

# New Watchdog, New Conflicts

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The new Illinois General Assembly watchdog has a resume that includes stints as a U.S. attorney and top aide to then-Gov. Jim Edgar.

That blend of political and prosecutorial experience is why J. William Roberts was recently chosen for the job, legislators tell the Better Government Association.

But a deeper look at his background reveals some connections that could force Roberts to recuse himself from probing any complaints against Illinois House Speaker Michael Madigan (D-Chicago) and other influential legislators.

As acting legislative inspector general, Roberts is being paid \$215 an hour to investigate misconduct complaints against lawmakers. Basically, it's his job to determine whether legislators misused state funds, accepted gifts from lobbyists, or committed other ethical or perhaps even criminal breaches.

Roberts replaces outgoing inspector general Tom Homer, a Naperville attorney

and former judge and Democratic state representative who was often criticized for being ineffective. The BGA previously reported that while he was in politics, Homer accepted campaign donations from Madigan and other state lawmakers.

“The ideal inspector general is completely independent – without any connections to anyone they oversee,” says Faisal Khan, the Chicago City Council’s legislative inspector general.

“The role of the IG is not only to be impartial but to appear to be impartial,” Khan adds.

Roberts, however, says he has no concerns about independence.

“I wouldn’t have taken the job if I thought there were conflicts,” he says.

But among the potential conflicts the BGA found:

- Political committees controlled by Madigan have paid Chicago law firm Hinshaw & Culbertson LLP more than \$40,000 from 2002 to 2008, according to the Illinois State Board of Elections. Roberts, the firm’s managing partner, represented Madigan during at least part of that time, as federal authorities in Springfield investigated whether Madigan had misused state resources. The probe was reportedly closed around early 2005 and no charges were filed.
- Hinshaw has donated money to the campaign funds of other current legislative leaders, including state Senate President John Cullerton (D-Chicago); Senate Majority Leader James Clayborne (D-East St. Louis); Senate Minority Leader Christine Radogno (R-Lemont); and House Minority Leader Jim Durkin (R-Western Springs).

Roberts personally donated \$500 last year to the newly appointed chairman of the Regional Transportation Authority, state Sen. Kirk Dillard (R-Hinsdale), a member of the Legislative Ethics Commission that approved Roberts’ appointment on May 30. Other members of that committee include Clayborne, who voted to appoint Roberts and who until recently worked in Hinshaw’s Belleville office.

- State agencies have paid Hinshaw nearly \$1.9 million in the last five years, state records show. Those payments include \$2,339 from the

Cullerton-led Senate Democrats in fiscal year 2012 and \$1,950 from the Madigan-led House Democrats in fiscal year 2014. Roberts tells the BGA he worked directly with the Senate Democratic leaders but couldn't recall if he had personally worked with the House leadership.

He adds he has previously counseled House Republican leaders as well.

Briefed on the BGA findings, Khan suggests Roberts would have "to recuse himself from everything involving Madigan" and perhaps other legislators he's advised. If that were to happen it's unclear who would investigate complaints against lawmakers.

State Sen. Terry Link (D-Waukegan), one of eight ethics commission members, says he wasn't aware of Roberts' ties to Madigan and other lawmakers until told of the BGA's findings. Regardless, he says the new watchdog still has his support.

"I don't expect it to affect his judgment," says Link. "I feel comfortable with him and his background. I've gotten glowing reports on this guy."

Madigan spokesman Steve Brown says, "The Speaker and other leaders think his credentials make him a great candidate to be interim inspector general."

Over a decades-long career Roberts, 72, has been Sangamon County state's attorney, U.S. attorney for the Central District of Illinois and chief legal counsel for Gov. Edgar. Since 1997 Roberts has worked at Hinshaw, a Chicago-based firm with approximately 500 lawyers and offices in 11 states.

Roberts was a registered lobbyist from at least 2000 to 2013, state records show, though he tells the BGA he never lobbied a member of the General Assembly.

State law was changed last May to allow the ethics commission to appoint an acting inspector general to replace Homer, who stepped down June 30.

Little is known about Homer's work. Over the past decade or so in the position, Homer made public the results of just four investigations, not including an unreleased report, recently leaked to the media, that details personnel requests made by Madigan to the commuter rail agency Metra. Homer does not have the authority to punish legislators, though he can make recommendations, including that legislators or their employees be fired or otherwise reprimanded for ethical

transgressions. He can also refer allegations of wrongdoing to state or local prosecutors, which he's done on limited occasions.

"Of the 163 official complaints that I looked into, I referred a total of 11 to local or federal law enforcement officials," Homer said via email.

Records show that in recent years Homer recommended that two legislative staff members be disciplined — the punishments ranged from suspensions of five to 30 days.

But he never uncovered serious wrongdoing by a legislator, even as lawmakers faced serious questions about widespread abuse of the legislative scholarship program, and alleged misuse of grant funds, and a federal jury recently found now ex-state Rep. Derrick Smith guilty of bribery and attempted extortion.

State records show Homer was paid \$69,875 last year, and \$38,915 in 2014.

There are a lot of roadblocks Roberts must clear to do the legislative IG job. To launch an investigation, the inspector general needs the ethics commission's approval. And even if the commission signs off, only limited violations, those outlined in the state's ethics act, can be probed.

"I feel the IG should be autonomous and not have to obtain permission," says Homer, who called for broader powers in an April letter to lawmakers, after facing criticism from the BGA about his aggressiveness.

It's unclear who initially recommended Roberts, though Madigan, Cullerton, Radogno and other top lawmakers supported his appointment. The ethics commission unanimously voted to approve him May 30. He took over July 1.

Roberts will remain "acting" inspector general until the General Assembly nominates and confirms a new watchdog to serve the remainder of Homer's five-year term, which ends in 2018. Legislators say that won't happen until at least next year — and they don't rule out the possibility of Roberts filling the post long-term.

But before that happens, Roberts' connections need to be closely scrutinized, says Dillard, adding he also wasn't aware of Roberts' ties to Madigan and other lawmakers.

"If he wants to be the permanent inspector general, he would have to be thoroughly vetted," Dillard says.

Roberts says he's not sure yet whether he wants the job beyond an interim period.

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