STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION COMPLIANCE EXAMINATION

For the Two Years Ended June 30, 2009

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AGENCY OFFICIALS

SUPREME COURT HISTORIC PRESERVATION COMMISSION

Executive Director Mr. William Wheeler

Director of Administration Ms. Madeline Gumble

Director of Communication Mr. Matt Burns

Commission office is located at:

625 South Second Street Springfield, Illinois 62704

ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION

www.IllinoisCourtHistory.org MANAGEMENT ASSERTION LETTER

May 19, 2010

Honorable William G. Holland Auditor General Iles Park Plaza 740 East Ash Street Springfield, IL 62703

Dear Mr. Holland:

We are responsible for the identification of, and compliance with, all aspects of laws, regulations, contracts, or grant agreements that could have a material effect on the operations of the Illinois Supreme Court Historic Preservation Commission (Commission). We are responsible for and we have established and maintained an effective system of, internal controls over compliance requirements. We have performed an evaluation of the Commission's compliance with the following assertions during the two-year period ended June 30, 2009. Based on this evaluation, we assert that during the years ended June 30, 2008 and June 30, 2009, the Commission has materially complied with the assertions below.

- A. The Commission has obligated, expended, received and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Commission has obligated, expended, received and used public funds of the State in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The Commission has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.

Yours very truly,

Illinois Supreme Court

Historic Preservation Commission

William L. Wheeler, Executive Director

Madeline Gumble, Director of Administration

-

COMPLIANCE REPORT

SUMMARY

The compliance testing performed during this examination was conducted in accordance with *Government Auditing Standards* and in accordance with the Illinois State Auditing Act.

ACCOUNTANTS' REPORTS

The Independent Accountants' Report on State Compliance, on Internal Control Over Compliance and on Supplementary Information for State Compliance Purposes does not contain scope limitations, disclaimers, or other significant non-standard language.

SUMMARY OF FINDINGS

	Current
Number of	Report
Findings	3
Repeated findings	N/A
Prior recommendations implemented	
or not repeated	N/A

This is the first examination of the Supreme Court Historic Preservation Commission.

SCHEDULE OF FINDINGS

Item No.	<u>Page</u>	<u>Description</u>	Finding Type	
		FINDINGS (STATE COMPLIANCE)		
09-1	8	Property control weaknesses	Significant Deficiency and Noncompliance	
09-2	10	Inadequate segregation of duties	Significant Deficiency and Noncompliance	
09-3	12	Incomplete policies and procedures in place	Significant Deficiency and Noncompliance	

EXIT CONFERENCE

The findings and recommendations appearing in this report were discussed with Commission personnel at an exit conference on May 14, 2010. Attending were:

Supreme Court Historic Preservation Commission William Wheeler, Executive Director Madeline Gumble, Director of Administration

Office of the Auditor General Jane Clark, Audit Manager Adanna Nwodu, Audit Supervisor

Responses to the recommendations were provided by William Wheeler, Executive Director, in a letter dated May 17, 2010.

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OFFICE OF THE AUDITOR GENERAL WILLIAM G. HOLLAND

INDEPENDENT ACCOUNTANTS' REPORT ON STATE COMPLIANCE, ON INTERNAL CONTROL OVER COMPLIANCE, AND ON SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES

Honorable William G. Holland Auditor General State of Illinois

Compliance

We have examined the State of Illinois, Supreme Court Historic Preservation Commission's (Commission) compliance with the requirements listed below, as more fully described in the Audit Guide for Financial Audits and Compliance Attestation Engagements of Illinois State Agencies (Audit Guide) as adopted by the Auditor General, during the two years ended June 30, 2009. The management of the Commission is responsible for compliance with these requirements. Our responsibility is to express an opinion on the Commission's compliance based on our examination.

- A. The Commission has obligated, expended, received, and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Commission has obligated, expended, received, and used public funds of the State in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The Commission has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.

We conducted our examination in accordance with attestation standards established by the American Institute of Certified Public Accountants; the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States; the Illinois State Auditing Act (Act); and the Audit Guide as adopted by the Auditor General pursuant to the Act; and, accordingly, included examining, on a test basis, evidence about the Commission's compliance with those requirements listed in the first paragraph of this report and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the Commission's compliance with specified requirements.

In our opinion, the Commission complied, in all material respects, with the requirements listed in the first paragraph of this report during the two years ended June 30, 2009. However, the results of our procedures disclosed instances of noncompliance, which are required to be reported in accordance with criteria established by the Audit Guide, issued by the Illinois Office of the Auditor General and which are described in the accompanying schedule of findings as findings 09-1, 09-2, and 09-3.

Internal Control

The management of the Commission is responsible for establishing and maintaining effective internal control over compliance with the requirements listed in the first paragraph of this report. In planning and performing our examination, we considered the Commission's internal control over compliance with the requirements listed in the first paragraph of this report as a basis for designing our examination procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Audit Guide issued by the Illinois Office of the Auditor General, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control over compliance.

A *deficiency* in an entity's internal control over compliance exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct noncompliance with the requirements listed in the first paragraph of this report on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control over compliance such that there is a reasonable possibility that material noncompliance with a requirement listed in the first paragraph of this report will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, we identified certain deficiencies in internal control over compliance described in findings 09-1, 09-2, and 09-3 in the accompanying schedule of findings that we consider to be significant deficiencies in internal control over compliance. A significant deficiency is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

There were no immaterial findings that have been excluded from this report.

The Commission's responses to the findings identified in our examination are described in the accompanying schedule of findings. We did not examine the Commission's responses and, accordingly, we express no opinion on them.

Supplementary Information for State Compliance Purposes

Our examination was conducted for the purpose of forming an opinion on compliance with the requirements listed in the first paragraph of this report. The accompanying supplementary information as listed in the table of contents as Supplementary Information for State Compliance Purposes is presented for purposes of additional analysis. We have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General to the 2008 and 2009 Supplementary Information for State Compliance Purposes, except for Service Efforts and Accomplishments on which we did not perform any procedures. However, we do not express an opinion on the supplementary information.

We have not applied procedures to the 2007 Supplementary Information for State Compliance Purposes, and accordingly, we do not express an opinion thereon.

This report is intended solely for the information and use of the Auditor General, the General Assembly, the Legislative Audit Commission, the Governor, agency management, and the Agency's governing board and is not intended to be and should not be used by anyone other than these specified parties.

BRUCE L. BULLARD, CPA

Director of Financial and Compliance Audits

May 19, 2010

For the Two Years Ended June 30, 2009

09-1. **FINDING** (Property control weaknesses)

The Supreme Court Historic Preservation Commission (Commission) did not maintain sufficient controls over the recording and reporting of its State property. During testing, we noted the following:

• The Commission did not reconcile its property listing to the Quarterly Report of State Property (C-15) filed with the Illinois Office of the Comptroller (IOC). The June 30, 2009 amount reported on the C-15 did not agree to the Commission's property listing as of June 30, 2009. A difference of \$534 was not reconciled or explained. In addition, the Commission did not maintain support for the net transfer amount reported on its C-15 resulting in a difference of \$1,493 between the C-15 and the Commission's property records as of June 30, 2009 that was not reconciled or explained.

Good business practices require detailed property records be maintained and reconciled to support various reporting requirements. The State Property Control Act (Act) (30 ILCS 605/4) requires the Commission be accountable for the supervision, control and inventory of all property under its jurisdiction and control. The Fiscal Control and Internal Auditing Act (30 ILCS 10/3001) requires agencies establish internal fiscal and administrative controls to provide assurance that revenues, expenditures, and transfers of assets, resources, or funds applicable to operations are properly recorded and accounted for to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over the State's resources.

• 25 of 25 (100%) equipment items tested, totaling \$26,112, did not have support for the date items were received and added to its property listing; therefore we could not determine the timeliness of property record adjustments.

The Illinois Administrative Code (44 Ill. Adm. Code 5010.400) requires agencies to adjust property records within 30 days of acquisition, change or deletion of equipment items.

• The Commission did not record equipment items on its property listing at the correct cost. Nine inventory items were recorded at amounts \$240 higher than actual cost.

The Illinois Administrative Code (Code) (44 Ill. Adm. Code 5010.240) states the purchase price of the equipment is the price of the equipment delivered and installed, including delivery and installation costs, if any. In addition, the State Property Control Act (30 ILCS 605/4) requires every responsible officer of State government to be accountable for the supervision, control and inventory of property under his control. This includes ensuring property is recorded at its correct cost.

For the Two Years Ended June 30, 2009

The Commission's property and equipment expenditures processed by the IOC during FY08 and FY09 did not reconcile to additions recorded on the Quarterly C-15 reports. Property and equipment expenditures totaling \$50 during FY09 were never recorded on the property listing or C-15. Additionally, the Commission listed two additions totaling \$20 for the reporting quarter ending June 30, 2009 which were not supported.

SAMS (Procedure 29.20.10) requires an agency to report all additions to each asset category that occurred during the quarter being reported. In addition, the Fiscal Control and Internal Auditing Act (30 ILCS 10/3001) requires that agencies establish internal fiscal and administrative controls to provide assurance that revenues, expenditures, and transfers of assets, resources, or funds applicable to operations are properly recorded and accounted for to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over the State's resources.

Commission personnel stated there were some inadvertent errors in the property records.

Failure to maintain accurate property control records increases the potential for fraud and possible loss or theft of State property and reduces the reliability of statewide property information. (Finding Code No. 09-1)

RECOMMENDATION

We recommend the Commission strengthen internal controls over recording and reporting of its equipment. Specifically, the Commission should ensure all equipment items are timely recorded on its property listing by documenting the date equipment items were received and added to its property listing. The Commission should also ensure all equipment items are accurately recorded on the Commission's property records and reconciled to the C-15s to ensure completeness and accuracy of its property records.

COMMISSION RESPONSE

The Commission will strengthen internal controls over recording and reporting equipment. The Commission will make its records of property receipt and recording more accessible by adding relevant fields to queries.

For the Two Years Ended June 30, 2009

09-2. **FINDING** (Inadequate segregation of duties)

The Supreme Court Historic Preservation Commission (Commission) did not maintain adequate segregation of duties in the areas of personal services, expenditure control and State property. During testing we noted the following:

- One person had authority to maintain employee attendance and leave records, maintain personnel files, and make additions, deductions, or corrections to employee's time.
- One person had authority to requisition goods, prepare vouchers, initiate correction of errors, receive goods, maintain accounting records and perform monthly expenditure reconciliations.
- One person had authority to tag inventory, maintain the property records, perform annual physical inventory, and prepare and sign the Agency Report of State Property (C-15) filed with the Illinois Office of the Comptroller (IOC).

The Fiscal Control and Internal Auditing Act (30 ILCS 10/3001) requires State agencies to establish and maintain a system, or systems, of internal fiscal and administrative controls to provide assurance that funds, property, and other assets and resources are safeguarded against waste, loss, unauthorized use, and misappropriation. In addition, good business practices require the Commission to maintain an adequate segregation of duties in order to help ensure the safeguarding of assets, prevent improper expenditures, ensure the accuracy and reliability of accounting data and promote operational efficiency. An adequate segregation of duties would ensure the responsibility for recordkeeping and custody be separated to safeguard against abuse.

Commission personnel stated segregation is unavoidably compromised by having a staff of just three persons, with one person primarily responsible for business matters. Commission personnel also stated that measures such as restrictive assignment of signature authority and using temp services for inventory are ways they tried to achieve some segregation.

The lack of adequate segregation of duties increases the likelihood a loss from errors or irregularities could occur and would not be found in the normal course of employees carrying out their assigned duties. (Finding Code No. 09-2)

RECOMMENDATION

We recommend the Commission allocate sufficient personnel in order to maintain effective internal control over the authorization and custody and record keeping duties

For the Two Years Ended June 30, 2009

regarding personal services, expenditure control, and State property.

COMMISSION RESPONSE

The Commission agrees that segregation of duties is very important and to be desired for both detection of fraud and prevention of inadvertent errors such as those in finding one. The Commission is aware that measures already in place to mitigate that, while helping, do not fully compensate for the risks associated with this finding. The Commission will explore ways to further mitigate the situation in the future, keeping in mind that the cost of mitigating measures should not outweigh the risk itself.

For the Two Years Ended June 30, 2009

09-3. **FINDING** (Incomplete policies and procedures in place)

The Supreme Court Historic Preservation Commission (Commission) does not have personnel policies and procedures in place. During testing of policies and procedures, we noted the Commission did not have formal policies and procedures addressing:

- Work hours
- Work schedules
- Attendance

Furthermore, during testing, we observed some employees arriving after the beginning of office hours. The Commission does not have a method of determining that employees worked during reported hours and no method to track where employees should be at any point in time.

Good business practices require policy statements, personnel rules, and procedure manuals be used to guide employee actions, and requires adequate supervision and monitoring of employees. In addition, the Fiscal Control and Internal Auditing Act (30 ILCS 10/3001) requires State agencies to establish and maintain a system or systems of internal fiscal and administrative controls to provide assurance resources are utilized efficiently, effectively and in compliance with applicable law.

Commission personnel stated that policy and procedures have been and are being formulated and adopted as time permits, and that until policies are expressly adopted, they are relying upon the policies they adhered to during many years of experience working in the Executive branch of Illinois government.

Lack of formal policies and procedures increases the risk of the Commission not providing adequate information to its employees. In addition, failure to maintain adequate supervision over employees increases the potential that the State is paying for services not performed or that the required functions of the Commission are not being fulfilled, which may result in the misuse of State assets, and could result in inaccurate recordkeeping. (Finding Code No. 09-3)

RECOMMENDATION

We recommend the Commission implement formal policies and procedures regarding work hours, work schedules, and attendance and provide it to all employees. Once the policies and procedures have been implemented, the Commission should ensure they are followed.

For the Two Years Ended June 30, 2009

COMMISSION RESPONSE

The Commission has not yet formalized several policies and procedures that are commonly adhered to in the workplace. While we perceive that no abuse or misuse has occurred, we agree that formal policy statements should be adopted and that process is occurring. We want to give our policy development an adequate amount of time for careful consideration so that we adopt policies and procedures that will work for our small agency.

SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES

SUMMARY

Supplementary Information for State Compliance Purposes presented in this section of the report includes the following:

• Fiscal Schedules and Analysis:

Schedule of Appropriations, Expenditures and Lapsed Balances Comparative Schedule of Net Appropriations, Expenditures and Lapsed Balances Schedule of Changes in State Property Analysis of Significant Variations in Expenditures Analysis of Significant Lapse Period Spending

• Analysis of Operations:

Agency Functions and Planning Program Average Number of Employees Service Efforts and Accomplishments (Not Examined)

The accountants' report that covers the Supplementary Information for State Compliance Purposes presented in the Compliance Report Section states the auditors have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General, except for information on Service Efforts and Accomplishments on which they did not perform any procedures. However, the accountants do not express an opinion on the supplementary information.

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STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

For the Year Ended June 30, 2009

					La	pse Period		Total			
	Aı	ppropriations			Exp	penditures	Ex	penditures		Balances	
P.A. 95-0734		(Net of	Ex	penditures	J	uly 1 to	14 M	onths Ended		Lapsed	
FISCAL YEAR 2009	1	Transfers)	Thro	rough June 30 August 31 August 3		August 31		August 31 August 31		August 31	
Supreme Court Historic Preserva Historic Preservation	tion Fund \$	10,000,000	\$	130,835	\$	46,483	\$	177,318	\$	9,822,682	
Total Fiscal Year 2009	\$	10,000,000	\$	130,835	\$	46,483	\$	177,318	\$	9,822,682	

Note: Appropriations, expenditures, and lapsed balances were obtained from the State Comptroller and have been reconciled to records of the Commission.

STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

For the Years Ended June 30,

	2009	2008	2007
Supreme Court Historic Preservation Fund - 428	P.A. 09-0734		
Appropriations (Net of Transfers)	\$ 10,000,000	\$ -	\$ -
<u>Expenditures</u>			
Historic Preservation	\$ 177,318	\$ -	\$ -
Total Expenditures	\$ 177,318	\$ -	\$ -
Lapsed Balances	\$ 9,822,682	\$ -	\$ -

STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION SCHEDULE OF CHANGES IN STATE PROPERTY

For the Two Years Ended June 30, 2009

	Equipment		
Balance at July 1, 2007	\$	-	
Additions		-	
Deletions		-	
Net Transfers			
Balance at June 30, 2008	\$		
Balance at July 1, 2008	\$	-	
Additions		19,407	
Deletions		-	
Net Transfers		41,438	
Balance at June 30, 2009	\$	60,845	

Note: The above schedule has been derived from Commission records which have been reconciled to property reports submitted to the Office of the Comptroller.

STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES

For the Two Years Ended June 30, 2009

The Supreme Court Historic Preservation Commission was statutorily created, effective August 24, 2007. However, the Commission was not appropriated funds until FY09. In addition, no employees were hired and operations of the Commission did not commence until April 2009.

STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION ANALYSIS OF SIGNIFICANT LAPSE PERIOD SPENDING

For the Two Years Ended June 30, 2009

FISCAL YEAR 2009

Supreme Court Historic Preservation Fund – 428

Historic Preservation

Expenditures totaling \$46,483 were paid during the lapse period primarily for start up items such as a phone system, copier, computers, and office supplies. The Commission did not begin to operate until April 2009 when the Director and two other employees were hired. As a result, the invoices for these items were received late in the fiscal year and paid during the lapse period.

STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION ANALYSIS OF OPERATIONS

For the Two Years Ended June 30, 2009

FUNCTIONS AND PLANNING PROGRAM

The Supreme Court Historic Preservation Commission (Commission) was created by the Supreme Court Historic Preservation Act (705 ILCS 17/et seq.). The Commission consists of nine commissioners. The Administrative Director of the Illinois Courts serves as a commissioner ex officio and the Illinois Supreme Court, the Governor, the President of the Senate, and the Speaker of the House of Representatives each appoint two commissioners. Commissioners serve staggered four year terms. A schedule of commissioners as of June 30, 2009 is as follows:

Commissioner	Term Expires			
Cynthia Cobbs	Ex Officio			
Kim Fox	6/30/09			
Michael McClain	6/30/11			
Pauline Montgomery	6/30/11			
Joseph Power, Jr.	6/30/09			
William Quinlan	6/30/11			
Jane Hayes Rader	6/30/09			
Jerold Solovy	6/30/11			
James Thompson	6/30/09			

Under the Supreme Court Historic Preservation Act (705 ILCS 17/15), the Commission is required to assist and advise the Supreme Court in regard to the acquisition, collection, documentation, preservation, cataloging, and related matters with respect to historic aspects of buildings, objects, artifacts, documents, and information, regardless of form, relating to the Illinois judiciary.

Planning Program

The Commission's goals are its functions as defined by State statutes. The Commission has identified further short-term goals as education of the public at various levels of interest, expertise, and contact with the legal system; providing venues for public events; developing a research program; preservation of buildings and collections; and acquiring materials which will help educate and preserve judicial history.

STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION AVERAGE NUMBER OF EMPLOYEES

For the Two Years Ended June 30,

AVERAGE NUMBER OF EMPLOYEES

The following table, prepared from Agency records, presents the average number of employees, by function, for the Fiscal Years ended June 30,

<u>Position</u>	<u>2009</u>	<u>2008</u>
Executive Director	1	-
Director of Administration	1	-
Director of Outreach	1	-
Total average full-time employees	3	-

STATE OF ILLINOIS SUPREME COURT HISTORIC PRESERVATION COMMISSION SERVICE EFFORTS AND ACCOMPLISHMENTS

For the Two Years Ended June 30, 2009 (Not Examined)

The Supreme Court Historic Preservation Commission (Commission) established a website for the general public. This website outlines information about the Commission and staff, statutes and rules governing the Commission, history of Lady Justice painting located in the Illinois Supreme Court Building from 1909 – 2010, events held, and historic images of court house buildings and the State Capitol building from the collection of postcards. In addition, the website provides contact information for the Commission as well as information on Commission members.

The Commission created its logo and seal which was inspired by the art in the Illinois Supreme Court building. In addition, the Commission worked on hosting its first annual award to be given to an attorney whose contributions to the profession and society have been exemplary. The first recipient for the award will be presented in FY10.

On May 8, 2008, the Commission held a black-tie event to commemorate the 100th anniversary of the Illinois Supreme Court Building. United States Supreme Court Justice Antonin Scalia was the keynote speaker. The event was held at the Abraham Lincoln Presidential Museum.

The commission hired three staff in April and May 2009. The remainder of the fiscal year was spent acquiring office space, setting up accounts and other infrastructure needed to conduct business.