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Ex-watchdog keeping eye on state government

Ricardo Meza talks campaign laws, ethics violations in advance of filing season

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To help snuff out potential scandals, institutions often take a good, hard look at themselves.

Ricardo Meza, former Illinois executive inspector general, thinks it's a trend. That's why he's focusing his private practice at Greensfelder, Hemker & Gale, P.C. on internal investigations and government compliance.

"Rather than wait for an exterior government agency to look at it, a lot of these corporations or universities are conducting their own investigations. And actually, it is something strongly encouraged by the Department of Justice," said Meza, who was in the role as top state government watchdog for five years. "Whether it's 'Deflategate,' Volkswagen or (allegations of athlete abuse at) the University of Illinois — it's all over the place."

But Meza still keeps an eye on state government. And with campaign-filing season on the horizon, he spoke with the Daily Law Bulletin about key campaign laws, common candidate ethics violations, and why new laws may not help Illinois rehab its image on ethics.

Law Bulletin: If I wanted to run for the state legislature, what campaign or ethics laws

would you recommend I look into?

Meza: One of the key state laws that governs prohibited political activity is the State Officials and Employee Ethics Act, and that was the act my prior office kind of oversaw and sought to enforce.

That act actually contains a section titled "Prohibited Political Activities" that really identifies and lays out a number of scenarios that a person seeking office should be fully aware of.

As a candidate, you're going to want to make sure the persons assisting you are aware of the various ethics laws, and it's important because a violation of the Ethics Act could result in a fine of up to \$5,000.

LB: What are some of the problems that campaign volunteers run into regarding the law?

Meza: The biggest issue that persons run into that are helping

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candidates is the prohibition of the use of federal or state offices and federal or state telephones.

It's basically the state equivalent of the federal Hatch Act, and



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that basically says if the phone belongs to the federal government or the state, you cannot use it to engage in political activity. It's very broad — any activity leading up to and resulting in campaign activity.

State resources include anything that's owned by the state, like telephones or actual offices. So you can't be getting petitions signed in the office. It also includes state e-mail accounts.

One of the interesting things I think candidates overlook in the state of Illinois, and this is what (13th Congressional District Democratic candidate and University of Illinois professor) George Gollin overlooked — the

nine public universities are considered state institutions.

So, in other words, if you're a full-time employee of a university, including professors, you can't use your e-mail account or office telephone to solicit funds. And that's exactly what Mr. Gollin did.

The other thing I think candidates should be aware of with these investigations and the use of these resources — they often occur during the course of a campaign but may not get disclosed until months or years later.

Judy Erwin, former head of the state higher education board, was using state resources in support of the Obama administration and then a couple years later got appointed to a position with the Rahm Emanuel transition team.

And about that time, there was a decision fining her about \$3,500 or \$4,000 and said she was engaged in prohibited political activity. She had already left the state division, but she'd been fined, and the news reports revealed she was asked to step down.

LB: You say that prosecutors are looking to crack down harder now on people who violate campaign laws. Why do you believe that?

Meza: Campaign disclosure laws and the use of campaign funds are very highly-regulated. And in the federal system, there's a test they use called the "irrespective test." It helps candidates determine if campaign donations are being used for campaigns.

Let's assume you use campaign funds to go to Florida for some trip. Well, regardless of whether you were running for office, if you were going to take that trip, that's not a campaign function.

But if you're going to Florida for the purpose of attending the FEC conference, then yes, you can use those funds for that purpose, because you're not going to go to that conference irrespective of running for office.

What we're seeing is the government and the Federal

Elections Commission and state agencies actually look at these disclosure laws to determine if they're using these funds appropriately.

What happened in regards to (former U.S. Rep.) Jesse Jackson Jr., it turned out he was using campaign funds for purposes other than campaign-related purposes. Aaron Schock, his issue is more reimbursement on expenditures that may turn out not to have been correct.

LB: When you think back on your five years as inspector general, what are some of the contributions you made to the office or culture of state government? Any particular cases that are memorable?

Meza: Well, I think one of the things that we tried to do almost immediately when I became the

inspector general was to provide information to state employees in the form of monthly newsletters, and remind them that they are prohibited from certain activity and informing them of the types of missteps others were involved in that would theoretically place them in jeopardy.

I guess, despite the fact that every year all state employees are required to engage in online ethics training, a lot of the same issues came up. People continue to use state resources, people continue to use their phones and e-mails, they continue to engage in this activity.

The problem is, it has very real consequences. For George Gollin, it was fines. For Judy Erwin, it was removal from this transition team.

These violations — they may

seem trivial when the person is doing it, but they could have a huge impact on somebody's reputation and career and pocket-book.

LB: Illinois has a reputation for ethics problems. Are there any types of reforms you think the state should make to not only cut down on the number of problems but mitigate the perception that it's a corrupt place?

Meza: When someone's talking about reforms, they're talking about additional laws, additional information, and additional penalties that should be in place to prevent certain activity. But what I found in the office was that, despite the number of laws out there, and the annual training requirements, every year around election time issues

came up, and they were the same issues. So the question is, why was that happening? Are people just ignoring the law? Are the fines not big enough?

I'm just not sure what reforms we need to have in place.

Ethics, at the end of the day, is doing the right thing versus the wrong thing, and part of the question is, do people innately know what is right or wrong?

People should innately know, if I'm at work, whether it's the state or a federal office, and I want to help someone run for the General Assembly office, I shouldn't pick up the phone and help them run because that phone belongs to the state.

I think it just seems so de minimus to people. So, I'm just not sure what the answer to that is.