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1308 W Main St  
Urbana, IL 61801

James A. Wright  
Executive Inspector General  
32 West Randolph Street  
Suite 1900  
Chicago, IL 60601

January 5, 2007

Dear Mr. Wright:

I have received your office's letter stating that I was non-compliant on my ethics training dated December 15<sup>th</sup>, 2006. It is this letter which is the subject of my writing today. Your allegations, regardless of being stated with certitude and finality, that I did not complete my ethics training and have violated the law are both factually and legally without merit.

I take questions of my integrity and honor very personally. As an information security professional I am trusted to keep my word and meet my obligations strictly. Questions on my integrity run to the heart of whether I can be trusted in that industry. Frivolous accusations and assertions challenging my integrity are very damaging, personally and professionally.

You state that because I spend only 8.78 minutes in reviewing the program training materials prior to completing the quiz that I did not carefully review the subject material in the ethics exam and have not complied with the law. This assertion, on its face, is an accusation that I have committed a class A misdemeanor according to 5 ILCS 430/5-10. This accusation is laid as a matter of **fact** in which I have been provided no opportunity to challenge, refute, or confront witnesses. Further, in order to become compliant, I must assert that I, in fact, have committed a crime without the benefit of a hearing, trial, seeing the evidence, or otherwise challenging your claims. Your office, in coordination with the University Ethics Office sent a packet which included a form on the back page that I must sign. This form reads:

"Acknowledgement of Participation in: Ethics Orientation for Noncompliant Employees of the Agencies of the Illinois Government..."

I have enclosed a revised form that I signed to certify I completed the program online and have read your additional materials. The revised form passes constitutional muster and doesn't violate my rights or make any factual inaccuracies as to the allegations in your December 15<sup>th</sup> letter. I have enclosed the revised form not because I believe your claims have any merit whatsoever and they should not be construed as an admission of guilt. I include them *only* because of the public's right to know that public employees are meeting their obligations, independent of what other government officials unjustly say about them.

Your letter constitutes several significant breaches of the state of Illinois constitution and the federal constitution. For the sake of brevity, I will not cover the violations of state statutory law, federal statutory law, or international law.

First, if I am accused of a crime I am entitled to due process according to **Article I Section 2** of the Illinois State Constitution. This right is also required by the **Fifth Amendment** of the Constitution of the United States of America, made applicable to the State through the **Fourteenth Amendment**. What you have provided is not *due process*, you have provided *no process*. The case law surrounding this right is substantial.

Second, if I am accused of a crime, I am entitled to a hearing according to **Article I Section 7** of the Illinois State Constitution. This right is also required by the **Sixth Amendment** of the Constitution of the United States of America, made applicable to the State through the **Fourteenth Amendment**. You have provided no opportunity for such a hearing where I can refute the charges unjustly and incorrectly levied against me. The case law surrounding this right is substantial.

Third, if I am accused of a crime, I am entitled to the right against self-incrimination according to **Article I Section 10** of the Illinois State Constitution. This right is also required by the **Fifth Amendment** of the Constitution of the United States of America, made applicable to the State through the **Fourteenth Amendment**. You are requiring that I admit wrong-doing in order to rectify this situation by publicly stipulating that I am non-compliant, when I am, in fact, in compliance. The case law surrounding this right is substantial.

Fourth, if I am accused of a crime, I am entitled to a trial by jury according to **Article I Section 13** of the Illinois State Constitution. This right is also required by the **Fifth Amendment** of the Constitution of the United States of America, made applicable to the State through the **Fourteenth Amendment**. In the effort to rush towards punishment, your office skipped the trial, the hearing, even the presentation of evidence and moved straight to sentencing. The case law surrounding this right is substantial.

Fifth, I am protected by right against ex post facto legislation according to **Article I Section 16** of the Illinois State Constitution. This right is also required by **Article I Section 9** of the Constitution of the United States made applicable to the State through the **Fourteenth Amendment**. Your standard for evaluation whether I spent enough time on the test was come up with *after every government employee has taken the test*. Further, I find no documentation as to what the standard actually is. If you are going to enforce a regulation, the regulation needs to be published somewhere and it needs to be in place *before the fact*. The case law surrounding this right is substantial.

Sixth, the allegations in your letter are factually **false**. If your office wishes to audit my understanding of ethics law applicable to my position, it could do so easily with another exam. Instead, without trial, jury, or any process whatsoever, you have found me guilty and assigned a punishment. The facts are that: (1) I can read fast, (2) I am relatively intelligent, and (3) I am morally sound. I am very familiar with the ethics laws of this state independent of the annual training. I finished the test too quickly because I'm too familiar with the law (as well as I can read very fast). Being non-compliant because of too much knowledge on the subject is novel and interesting, but unconvincing.

In no way should this letter constitute an exhaustive defense in this case. I reserve the right, should you decide to meet your obligations under both constitutions, to add further defenses and facts as I see fit.

The material is the substantially the same as last year and contains very simple and easy to understand concepts. I am familiar with the process of filing ethics complaints and of whistle blower protections because I have filed ethics complaints in the past. I am familiar with the fact the stealing University equipment and property is wrong, not because it's written in a law book somewhere, but because I have

**common sense** and a sound **moral compass**. I realize this may be a rare commodity among our elected officials and their bureaucrats in Springfield; however, that does not translate to the educated individuals on university campuses. For the record, I don't need to read the sexual assault statutes to know that I shouldn't walk up to women, punch them in the face and rape them too.

That statement that Gilbert Jimenez made to the press that "it's not humanly possible" to read and comprehend the material quickly and therefore cheated shows that either he only associates with unintelligent people, he looks down at us "unintelligent plebes" as rubes, or he is unaware of the actual contents of the material. Nevertheless, to further lob the charge of cheating to the press is slanderous on its face. If this were a comment by a prosecutor in an open case, it would be cause for an ethics complaint, as the prosecutor in the Duke rape case has seen.

My instructions are as follows:

1. Either provide me the evidence used against me and make arrangements for a hearing or,
2. Immediately remove me from whatever lists you have of "non-compliant" employees and clear any record of this event from any record on me.
3. Gilbert Jimenez will send a personal and public apology to me for his slanderous and false accusation in the press that I and others in my position are cheating on an extremely simple exam.
4. Strike any claims made against me for violations based on *ex post facto* rules or regulations.
5. You will restrain from further threats of criminal or civil action until such time as you deign to meet with your constitutional obligations to levy such charges and threats.

If someone from the ethics office which to verify the facts, they can at the leisure come to Champaign and I will read the balance of the ethics training and take the test. As a public employee accountability is important and I remain open to anyone who wishes to verify my honesty and knowledge in comprehending the ethics code. Please contact me if you wish to avail yourself of my time in this way. If you wish to rewrite the form you asked me to sign in such a way as to not admit wrongdoing, I will sign it. I have enclosed a copy of a revised form that doesn't violate my rights under the constitution and the laws of this state.

If you have any questions concerning this matter, please contact myself at the address above, at bambenek@uiuc.edu or at (217) 265-6723.

Sincerely,

John C. A. Bambenek  
Academic Professional, University of Illinois

Cc: the world

# Acknowledgement of Understanding in:

## Ethics Orientation for Employees of the Agencies of the Illinois Governor

I have carefully read and reviewed the content of the Ethics Orientation material and the State Officials and Employee Ethics Act and I understand its subject matter. Furthermore, I acknowledge that I am aware that ethics training is an annual requirement under the State Officials and Employees Ethics Act and that I am expected to complete such training when scheduled by the state. I also acknowledge awareness that my failure to appropriately complete such future annual training on a timely basis may result in disciplinary action, up to and including termination of state employment. I certify that I read the material sent on December 15<sup>th</sup>, 2006 and completed and comprehended the online ethics training program earlier last year.

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Signature

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Name

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Birthday

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Date

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