authority or those authorities in case of incompetency, neglect of duty, or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled by the appropriate appointing authority or authorities.

(d) Each commission shall meet as often as necessary to perform its duties. Except for the ethics commission for the legislative branch, at the first meeting of each commission the commissioners shall choose a chairperson from their number. For the ethics commission for the legislative branch, the President of the Senate and whichever of the Speaker or Minority Leader of the House is of the same political party as the President shall jointly designate one member as co-chair; the other 2 legislative leaders shall jointly designate the other co-chair. Meetings shall be held at the call of the chairperson or any 2 commissioners. Official action by the commission shall require the affirmative vote of the number of commissioners provided in this subsection, and a quorum shall consist of the number of commissioners provided in this subsection. The number of commissioners required for a quorum and the affirmative vote of each ethics commission shall be as follows: for the Governor, 4; for the Attorney General, 4; for the Secretary of State, 4; for the Treasurer, 4; for the Comptroller, 4; for the legislative branch, 5; for the judicial branch, 4. Commissioners may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/50)

Sec. 50. Staff. Each commission may employ necessary staff persons and may contract for services that cannot be satisfactorily performed by the staff.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/55)

Sec. 55. Powers and duties. Each commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of

its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct research, conduct closed hearings and deliberations, issue recommendations, and impose a fine.

(3) To act only upon the receipt of a written complaint alleging a violation of this Act and not upon its own prerogative.

(4) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated this Act.

(5) To subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Act.

(6) To request that the Attorney General provide legal advice without charge to the commission.

(7) To prepare and publish manuals and guides explaining the duties of individuals covered by this Act.

(8) To prepare public information materials to facilitate compliance, implementation, and enforcement of this Act.

(9) To submit to each commissioner's respective appointing authority or authorities an annual statistical report for each year consisting of (i) the number of complaints filed, (ii) the number of complaints deemed to sufficiently allege a violation of this Act, (iii) the recommendation, fine, or decision issued for each complaint, (iv) the number of complaints resolved, and (v) the status of pending complaints.

The powers and duties of a commission are limited to matters clearly within the purview of this Act.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/60)

Sec. 60. Complaint procedure.

(a) Complaints alleging the violation of this Act shall be filed with the appropriate ethics commission as follows:

(1) If the complaint alleges a violation by an officer or employee of the executive branch of State government, then the complaint shall be filed with the appropriate ethics commission within the executive branch.

(2) If the complaint alleges a violation by a judge or employee of the judicial branch of government, then the complaint shall be filed with the judicial ethics commission.

(3) If the complaint alleges a violation by a member or employee of the legislative branch of State government or any employee not included within paragraphs (1) or (2), then the complaint shall be filed with the legislative ethics commission.

Any complaint received by or incident reported to a member, officer, employee, judge, or governmental entity alleging the violation of this Act shall be forwarded to the appropriate commission. The complaint shall not be properly filed until submitted to the appropriate commission.

(b) Within 3 business days after the receipt of an ethics complaint, the commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after the submittal to the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting on the sufficiency of the complaint and probable cause.

(c) Upon at least 24 hours' public notice of the session, the commission shall meet in a closed session to review the sufficiency of the complaint and, if the complaint is deemed to sufficiently allege a violation of this Act, to determine if there is probable cause, based on evidence presented by the complainant, to proceed. The commission shall issue notice to the complainant and the respondent of the commission's ruling on the sufficiency of the complaint and, if necessary, on

probable cause within 7 business days after receiving the complaint. If the complaint is deemed to sufficiently allege a violation of this Act and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. If the complaint is deemed not to sufficiently allege a violation or if there is no determination of probable cause, then the commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

(d) On the scheduled date and upon at least 24 hours' public notice of the meeting, the commission shall conduct a closed meeting on the complaint and allow both parties the opportunity to present testimony and evidence.

(e) Within 6 weeks after the complaint's receipt, the commission shall (i) dismiss the complaint or (ii) issue a preliminary recommendation to the alleged violator and to the violator's ultimate jurisdictional authority or impose a fine upon the violator, or both. The particular findings in the instant case, the preliminary recommendation, and any fine shall be made public.

(f) Within 7 business days after the issuance of the preliminary recommendation or imposition of a fine, or both, the respondent may file a written demand for a public hearing on the complaint. The filing of the demand shall stay the enforcement of the preliminary recommendation or fine. Within 2 weeks after receiving the demand, the commission shall conduct a public hearing on the complaint after at least 24 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 5 business days, the commission shall publicly issue a final recommendation to the alleged violator and to the violator's ultimate jurisdictional authority or impose a fine upon the violator, or both.

(g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the commission shall render such decision before the date of that election, if possible.

(h) A commission may levy a fine of up to \$5,000 against any person who knowingly files a frivolous complaint alleging a violation of this Act.

(i) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/65)

Sec. 65. Enforcement.

(a) A commission may recommend to a person's ultimate jurisdictional authority disciplinary action against the person it determines to be in violation of this Act. The recommendation may prescribe the following courses of action:

- (1) A reprimand.
- (2) To cease and desist the offensive action.
- (3) A return or refund of money or other items, or an amount of restitution for services, received in violation of this Act.
- (4) Dismissal, removal from office, impeachment, or expulsion.
- (5) Donation to a charity of an amount equal to the gift.

(b) A commission may impose a fine of up to \$1,000 per violation to be deposited into the General Revenue Fund.

(c) The ultimate jurisdictional authority of a person who violates an ethics provision may take disciplinary action against the person as recommended by a commission or as it deems appropriate, to the extent it is constitutionally permissible for the ultimate jurisdictional authority to take that action. The ultimate jurisdictional authority shall make its action, or determination to take no action, available to the public.

(d) If after a hearing the commission finds no violation of this Act, the commission shall dismiss the complaint.
(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/70)

Sec. 70. Penalty. An individual who knowingly violates this Act is guilty of a business offense and subject to a fine of up to \$5,000.
(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/75)

Sec. 75. Review. A commission's decision to dismiss a complaint or its recommendation is not a final administrative decision, but its imposition of a fine is a final administrative decision subject to judicial review under the Administrative Review Law of the Code of Civil Procedure.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/80)

Sec. 80. Exemption. The proceedings conducted and documents generated under this Act are exempt from the provisions of the Open Meetings Act and the Freedom of Information Act.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/83)

Sec. 83. Units of local government; school districts. Within 6 months after the effective date of this Act, units of local government, home rule units, and school districts shall prohibit the solicitation and acceptance of gifts, and shall enforce those prohibitions, in a manner substantially in accordance with the requirements of this Act and shall adopt provisions no less restrictive than the provisions of this Act. Non-salaried appointed or elected officials may be exempted.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/85)

Sec. 85. Home rule preemption. A home rule unit may not regulate the prohibition of gifts to members, officers, employees, or judges or the enforcement of these provisions in a manner inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/95)

Sec. 95. Effect on Executive Order or similar rule. This Act supersedes the ethics reforms provided for in (i) Part I (Ban On Gifts To State Employees From Prohibited Sources) contained in Executive Order No. 2 (1997) and (ii) any other executive, administrative, or similar order, policy, or rule promulgated by an officer, member, judge, employee, or governmental entity that conflicts with or is less restrictive than this Act.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/205)

Sec. 205. (Amendatory provisions; text omitted).

(Source: P.A. 90-737, eff. 1-1-99; text omitted.)

(5 ILCS 425/210)

Sec. 210. (Amendatory provisions; text omitted).

(Source: P.A. 90-737, eff. 1-1-99; text omitted.)

(5 ILCS 425/215)

Sec. 215. (Amendatory provisions; text omitted).

(Source: P.A. 90-737, eff. 1-1-99; text omitted.)

(5 ILCS 425/220)

Sec. 220. (Amendatory provisions; text omitted).
(Source: P.A. 90-737, eff. 1-1-99; text omitted.)

(5 ILCS 425/225)

Sec. 225. (Amendatory provisions; text omitted).
(Source: P.A. 90-737, eff. 1-1-99; text omitted.)

(5 ILCS 425/230)

Sec. 230. (Amendatory provisions; text omitted).
(Source: P.A. 90-737, eff. 1-1-99; text omitted.)

(5 ILCS 425/985)

Sec. 985. (Amendatory provisions; text omitted).
(Source: P.A. 90-737, eff. 1-1-99; text omitted.)

(5 ILCS 425/990)

Sec. 990. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.
(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/999)

Sec. 999. Effective date. This Act takes effect January 1, 1999.
(Source: P.A. 90-737, eff. 1-1-99.)

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