



Annual Report 2017

Office of Executive Inspector
General for the Agencies of
the Illinois Governor

www.inspectorgeneral.illinois.gov

A Message from the Executive Inspector General



The men and women of the Office of Executive Inspector General (OEIG) work hard every day in service to the citizens of Illinois. Through our staff's hard work and robust investigations, the OEIG has been able to significantly advance our mission to root out fraud, waste, and abuse in State government through independent, objective, and fair investigations. We have increased the number of investigations conducted and reports issued, identifying fraud, waste, and abuse in public agencies throughout the State of Illinois.

In FY2017, State employees and other whistleblowers submitted 2,632 complaints involving 95 government agencies, vendors, and contractors. We opened 107 investigations, completed 98 pending investigations, and delivered 29 reports determining that a reasonable basis existed to believe that wrongdoing occurred. We conduct our investigations without bias and in a timely manner, and our work is transparent to the fullest extent allowed by law.

In addition to conducting reactive investigations, in further effort to eliminate fraud, waste, and abuse, we are also making significant proactive efforts toward better government. It is imperative to identify potential problems before those issues develop into fraud, waste, or abuse. This report includes a summary of our investigations and highlights our preventative efforts, which include the following:

- **Hiring and Employment Compliance Review**

The integrity of the State's hiring and employment practices is contingent upon an independent, vigorous, and effective compliance function. The Division of Hiring and Employment Monitoring (HEM) continues to work on ensuring that State agency hiring decisions and processes are sound and compliant with governing authority.

- **Illinois Health Care Fraud Elimination Task Force**

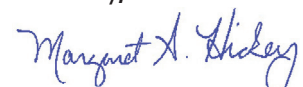
In the one and a half years since the Task Force was formed, it has cataloged best practices and developed targeted initiatives to improve Illinois practices, formed working groups to efficiently and effectively save taxpayer funds, worked to address the most problematic areas of fraud, waste, and abuse so that funds are appropriately used on those entitled to services, and put into place a framework among Illinois agencies that ensures collaboration with key players. For example, one Task Force Initiative is the HFS-OIG Global Billing Initiative, which involves hospitals reviewing potential billing errors. This initiative has resulted in the identification of \$4.4 million in overpayments of which \$3 million has been recovered.

- **Awareness and Training for State Employees**

We oversaw over 197,636 ethics training sessions with public employees, appointees, and officials. Yearly ethics training equips individuals with the skills, knowledge and understanding to anticipate ethical challenges, recognize ethical dilemmas, and make ethically sound decisions. In addition, we have participated in various outreach activities and initiated an OEIG Awareness Campaign to promote increased ethical conduct.

I appreciate the trust that has been placed in me, and work every day to be forward thinking and innovative in the OEIG's efforts to prevent and identify fraud, waste and abuse in State government.

Sincerely,



Margaret A. Hickey
Executive Inspector General

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Overview

The OEIG draws statutory authority from the State Officials and Employees Ethics Act (Ethics Act), which was signed into law in 2003. The OEIG investigates allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, and violations of the Ethics Act. The Ethics Act authorizes the OEIG to investigate violations of any other State laws, regulations, or rules involving State employees, appointees, officials, and grantees and vendors doing business with State agencies under its jurisdiction.

The OEIG is an independent executive branch State agency whose primary functions are to investigate allegations of misconduct and to report its findings and recommendations to public entities. The OEIG's jurisdiction includes more than 170,000 State employees, appointees, and officials, including: the Governor; the Lieutenant Governor; more than 300 executive branch State agencies, departments, boards, and commissions; the nine State public universities across a dozen campuses; the four Chicago-area Regional Transit Boards (the Regional Transportation Authority, the Chicago Transit Authority, Metra, and Pace); and vendors and contractors of any of those entities.

AUTHORITY

"Five independent Offices of the Executive Inspector General are created.... Each Office shall be under the direction and supervision of an Executive Inspector General and shall be a fully independent office with separate appropriations." 5 ILCS 430/20-10(a).

JURISDICTION

"The Executive Inspector General appointed by the Governor shall have jurisdiction over (i) the Governor, (ii) the Lieutenant Governor, (iii) all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer, and (iv) all board members and employees of the Regional Transit Boards and all vendors and others doing business with the Regional Transit Boards." 5 ILCS 430/20-10(c).

LEADERSHIP

"Each Executive Inspector General shall have the following qualifications: (1) has not been convicted of any felony under the laws of this State, another State, or the United States; (2) has earned a baccalaureate degree from an institution of higher education; and (3) has 5 or more years of cumulative service (A) with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) as a federal, State, or local prosecutor; (C) as a senior manager or executive of a federal, State, or local agency; (D) as a member, an officer, or a State or federal judge; or (E) representing any combination of (A) through (D)." 5 ILCS 430/20-10(b).

Investigations

As an administrative agency, the OEIG investigates waste, misconduct, fraud, mismanagement, malfeasance, and violations of the Ethics Act. The OEIG receives and evaluates complaints from the general public, State employees, contractors, bidders, and anonymous sources. In the absence of consent from the complainant, the OEIG takes every measure permissible under the law to ensure that the identities of complainants are and will remain confidential. The OEIG also initiates its own investigations.

Complaints are evaluated to determine appropriate action. In FY2017, the OEIG received 2,632 complaints, initiated 107 investigations, and completed 98 investigations, including 29 with findings of wrongdoing. In FY2017, 25 reports were made public. At the close of the fiscal year, 106 investigations remained open.

Investigators interview witnesses, collect documents, analyze records, conduct surveillance, perform computer forensics, and use a variety of other investigatory tools and techniques. The OEIG may also use its subpoena power to acquire information relevant to an investigation. Investigations are governed by: the OEIG's Investigation Policy and Procedures Manual; the Illinois Administrative Code; and other applicable laws, rules, policies, and regulations.

Anyone seeking to report possible violations: may call at 886-814-1113; visit www.inspectorgeneral.illinois.gov; send a fax to 312-814-5479; TTY at 888-261-2734; or write to the OEIG Springfield or Chicago offices.





Revolving Door Determinations

The Ethics Act requires the OEIG to determine whether certain State employees, appointees, and officials are restricted from accepting specific employment opportunities or compensation upon leaving State employment. Generally, revolving door restrictions under the Ethics Act are intended to prevent former public servants who participated in contracting, licensing, or regulatory decisions from accepting employment from an entity that was directly implicated in those decisions.

In FY2017, the OEIG investigated and made 162 revolving door determinations.



Hiring and Employment Monitoring

The Ethics Act directs the OEIG to “review hiring and employment files of each State agency within [its] jurisdiction to ensure compliance with *Rutan v. Republican Party of Illinois*... and with all applicable employment laws.” 5 ILCS 430/20-20(g). In keeping with this mandate, the OEIG created a new Hiring and Employment Monitoring (HEM) unit to conduct compliance-based reviews of State hiring and employment procedures and decisions to ensure that they are fair and in keeping with governing authority.

In FY2017, HEM’s work exemplified the OEIG’s commitment to hiring reform. HEM staff conducted numerous hiring file reviews, monitored hundreds of interviews in person, and made multiple remedial recommendations that were accepted and implemented. HEM staff also work closely with Special Master Noelle Brennan as her office conducts its court-appointed duties pursuant to the ongoing *Shakman* litigation, which require review of IDOT’s employment practices, as well as a systemic, statewide review regarding exempt positions. HEM staff continues to routinely consult with and advise agency and Governor’s Office staff in an effort to facilitate merit-based State hiring and employment decisions.



Ethics Training and Compliance

The Ethics Act requires individuals under the OEIG’s jurisdiction to complete ethics training. Specifically, the Ethics Act requires:

State employees, appointees, and officials to complete ethics training at least annually;
and new State employees, appointees, and officials to complete initial ethics training within 30 days of the commencement of their employment or office.

In FY2017, State employees, board members, and elected officials participated in 197,636 ethics training sessions overseen by the OEIG. The OEIG produced training materials and online training for more than 50,000 employees and officials in agencies directly under the Illinois Governor, and approved training plans and materials used by the four Chicago-area Regional Transit Boards and the nine State public universities.

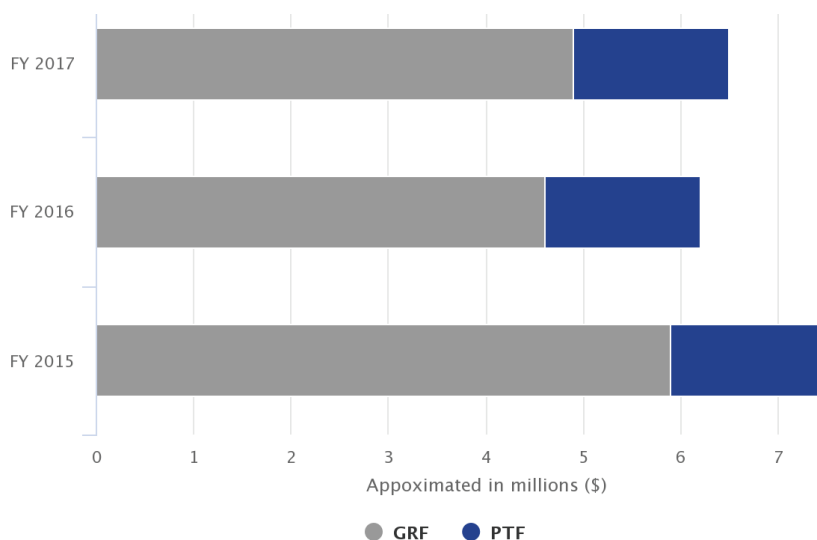
Finances

Source of Funds

In FY2017, the OEIG drew authority to spend State funds from both a court order and the stopgap funding bill. At the start of FY2016, a court order directed State agencies to pay salaries of State employees. On that basis, the Comptroller authorized the OEIG to process \$4.8 million for FY2017 payroll expenditures from the General Revenue Fund (GRF).

On June 30, 2016, a stopgap funding bill was signed into law authorizing the OEIG to spend an additional \$150,000 for GRF operating expenses

incurred between July 1, 2015 and December 31, 2016, encompassing all of FY2016 and part of FY2017. This funding was insufficient to meet all of the OEIG's obligations. The OEIG's outstanding liabilities for FY2016 and FY2017 total approximately \$1.8 million. The stopgap bill also allocated \$1.6 million in Public Transportation Fund (PTF) funding for FY2017 to support the OEIG's investigative matters pertaining to the Regional Transportation Authority, the Chicago Transit Authority, Metra and Pace.



Financial Results

Total FY2017 expenses were \$5.4 million, including \$1 million from the PTF, \$4.1 million from the GRF and \$149,606 from the Budget Stabilization Fund.

OEIG Budget Results	GRF	PTF	Total
Budget FY2017	\$4.9m	\$1.6m	\$6.5m
Expenditures FY2017	\$4.4m	\$1.0m	\$5.4m
Variance	\$.5m	\$.6m	\$1.1m

Budgeting For Results

The following metrics provide indicators of OEIG work volumes:

Performance Indicator	FY2015	FY2016	FY2017
Complaints Evaluated	2,721	2,574	2,632
Investigations Completed	94	131	98
Publicly Disclosed Reports	13	16	25
Investigations Pending	114	98	106
Revolving Door Determinations Issued	290	211	162
Ethics Training Courses Sessions	199,514	191,752	197,636

Internal Controls

The OEIG makes every effort to use the State's scarce financial resources effectively and efficiently, and in compliance with applicable laws and rules. Specifically, the OEIG conforms to the State uniform accounting system and ensures that it obligates and expends public funds appropriated to it in accordance with applicable rules.

Total Operating Expenses [in thousands]	FY2015	FY2016	FY2017
Personnel	\$5,091	\$4,999	\$5,122
Leases, Vendors, and Central Management Services Chargebacks	\$973	\$116	\$250
Telecommunications	\$100	\$13	\$20
Printing and Office Supplies	\$39	\$3	\$10
Travel and Conferences	\$56	\$0	\$7
Office Equipment	\$5	\$0	\$2
Automotive Repairs and Fuel	\$6	\$0	\$7
Other	\$0	\$0	\$8
Total	\$6,270	\$5,131	\$5,426

Initiatives

The primary purpose of the OEIG is to investigate fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, violations of the Ethics Act, and other violations of State laws and rules. In addition, we strive to increase transparency in government, promote ethical awareness, and maintain operational excellence.

Increase Transparency in Government

In 2009, the General Assembly amended the Ethics Act to permit public disclosure of certain OEIG investigations. The Executive Ethics Commission (EEC) has sole authority to publicly disclose OEIG reports, and the EEC is required to publicly disclose OEIG reports only if a State employee's discipline results in termination of employment or suspension of three or more days. However, the EEC has discretion to publicly disclose an OEIG report whenever disclosure is not mandated.

The OEIG continues to support legislation that would expand the instances when OEIG reports would be publicly disclosed.



Promote Ethical Awareness

Ethics Training

The OEIG has three statutory responsibilities regarding ethics training for employees, appointees, and officials under its jurisdiction:

- oversee, in cooperation with the Executive Ethics Commission and the Office of the Attorney General, ethics training for State employees working for agencies of the Governor, the nine State universities, or the four Chicago-area Regional Transit Boards;
- set ethics training standards for ethics training at nearly 100 entities; and
- monitor employee compliance with the ethics training requirements.

- met with senior managers of numerous State agencies, RTBs (Chicago-area Regional Transit Board) and State public universities;
- met with members and staff of the General Assembly;
- addressed the 32nd Annual Illinois Public Sector Labor Relations Conference;
- attended Crain's Who's Who in Healthcare event; and
- participated in Politico: Reporter Intelligence Briefing.

Ethics Officers

The OEIG meets with newly-designated ethics officers to: discuss the administration of ethics training; answer questions; and explain the OEIG's authority, programs, and operations. OEIG staff held 12 orientation sessions with 30 new ethics officers during FY2017.

General Outreach Efforts

To improve transparency and promote awareness of the OEIG's functions, EIG Hickey and OEIG staff members participated in various outreach activities. In FY2017, the OEIG:

- addressed meetings of the national and Illinois chapters of the Association of Inspectors General;
- participated on panels at the EEC's Annual Ethics Officer Conference;

Health Care Fraud Elimination Task Force

The Illinois Health Care Fraud Elimination Task Force (task Force) was created by Executive Order (2016-05) in April 2016. EIG Hickey chairs the Task Force, which is charged with, "develop[ing] and coordinat[ing] a comprehensive effort to prevent and eliminate health care fraud, waste, and abuse in State-administered health care programs using a cross-agency, data-driven approach. Building on anti-fraud work being done across State agencies, the Task Force develops strategies to ensure that the State has the proper internal controls and enforcement tools to prevent and eliminate fraud, waste, and abuse in taxpayer-funded health care programs, including the State Employees Group Insurance Program, the Workers' Compensation Program for State of Illinois agencies, boards, commissions, and universities, and the Illinois Medicaid system."

The Task Force is made up of a diverse membership of agency leaders with experience administering health care programs and implementing fraud, waste, and abuse prevention efforts. The expertise of the Task Force has allowed it to be constantly mindful of striking the important balance of addressing fraud, waste, and abuse in health care programs, without imposing unnecessary barriers to service.

Illinois Health Care Fraud Elimination

TASK FORCE



The Task Force is composed of 12 appointed members that are all part of State government. For example, Task Force members include, but are not limited to, the Secretary of the Illinois Department of Human Services, the Director of the Department of Healthcare and Family Services, the Inspector General for the Department of Healthcare and Family Services, the Director of the Department of Central Management Services, and the Director of the Illinois State Police Medicaid Fraud Control Unit.

In the one and a half years since the Task Force was formed, it has cataloged best practices and developed targeted initiatives to improve Illinois practices, formed working groups to efficiently and effectively save taxpayer funds, worked to address the most problematic areas of fraud, waste, and abuse so that funds are appropriately used on those entitled to services, and put into place a framework among Illinois agencies that ensures collaboration with key players.

The Task Force's study of State best practices, Illinois' current practices, and federal and private sector best practices has led it to develop four areas of focus. The Task Force believes that issues with fraud, waste, and abuse in State-administered programs can be addressed and alleviated by the State and its agencies devoting greater attention to the following areas: (1) collaboration and coordination; (2) data analytics and metrics; (3) accountability and efficiency; and (4) safety and wellness. The Task Force's work, planning, and recommendations to State

agencies focus on these four areas. To fully explore the issues in State-administered health programs, the Task Force formed three working groups: (1) Medicaid, (2) the State Employee Group Insurance Program, and (3) Workers' Compensation. Each working group is engaged in a thoughtful analysis of the current status of its program and compares Illinois' system with the best practices in other states, the private sector, and the federal government. Each working group has reviewed relevant documentation, held multiple meetings, and engaged third parties to obtain recommendations.

In an effort to ensure transparency, the Task Force holds public meetings at least quarterly and submits periodic reports to the Governor and the public outlining its progress. The first Task Force report was released in October 2016, and the second report will be public in November 2017. Information about public meetings, our reports, and other relevant documents is located on the Task Force's website – [https://www.illinois.gov/oelig/health care fraud](https://www.illinois.gov/oelig/health%20care%20fraud). Please note there are spaces in this website address after the words "health" and "care."



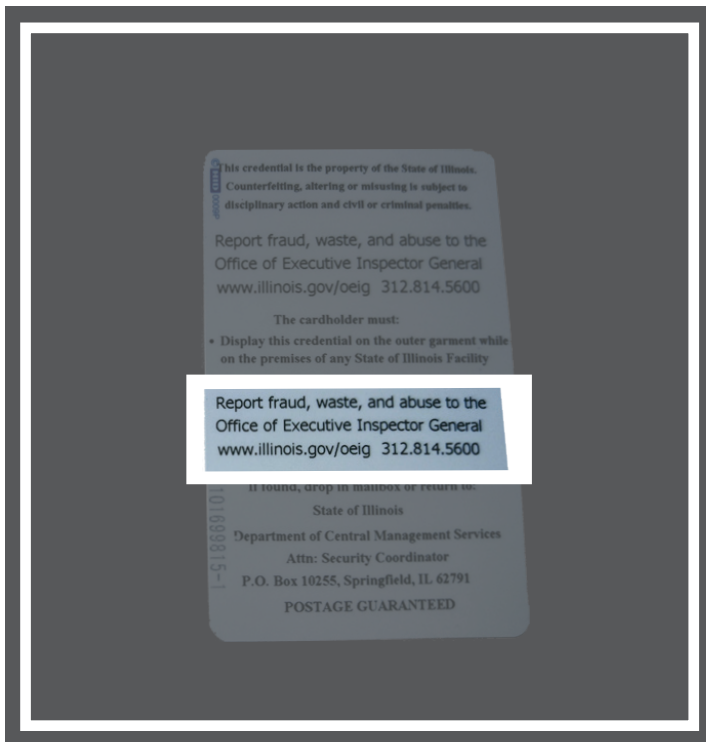
OEIG Awareness Campaign

The OEIG Awareness Campaign is an effort to promote awareness of the OEIG's mission and work. The campaign is designed to reach both State employees and private citizens. A key component of the campaign is to inform citizens of ethics laws and rules and empower them to report misconduct. The more familiar that individuals are with the OEIG's functions, the more capable they will be of identifying improper conduct and notifying the appropriate authority.

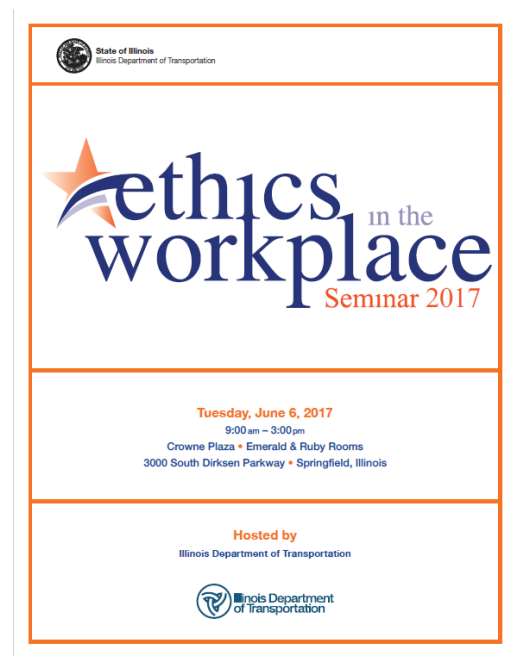
In order to carry out our mission, the OEIG Awareness Campaign has focused its efforts on

creating a greater presence in State of Illinois offices, including:

- Revising State employee identification badges to include OEIG contact information;
- conducting on-site presentations;
- staffing a table at the State Fair to provide information to the public; and
- exploring social media, such as LinkedIn, as a method for increasing awareness.



(Back of State employee identification badge)



Maintain Operational Excellence

Ongoing Training

Continuing education and training of staff are key components of the OEIG's initiative to maintain efficiency and effectiveness. The OEIG trains new employees on applicable laws, administrative rules, and OEIG policies and procedures. Investigative staff members receive regular and ongoing instruction concerning laws, policies, and investigative tools and techniques. During FY2017, OEIG employees participated in training sessions on topics such as:

- identifying and seizing electronic evidence;
- intellectual property theft;
- equality in the workplace;
- report writing; and
- tactical field interviewing.

Internships

The OEIG manages an internship program that permits qualified students to conduct legal research, draft memoranda, and participate in investigative activities. Legal interns must be enrolled in an accredited law school, and investigative interns must be junior, senior, or graduate-level students in a program related to criminal justice or public administration at an accredited college.

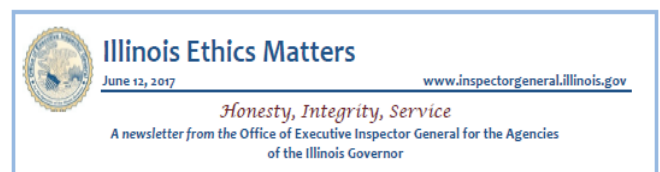
Website

The OEIG website, www.InspectorGeneral.Illinois.gov, provides 24/7 access to complaint forms, revolving door forms, ethics officer contact information, publicly disclosed OEIG reports, and other OEIG information.

Electronic Newsletter

The OEIG produces a one-page monthly electronic newsletter, Illinois Ethics Matters. The OEIG delivers Illinois Ethics Matters to State agencies, the General Assembly, news media, and the public. Many recipients, such as State agency ethics officers, redistribute the newsletter throughout their respective organizations.

The newsletter addresses: publicly disclosed OEIG reports; public findings related to alleged violations of the Ethics Act; appeals of OEIG revolving door determinations; changes or proposed changes to ethics laws, rules, or policies; and other ethics-related information of interest to the public.



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Recent News

- The OEIG is pleased to announce that Madeline Lewis and Jacqueline Strasser began as Investigative Interns, and Maggie Lipczynski began as a Legal Intern.

NIU President Mismanaged HIRINGS



An OEIG investigation concluded that Northern Illinois University (NIU) President Douglas Baker brought in high-level consultants, who were then misclassified as

"affiliate employees" for the purpose of circumventing procurement rules. As a result, NIU paid over \$1 million in public funds to five consultants who were not selected through a competitive process.

In an effort to meet President Baker's directives to select these high-paid consultants, one of whom was his friend, NIU administrators circumvented rules and employment policies, and arranged for NIU to pay for their travel and lodging. President Baker ultimately failed to ensure that NIU engaged consultants and employees in compliance with applicable law and policy.

The OEIG recommended that NIU take appropriate action with regard to President Baker, counsel other employees, and limit any future use of the affiliate classification. In response to the OEIG investigation, NIU eliminated the "affiliate employee" classification, initiated a comprehensive review of procurement and contracting policies and practices, updated its whistleblower policy, and counseled President Baker and two other employees.

A copy of the report *In re: Baker et al. (Case #14-01383)* is available for download on the OEIG website, inspectorgeneral.illinois.gov.

Employee Fined for Soliciting Political Contributions

The EEC levied a \$1,000 fine against a Department of Juvenile Justice (DJJ) employee for soliciting campaign contributions on compensated time and while on State property in violation of the Ethics Act, Sect. 5-15(a) and 5-35.

DJJ employee James Winburn acknowledged that he asked colleagues to authorize payroll deductions to PEOPLE, a political action committee (PAC) for AFSCME International, while they were in the workplace and were on compensated time. He claimed, however, that: PEOPLE was not a "political organization" as defined by the Ethics Act; federal regulations preempt the Ethics Act as to whether PEOPLE is a "political organization;" and contributions to PEOPLE did not benefit any campaign or political organization because "there was no specific earmarking of where those contributions might be used."

The EEC rejected these arguments, concluding that federal election regulations did not conflict with Ethics Act restrictions on employee political activity, and that contributions to PEOPLE fell within the broad definition of being "for the benefit of any campaign for elective office or any political organization."

A copy of the EEC decision, *Hickey v. Winburn (16 EEC 007)* is available on the OEIG website.

To file a complaint with the OEIG, please visit www.InspectorGeneral.Illinois.gov, or call the hotline number above.

Investigations

Complaints Received and Evaluated

During FY2017, the OEIG received 2,632 complaints. The OEIG must evaluate each complaint within 30 days of receipt.

After the initial evaluation, the OEIG will take one of the following actions:

- initiate an investigation;
- administratively close a file; or
- refer the matter to the appropriate authority.

The OEIG initiated 107 investigations in FY2017, including 10 based on complaints received before the start of the fiscal year. The OEIG opened investigations based on a single complaint or several related complaints. The OEIG also self-initiated some investigations.

In FY2017, the OEIG administratively closed 299 complaints for various reasons. The OEIG administratively closed these complaints if, for example: the complaint did not allege a violation of State law, rule, or policy; the alleged wrongdoing occurred outside of the OEIG's statute of limitations; a related action was already pending; there were duplicate complaints about a matter; or when the OEIG determined that it was not within its jurisdiction.

In FY2017, the OEIG referred 2,450 complaints and/or investigations to other agencies or appropriate entities, including law enforcement authorities. The OEIG may refer matters to another agency when it appears that the allegations may be more appropriately addressed by that agency. In some instances, when the OEIG refers the matter to another agency, the OEIG requests that the agency review the allegations and respond to the OEIG about these allegations. The OEIG then reviews these agency responses to determine whether the agency adequately addressed the allegations or whether the OEIG should subsequently open an investigation.

Investigations Commenced and Concluded

If the OEIG, upon the conclusion of an investigation, finds reasonable cause to believe that a violation of law or policy has occurred within its jurisdiction, it will write a founded report that documents:

- the allegations of wrongdoing;
- facts confirmed by the investigation;
- an analysis of the facts in comparison to the applicable law, rule, or policy; and
- findings and recommendations.

In accordance with State law, OEIG reports are provided only to the affected public entities and other appropriate authorities, such as the Governor or a board of trustees. The OEIG does not have the authority to enforce its recommendations, and therefore, it is the responsibility of the affected agencies to act upon OEIG recommendations.

If the OEIG does not find reasonable cause to believe a violation has occurred after conducting an investigation, the OEIG will draft an “unfounded report” and provide it to the EEC. Alternatively, the OEIG may “administratively close” an investigation for various reasons, including for example an expired statute of limitations, when the OEIG discovers there is a pending parallel proceeding, or when the agency has already adequately investigated and/or addressed the allegations.

Disposition of Investigations	FY2017
Founded Reports	29
Unfounded Reports	50
Administrative Closures	19
Total Closed Investigations	98

Results

The OEIG completed 98 investigations in FY2017. If the OEIG found violations of law or policy, the OEIG issued a founded report and made various recommendations to the affected agencies, which included, for example:

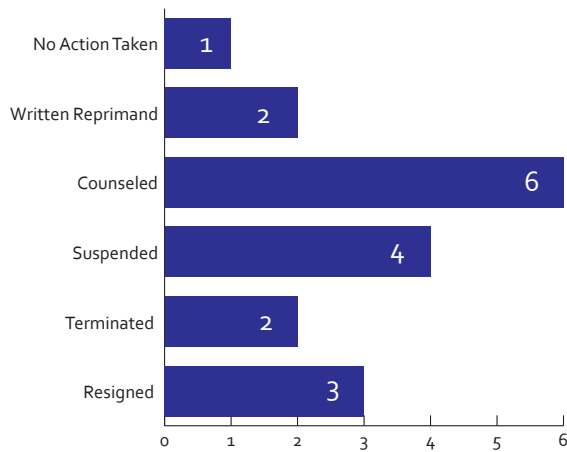
- employee termination;
- employee disciplinary action;
- employee counseling;
- placing a copy of the founded report in a former employee's personnel file; and
- change of agency policy or procedure.

In FY2017, OEIG recommendations or referrals resulted in recovery of State funds, criminal convictions, and other outcomes. For example:

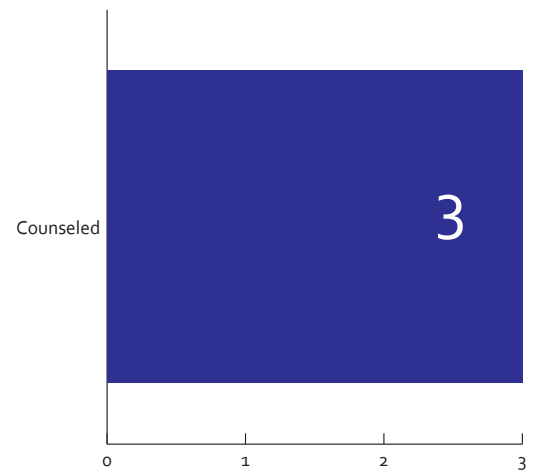
- The United States Attorney's Office, Northern District of Illinois obtained a guilty plea from former DHS employee Marcellus Bailey for conspiracy to commit federal program bribery in relation to the payment of bribes in exchange for confidential information maintained by the State of Illinois. The OEIG had referred the matter to the United States Attorney.
- The Illinois Attorney General secured a guilty plea from former DHS employee Debra Moore for misappropriating more than \$300,000 in funds designated to assist needy families. The matter was referred to the Illinois Attorney General by the OEIG.
- The OEIG determined that former Department of Labor employee Gregory Bradshaw continued to improperly draw over \$20,000 in compensation after leaving his post with the Department of Labor to start work with the Department of Children and Family Services. The Illinois Attorney General secured a guilty plea in Circuit Court, where the judge ordered Mr. Bradshaw to pay restitution. The OEIG had referred the matter to the Illinois Attorney General.
- The OEIG found, over several investigations, that several Chicago Transit Authority employees had abused the CTA's tax exempt letter for personal purchases. As a result of the OEIG investigation, those CTA employees had to pay thousands of dollars to the Illinois Department of Revenue for unpaid taxes.

Agency Responses to OEIG Recommendations

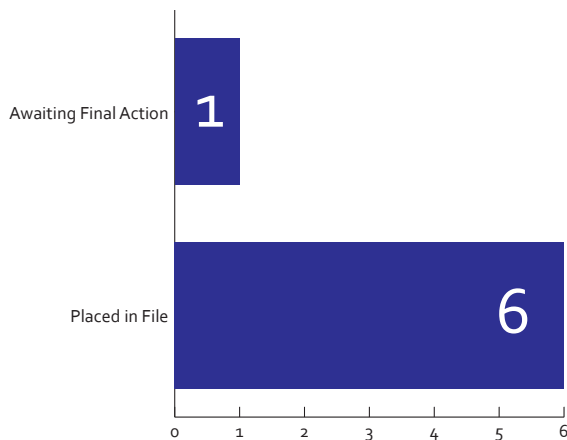
When the OEIG Recommended Discipline
(18 Instances)



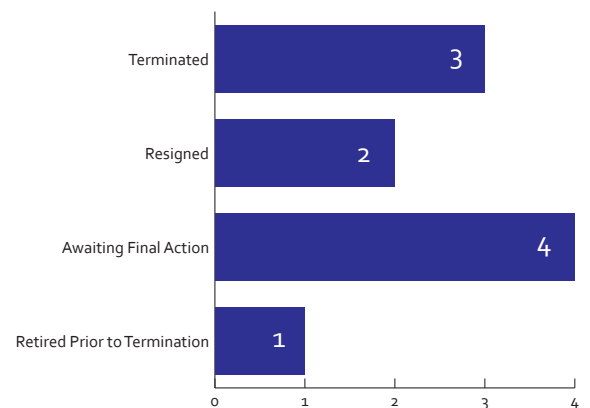
When the OEIG Recommended Counseling
(3 Instances)



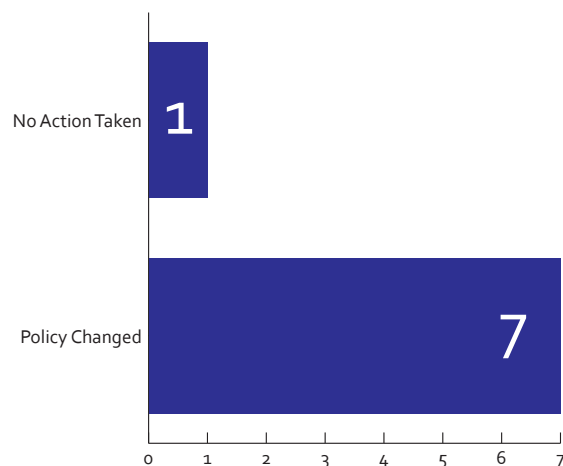
When the OEIG Recommended Placing the OEIG Report
in the Employee's Personnel File (7 Instances)



When the OEIG Recommended Termination
(10 Instances)



When the OEIG Recommended Policy Change
(8 Instances)



Publicly Disclosed Founded Reports

During FY2017, the Executive Ethics Commission (EEC) made 25 founded reports of OEIG investigations available to the public. The EEC redacted these reports, as it deemed appropriate, and then placed them on the EEC's website. The OEIG also subsequently placed the redacted versions of these founded reports on its own website. Below are summaries of these 25 founded reports, organized by category of the primary type of misconduct. These redacted reports are available at <https://www.illinois.gov/oeig/investigations/Pages/PublishedOEIGCases.aspx>.

Mismanagement and/or Lack of Oversight

In re: Steve Young, Keith Spaniol, and Robert Thorpe, Case #15-02236

The OEIG received a complaint alleging that Illinois Department of Transportation (IDOT) Section Chief of Aircraft Maintenance Robert Thorpe flew State helicopters, even though his job did not involve flight responsibilities. The complaint also alleged that Mr. Thorpe and his supervisor, Interim Director of IDOT's Aeronautics Division Steve Young, traveled in a State airplane during their State work hours to examine a private company's helicopter simulator.

"[I]t is clear that there is significant risk and no benefit to the State in permitting an unlicensed, untrained individual to handle the controls of expensive and potentially dangerous State aircraft."

The OEIG discovered that, on multiple occasions, Mr. Young permitted Mr. Thorpe to handle the controls of IDOT helicopters with another pilot, even though Mr. Thorpe was not certified as a helicopter pilot at that time, and his job duties as Section Chief of Aircraft Maintenance did not include flying State helicopters. The investigation also uncovered that Mr. Young, Mr. Thorpe, and IDOT Executive Chief Pilot Keith Spaniol flew State airplanes on State time to a private company's facility, to participate in testing of new helicopter simulator technology that was being developed for a non-State customer. Based on its investigation, the OEIG determined that:

- Mr. Young improperly delegated responsibility to Mr. Thorpe, in violation of IDOT policy, by allowing him to handle the controls of State helicopters;
- Mr. Young, Mr. Thorpe, and Mr. Spaniol improperly used State aircraft for non-State business relating to their visits to the helicopter simulator company;
- Mr. Young, Mr. Thorpe, and Mr. Spaniol abused State time relating to those visits; and
- Mr. Young mismanaged the IDOT Aeronautics Division by knowingly permitting Mr. Thorpe and Mr. Spaniol to use a State airplane for a non-State purpose, and to conduct non-State business during their State work hours.

Mr. Thorpe left State employment prior to the conclusion of the investigation. The OEIG recommended that IDOT discipline Mr. Young and Mr. Spaniol, up to and including termination, and not rehire Mr. Thorpe. The OEIG also recommended that IDOT take steps to ensure that individuals who are not properly licensed to operate an aircraft do not handle the controls of State aircraft, and clarify its policies relating to the operation of State aircraft. IDOT discharged Mr. Young, and placed Mr. Thorpe on a “Do Not Rehire” list; Mr. Spaniol resigned following the initiation of disciplinary proceedings. IDOT also indicated that it plans to provide training to staff regarding the issues identified in the OEIG’s report.

In re: John Shealey, et al., Case #11-00964

The Illinois Department of Transportation (IDOT) District One Emergency Traffic Patrol (ETP) unit provides 24-hour assistance to motorists traveling on Illinois highways. ETP drivers patrol certain routes in order to be available for motorists in need and respond to calls for assistance. ETP drivers submit Assist Reports at the end of their shifts detailing the assistance provided by the driver.

The OEIG investigated allegations of discrepancies in reports submitted by ETP drivers and discovered that several ETP drivers grossly overstated the number of assists they performed during their shifts in order to inflate their performance statistics. The OEIG reviewed thousands of Assist Reports and found hundreds of instances where ETP drivers either entirely fabricated assists—often claiming to have assisted vehicles with license plates that do not exist, or whose owners denied receiving assistance—or inaccurately recorded assists that they did perform by overstating

the number of vehicles involved in an incident or by altering details of the assist. Investigators learned that the number of assists the ETP drivers were reporting was used by IDOT to: obtain more funding for the ETP program; inform personnel decisions, such as the filling of vacancies within the unit; and justify the number of trucks the ETP unit has or needs, among other things. During the investigation, OEIG investigators also conducted surveillance, which revealed that certain ETP drivers regularly performed little to no actual work during their shifts, often spending hours each day parked on side streets, at gas stations, and at restaurants, despite claiming to have assisted vehicles during this time.

“[ETP] drivers have been able to perpetrate fraud due to a complete lack of supervision on the roads and a failure of the ETP supervisors and administrators to have simple and easily implemented checks and balances in place ...”

According to ETP drivers, information on the Assist Reports was often fabricated in order to meet a daily quota set forth by ETP management. In addition, the OEIG also discovered that there were no administrative controls in place to monitor the validity or accuracy of the reports submitted by the ETP drivers, and that there was a lack of managerial oversight of the ETP drivers’ daily activities. The combination of this quota requirement, and lack of oversight by supervisors, allowed and perpetuated the falsification of Assist Reports by the ETP drivers. Based on its investigation, the OEIG determined that:

- ETP drivers violated IDOT policy by abusing time, failing to assist motorists in need, and submitting false or fraudulent Assist Reports; and
- ETP supervisors mismanaged the ETP unit by failing to provide adequate oversight of the program and failed to perform their own work duties to the best of their ability.

The OEIG recommended that IDOT terminate five employees and discipline another nine. The OEIG also recommended that IDOT implement controls to prevent or discourage fraudulent reporting by ETP drivers. In response to the OEIG report, IDOT terminated six employees, suspended two for 15 days without pay, and suspended another six for 10 days without pay. IDOT also instituted new policies and procedures designed to confirm that ETP drivers' reports of motorist assists are accurate, and to ensure proper supervision of the ETP drivers.

In re: Department of Human Services, Case #14-01780

In December 2013, the OEIG issued a report (09-01147) summarizing an investigation in which it found that the Illinois Department of Human Services (DHS) did not have sufficient internal controls in place to minimize and detect improper or fraudulent billings by childcare providers receiving funds through the State's Child Care Assistance Program (CCAP), and that as a result, a provider had received more than \$200,000 for services it did not actually provide. In response to that investigation, DHS indicated that it had put a new system in place to better monitor childcare providers and to reduce future instances of billing fraud.

"Merely identifying a solution is not sufficient, in and of itself, to deter or to detect fraud; action must also be taken."

Subsequently, the OEIG received another complaint (14-01780) regarding potential billing fraud by a childcare provider in the CCAP. After investigating, the OEIG determined that DHS had not actually implemented the above-referenced system, leaving open the possibility that other providers could similarly defraud the State and remain undetected despite DHS knowing of a way that might prevent and detect such fraud. In this second investigation, the OEIG also concluded that an individual DHS employee failed to monitor providers receiving funds through the CCAP. The OEIG recommended that DHS actually implement the policy it put forth to ensure instances of fraudulent billing by childcare providers receiving funds from the State are detected and prevented, and that the DHS employee who failed to oversee the CCAP be disciplined. In response, DHS indicated that it planned to revise attendance and billing procedures involving CCAP childcare providers by proposing administrative rules to be added to the Illinois Administrative Code via the State's rulemaking process. DHS also reported that the employee in question left State service before discipline could occur.

Abuse of State Resources

In re: Marcellus Bailey, Case #10-00342

The OEIG investigated allegations that Illinois Department of Human Services (DHS) Caseworker Marcellus Bailey was accessing lists of Social Security numbers without authorization. During the course of the investigation, Mr. Bailey admitted that he assisted a private detective by using State databases, entering Social Security numbers, and obtaining confidential wage information, which he gave to the detective in exchange for cash. Based on its investigation, the OEIG determined that:

- Mr. Bailey intentionally violated DHS policies and/or State laws by acquiring and then providing confidential wage information to unauthorized persons and using State computers to do so;
- Mr. Bailey engaged in unauthorized secondary employment; and
- Mr. Bailey failed to cooperate with the OEIG's investigation.

"[Mr.] Bailey used his position with the State to inappropriately access private information and then sell that information."

The OEIG recommended that Mr. Bailey be terminated with no right to reinstatement and that his access to State databases be curtailed without warning or notice. DHS immediately curtailed his database access and terminated Mr. Bailey. The OEIG also referred the matter to the U.S. Attorney's Office for prosecution. Mr. Bailey ultimately pled guilty to conspiracy to commit federal program bribery.

In re: Andre Stewart, Case #14-01497

The OEIG investigated allegations that Illinois Department of Employment Security (IDES) Human Resources Division Trainer Andre "Antonio" Stewart used his IDES computer to view pornography and left work early when his supervisor was out of the office. As part of its investigation, the OEIG seized Mr. Stewart's IDES computer and conducted a forensic review. During this review, the OEIG found multiple inappropriate images and videos. The OEIG also conducted surveillance of Mr. Stewart and observed several instances when he arrived at work late, took an extended lunch break, and/or left work early. Mr. Stewart's timesheets did not reflect any of these actions. Consequently, the OEIG determined that Mr. Stewart:

- accessed and viewed inappropriate images and videos on his State computer on State time;
- abused State time;
- recorded false times on his timesheets in violation of agency policy; and
- provided several false or misleading statements to OEIG investigators and failed to cooperate with OEIG investigators in violation of the Ethics Act.

The OEIG recommended that IDES terminate Mr. Stewart, place a copy of the report in his file, and not rehire him. After IDES began the termination process, Mr. Stewart agreed to resign with a do-not-rehire code notated in his personnel file.

In re: Lynne Turner, Case #14-01146

The OEIG investigated a complaint that former Illinois Department of Human Rights (DHR) Chief Fiscal Officer Lynne Turner inappropriately used DHR resources for personal use. OEIG investigators reviewed seven years of financial and travel documents related to Ms. Turner's use of State accounts and resources. Investigators also performed a forensic analysis of Ms. Turner's State-issued electronic devices and interviewed the Director of DHR and Ms. Turner. The OEIG determined, among other things, that:

- Ms. Turner used State funds to purchase ink for her personal printer and purchased various personal products, including tablet and laptop computers, with a DHR tax-exempt account; and
- Ms. Turner misused a State rental car account for personal use and failed to follow policies relating to DHR's petty cash system.

Ms. Turner left DHR employment during the investigation; therefore, the OEIG recommended that DHR classify Ms. Turner's separation from State employment as one with "no reinstatement rights" and seek reimbursement of all misappropriated State funds. The OEIG also recommended that the Illinois Department of Revenue (IDOR) seek to recoup any lost sales tax revenue. DHR made the change to Ms. Turner's personnel forms and referred the collection matter to IDOR.

In re: Delores McClendon and Chicago Transit Authority, Case #15-02091

In re: Yolanda Harper and Chereda Hudson, Case #15-02184

The Illinois Department of Revenue (IDOR) deems certain qualified organizations, including State and local governments, exempt from paying sales taxes in Illinois. IDOR has determined that the Chicago Transit Authority (CTA) is exempt from paying various Illinois taxes and has given the CTA a tax-exempt letter containing a unique tax-exempt number in order to purchase items tax-free. CTA employees have been provided this letter to use for purchases on behalf of the CTA.

During the course of another investigation, the OEIG discovered that CTA Security Specialist Delores McClendon maintained a tax-exempt CTA business membership at Sam's Club, which was used to make non-CTA purchases tax-free. The OEIG then self-initiated two investigations to determine whether Ms. McClendon and other CTA employees misused the CTA's tax-exempt status to purchase personal items at Sam's Club stores.

"As a CTA employee, Ms. McClendon maintains 'a special relationship of trust with the public.'[] As noted above, by taking a CTA resource, its tax-exempt number, and using it to avoid paying sales taxes on personal purchases for nearly eight years, Ms. McClendon violated that special trust."

In 15-02091, the OEIG found that, since 2010, Ms. McClendon made over \$18,000 in tax-free personal purchases using the CTA's tax-exempt number. When interviewed, Ms. McClendon admitted that she never held a position at the CTA in which she was authorized to purchase goods or services on behalf of the CTA and that she used her Sam's Club business membership to make personal purchases tax-free. Thus, the OEIG determined that:

- Ms. McClendon violated CTA rules when she diverted a CTA resource (the tax-exempt letter) to personal use to purchase personal items tax-free; and
- the CTA engaged in mismanagement by failing to ensure that the CTA maintained adequate controls with respect to its tax-exempt letter.

In 15-02184, the OEIG found that CTA Bus Managers Yolanda Harper and Chereda Hudson also maintained tax-exempt CTA business memberships at Sam's Club, which were used to purchase personal items tax-free. Specifically, Ms. Harper made over \$2,000 in tax-free personal purchases at Sam's Club since

February 2014, and Ms. Hudson made over \$5,000 in tax-free personal purchases since March 2009. Further, Ms. Hudson added a relative, a non-CTA employee, to her CTA business membership account, and that relative used the CTA's tax-exempt status to purchase over \$4,000 of items at Sam's Club tax-free. The OEIG determined that:

- Ms. Harper and Ms. Hudson violated CTA rules when they diverted a CTA resource (the tax-exempt letter) to personal use.

"The tax-exempt number is a resource of the organization – not that of the organization's employees."

In these cases, the OEIG recommended that the CTA terminate Ms. McClendon and discipline Ms. Harper and Ms. Hudson. The OEIG also recommended that the CTA improve controls with respect to the distribution and use of its tax-exempt letter. The OEIG referred the matters to IDOR for collection of unpaid taxes. In response, the CTA suspended Ms. McClendon, Harper, and Hudson each for 30 days without pay and required them to pay the taxes due for their respective personal purchases made tax-free. The CTA also took steps to improve its internal controls by creating a stand-alone policy with respect to its tax-exempt letter. Finally, the CTA took steps to terminate Sam's Club business memberships associated with the CTA, remove the CTA's tax-exempt number from any personal accounts, and prevent any future personal purchases from being made using the CTA's tax-exempt number.

In re: Loretta Kidd and Illinois Environmental Protection Agency, Case #16-00092

The OEIG investigated allegations that Illinois Environmental Protection Agency (IEPA) Office Administrator III Loretta Kidd "rarely shows up to work," among other issues. The OEIG investigation included surveillance as well as interviews of the subject, her manager, an IEPA Human Resources manager, and the former Director of IEPA. Additionally, the OEIG obtained and reviewed Ms. Kidd's timesheets, her State emails and phone records, hotel records, Amtrak travel records, lobbying registration records, and State of Illinois Comptroller records. As a result of its investigation, the OEIG determined that:

- Ms. Kidd submitted falsified timesheets;
- Ms. Kidd abused State time when she failed to work full days on multiple occasions, and when she traveled from Springfield to Chicago for personal matters when she claimed to be working at the IEPA Suburban Office in Des Plaines on six occasions;
- Ms. Kidd misused sick leave to travel to and from Springfield to visit her granddaughter and conduct work for an outside organization;
- Ms. Kidd used State equipment to conduct business for an outside lobbying organization;
- IEPA mismanaged Ms. Kidd by failing to adequately supervise her; and
- IEPA failed to conduct annual performance evaluations of some of its employees.

The OEIG recommended that Ms. Kidd be terminated from State employment and a copy of the report be placed in her file. The OEIG also recommended that IEPA ensure proper management of all of its employees and conduct performance evaluations. Ms. Kidd retired following the OEIG investigation, and IEPA placed the OEIG's report in her file. In addition, IEPA pledged to conduct a comprehensive review of the management structure for its regional offices and to place additional emphasis on conducting performance evaluations.

Abuse of State Funds

In re: Beverly Anderson, et al., Case #12-00194

The Illinois Department of Human Services (DHS) administers the Home Services Program to help individuals remain in their homes instead of being unnecessarily institutionalized. As part of the Home Services Program, DHS pays Personal Assistants to provide assistance to certain DHS customers with tasks that are approved by DHS, such as household chores or personal care. The DHS customer and the Personal Assistant enter into an Employment Agreement, which outlines the services the Personal Assistant is to provide and requires the Personal Assistant to submit bi-monthly calendars listing actual hours worked each pay period as verified by the customer.

While conducting another investigation, the OEIG obtained evidence suggesting that Personal Assistants working for DHS customers were fraudulently reporting their working hours on their calendars. The OEIG investigated further and determined that:

- Beverly Anderson, a former DHS employee, reported working at DHS from April 2012 through November 2013 during the same hours she reported working as a Personal Assistant for a total of 137 hours and approximately \$1,582 in State payments;
- Cynthia Pierce reported working at her full-time job from November 2012 through December 2013 during the same hours she claimed to be performing work as a Personal Assistant for a total of 387 hours and approximately \$4,469 in State payments;
- Michelle Kury reported that from April through October 2013 she simultaneously performed Personal Assistant services for multiple DHS customers in different locations for an approximate total of 139 hours and approximately \$1,605 in additional State payments; and
- Helen Marsh reported that from January through October 2013 she simultaneously performed Personal Assistant services for DHS customers who resided in different cities for an approximate total of 28 hours and approximately \$323 more in State payments than she should have received.

The OEIG found that these individuals failed to report the actual hours worked as Personal Assistants and recommended that DHS consider taking steps to recover money paid at times when the Personal Assistants could not have been performing services, and that they not be permitted to regain employment as Personal Assistants. DHS terminated the four individuals from the Home Services Program and recovered over \$4,000 in overpayments.

In re: Gregory Bradshaw, Case #14-02423

In February 2013, Gregory Bradshaw was appointed by the Illinois Governor to the position of Chief Factory Inspector for the Illinois Department of Labor (IDOL). Mr. Bradshaw left the Chief Factory Inspector position in March 2014 in order to take a position at the Illinois Department of Children and Family Services (DCFS). Mr. Bradshaw submitted a letter of resignation to IDOL but did not notify the Governor's Office or the Comptroller's Office of his resignation.

In December 2014, the OEIG received a complaint alleging that Mr. Bradshaw continued to receive his monthly salary as Chief Factory Inspector after he left that position. After conducting an investigation, the OEIG determined that, from April 2014 through December 2014, Mr. Bradshaw received his monthly salary as Chief Factory Inspector as well as his biweekly salary for his DCFS position. In total, Mr. Bradshaw received over \$20,000 in salary as Chief Factory Inspector after he stopped performing the duties of that position. This overpayment was discovered by a DCFS employee in November 2014 when Mr. Bradshaw's name appeared on an insurance discrepancy list generated by the Illinois Department of Central Management Services. This employee told the OEIG that, after he saw Mr. Bradshaw's name on the discrepancy list in November 2014, he asked Mr. Bradshaw if he was being paid by multiple agencies, and Mr. Bradshaw said he did not know but would check. In January 2015, Mr. Bradshaw resigned from his position at DCFS. The OEIG determined that Mr. Bradshaw:

"Mr. Bradshaw's intent to permanently deprive the State of the funds he received in error can be inferred from his failure to contact anyone at the Comptroller to stop the payments that he was receiving in error, even after it was brought to his attention that he may be getting payments from two agencies."

- engaged in misconduct, in violation of DCFS policy, when he exerted unauthorized control over State funds and failed to take reasonable steps to return the overpayments to the State; and
- drove State vehicles on numerous occasions while his driver's license was suspended and made a false certification to DCFS regarding the status of his license.

Because Mr. Bradshaw had left State employment during the investigation, the OEIG recommended that he not be rehired or appointed into any future State positions. In response, DCFS and IDOL placed a copy of the OEIG's report in their respective personnel files for Mr. Bradshaw. The OEIG also recommended that the Offices of the Governor and Comptroller recoup the overpaid funds. After Mr. Bradshaw continued to take no steps to repay the overpayments, the OEIG referred the matter to the Illinois Attorney General's Office, which filed criminal charges against Mr. Bradshaw. On February 27, 2017, Mr. Bradshaw pled guilty to Theft of Mislaid Government Property, a class 4 felony, and was sentenced to 29 months of probation and was ordered to pay \$22,100 in restitution to the State of Illinois.

Misconduct Affecting the Receipt of Food and/or Medical Benefits

In re: Debra Moore, Case #12-02052

The OEIG investigated allegations that Illinois Department of Human Services (DHS) Caseworker Debra Moore set up false Supplemental Nutrition Assistance Program (SNAP) food benefits cases in exchange for money. The OEIG determined that in multiple cases, Ms. Moore created fraudulent food benefits cases using her parents' address, or changed the addresses on existing cases to her parents' address. In

these cases, the supposed benefits recipients either lived outside Illinois, or otherwise were not entitled to benefits. In addition, the OEIG determined that Ms. Moore initiated or recertified benefits for three family members, in violation of DHS policy. Benefits Ms. Moore secured for her father continued to be used after he died.

Ms. Moore immediately retired from State employment upon learning that the OEIG was investigating these benefits cases. At the conclusion of the investigation, and in response to the OEIG's recommendation, DHS placed a copy of the OEIG's report in Ms. Moore's personnel file and made an indication that she should not be rehired. The OEIG also referred the matter to the Illinois Attorney General for criminal prosecution. Ms. Moore pled guilty to a continuing financial crimes enterprise charge, for misappropriating more than \$300,000 in assistance for needy families. She was sentenced to six years in prison.

"Ms. Moore was directly involved in awarding SNAP benefits to various family members, including her parents, her son, and niece..."

In re: DHS Caseworker, Case #13-01684

The OEIG received a complaint alleging that an Illinois Department of Human Services (DHS) Caseworker and her spouse were receiving medical benefits through DHS, but not reporting their income. The OEIG investigation revealed that the caseworker's spouse opened a medical and SNAP benefits case for himself, his wife, and their children in January 2010, when they were both unemployed. In May 2011, the caseworker began employment with DHS, but she did not notify DHS of her change in income. The medical portion of the caseworker's benefits case remained open through July 2014. Records showed that medical benefits were used by the caseworker and family members multiple times throughout the caseworker's employment at DHS.

"Upon discovering that she was receiving medical benefits, [Caseworker] was obligated to report her income to DHS and let the caseworker determine whether secondary medical benefits were allowable. She failed to do either."

In an interview with the OEIG, the caseworker acknowledged that she was aware of the DHS policy requiring recipients of medical benefits to notify DHS of a change in income. She further admitted that her family did not qualify for benefits, based on her income as a DHS employee. Nevertheless, at no point did the caseworker report to DHS a change in income. As a result, overpayments were made on the caseworker's medical case totaling approximately \$5,900. Based on its investigation, the OEIG determined that:

- the DHS Caseworker participated in and condoned fraud when she failed to report her change in income when she began to work at DHS, in violation of DHS policy.

The OEIG recommended the caseworker's termination and DHS pursued this action. Ultimately, in response to a union grievance, she was allowed to resign from employment with DHS.

In re: Roben Hall, Case #15-02105

The OEIG received a complaint alleging that Illinois Department of Human Services (DHS) Caseworker Roben Hall improperly used her relative's SNAP benefits. The OEIG investigation revealed that Ms. Hall's relative received SNAP benefits from May 2014 through October 2015 and that Ms. Hall was authorized to act on her relative's behalf as her approved representative. The OEIG obtained documents which reflected that on September 2, 2015, Ms. Hall's relative moved into a skilled nursing facility, where she was provided with meals, but this change in residence was not reported to DHS at that time. Nevertheless, Ms. Hall's relative's SNAP benefits were used several times throughout September and October 2015 at various grocery stores.

"[A]s a Caseworker who processed applications for SNAP benefit redeterminations, Roben Hall should have known of the importance to notify DHS of any changes so that DHS could make an independent assessment as to . . . SNAP eligibility."

The OEIG determined that as the approved representative, and as a DHS Caseworker who should have known DHS policy, Ms. Hall violated DHS policy when she failed to notify DHS of her relative's change in residence and continued to use her relative's SNAP benefits even though her relative was in a residential facility where she received meals. During this investigation, DHS terminated Ms. Hall. Accordingly, the OEIG recommended that DHS place the report in her personnel file and try to recoup relevant funds. As a result of a union grievance, Ms. Hall was ultimately reinstated to DHS with a time served 250-day suspension. DHS also sought to recoup funds improperly used by Ms. Hall.

Document Falsification

In re: Irina Kushnerova, Case #13-00561

The Illinois Department of Human Services (DHS) operates a program that provides reimbursement to financially qualifying individuals for funeral and burial expenses. To receive reimbursement under this program, the claimant must have actually paid the expenses, rather than using insurance proceeds. At the time of this investigation, Irina Kushnerova was licensed as a funeral director by the Illinois Department of Financial and Professional Regulation (IDFPR), and was also an insurance agent. The OEIG received a complaint alleging that Ms. Kushnerova submitted fraudulent claims for reimbursement of funeral expenses to DHS.

The investigation revealed that, on at least 22 occasions, Ms. Kushnerova created and submitted fraudulent invoices to DHS, seeking reimbursement of funeral and burial costs her clients purportedly incurred at her funeral home. These invoices falsely stated that the clients had paid the costs themselves and

omitted any mention of insurance. However, Ms. Kushnerova knew the clients were not entitled to reimbursement because she had previously sold insurance policies to them, covering those same funeral and burial expenses, and received commissions for selling many of the insurance policies. As a result of Ms. Kushnerova's fraudulent submissions, DHS paid more than \$30,000 in State funds to individuals who were not entitled to reimbursement.

The OEIG determined that Ms. Kushnerova's conduct violated the Funeral Directors and Embalmers Licensing Code. The OEIG recommended that IDFPR revoke Ms. Kushnerova's funeral director's license, and remind funeral directors about rules relating to DHS reimbursement claim forms. The OEIG also recommended that DHS recoup \$32,580.40 in improperly disbursed funds, and take any appropriate action to prevent future fraud in the administration of its funeral and burial expenses reimbursement program. IDFPR suspended Ms. Kushnerova's funeral director's license for 30 months and fined her \$10,000. DHS initiated steps to recoup funds.

In re: Tracy Mix, Case #13-02003

Illinois Department of Transportation (IDOT) employee Tracy Mix was also a member of the National Guard, entitled to take leaves of absence from his IDOT duties for active military service. The OEIG investigated allegations that Mr. Mix submitted false military documents to obtain leave from work.

The OEIG investigation revealed that Mr. Mix created and submitted a document to IDOT that falsely stated that he was serving military duty. Investigators discovered that Mr. Mix's National Guard unit was not scheduled for military duty at the time listed on the document, and the sergeants who oversaw Mr. Mix's unit denied creating the document. In addition, Mr. Mix had listed his own mobile phone number as a contact number on the document in place of his sergeant's phone number; when an IDOT supervisor called the number, Mr. Mix answered the call and misrepresented himself as a National Guard sergeant. The OEIG determined that:

- Mr. Mix created and submitted a false military document to IDOT, in violation of his obligation to conduct himself ethically, act with honesty and integrity in the performance of his duties, and to accurately and truthfully report information to IDOT; and
- Mr. Mix failed to cooperate with the OEIG, in violation of the Ethics Act, based on his untruthful interview statements.

The OEIG recommended that IDOT discipline Mr. Mix and take other action to determine if Mr. Mix was properly compensated for military leave. IDOT attempted to discharge Mr. Mix, but, as a result of union grievance proceedings, the termination was reduced to a two-day suspension.

In re: Oak Park Township, Case #16-00230

In 2016, the OEIG investigated an allegation that a Pace Suburban Bus (Pace) vendor, Oak Park Township (the Township), systematically submitted falsified records to Pace for paratransit services. Pace provides different kinds of paratransit service throughout Chicago's six-county suburban region, including "Dial-A-Ride" services—pre-scheduled transportation for eligible passengers. In many cases, Pace does not offer Dial-a-Ride services directly and, instead, assists a unit of local government that provides those services in a given region. At the time of the complaint, the Township provided Dial-A-Ride services to

Oak Park and River Forest. In exchange, Pace paid the Township up to \$3.00 per ride.

After the OEIG began this investigation, the Township discovered that the Transportation Department was over-reporting ridership, notified Pace, and terminated the Township Transportation Coordinator's employment. In response, Pace audited the Township and concluded that the Transportation Department was over reporting ridership by including fabricated rides. Pace decided not to renew an agreement with the Township for Dial-A-Ride services.

In its investigation, the OEIG determined that the Township submitted falsified ridership records to Pace. In fact, the OEIG confirmed, by reviewing relevant documents and Pace's 2016 audit and conducting interviews with Township staff, that the Township over reported about 60,538 rides from January 2012 through March 2016—over one third of the total ridership reported to Pace during that period. The OEIG, however, did not discover evidence that anyone outside of the Township's Transportation Department knew about the falsification.

Since Pace chose not to renew an agreement with the Township, the OEIG did not make any recommendations regarding this agreement. Instead, the OEIG recommended that Pace consider taking additional steps to ensure that other Dial-A-Ride service providers were not also falsifying or systematically miscounting ridership. In response to the OEIG's investigation, Pace sent an operations bulletin to all municipal service providers, including Dial-A-Ride service providers, reminding them how to report ridership.

Hiring Improprieties

In re: Seth Wilson, Harold Morgan, and Araceli De La Cruz, Case #12-01390

The OEIG investigated allegations that Chicago Transit Authority (CTA) General Manager of Recruitment and Workforce Planning Seth Wilson inappropriately participated in the transfer of an employee. Mr. Wilson, who worked in the CTA's Human Resources (HR) Department, lived with and had a child with CTA Employee Delores McClendon, who worked in CTA's Control Center. When Ms. McClendon faced internal discipline, Mr. Wilson advocated to have her transferred to a different position within the CTA's Safety and Security division, for which she lacked the professional background. The OEIG also investigated whether action taken by other individuals who effectuated Ms. McClendon's transfer, including Vice President of Human Resources Harold Morgan and Chief of Safety and Security Araceli De La Cruz, was inconsistent with CTA policy. The OEIG determined that:

"The decision to hire Ms. McClendon as an investigator, in spite of her lack of qualifications, was a decision that ran contrary to the role entrusted by the public to CTA management personnel."

- Mr. Wilson’s advocacy for Ms. McClendon gave an appearance of impropriety in violation of Section 2.1 of the CTA Ethics Ordinance;
- Mr. Wilson exercised improper influence when he assisted Ms. McClendon during her disciplinary hearing and subsequent transfer in violation of Section 2.3(a) of the CTA Ethics Ordinance;
- Mr. Wilson violated the Ethics Act and a CTA rule when he failed to cooperate with the OEIG by providing false statements;
- Mr. Morgan violated CTA policy when he allowed the CTA HR Department to proceed with hiring Ms. McClendon; and
- Ms. De La Cruz mismanaged the hiring of Ms. McClendon when she recommended Ms. McClendon for an investigator position even though she knew that Ms. McClendon lacked the qualifications for the position and would not be performing the duties of an investigator.

The OEIG recommended that the CTA discipline Mr. Wilson and that it consider expanding its policy against nepotism to include domestic relationships, such as non-married couples. Since Mr. Morgan and Ms. De La Cruz left the CTA during the investigation, the OEIG recommended that the CTA place a copy of the report in their personnel files. In response to the OEIG’s investigation, the CTA demoted Mr. Wilson to a position outside of Human Resources, expanded its nepotism policy, and placed a copy of the OEIG’s final report in Mr. Morgan’s and Ms. De La Cruz’s personnel files.

In re: Douglas Baker, et al., Case # 14-01383

The OEIG investigated allegations related to hiring at Northern Illinois University (NIU), as well as allegations that employees were improperly reimbursed for their travel, and were permitted to stay overnight in NIU facilities without charge.

“President Baker... is obligated to ensure that the University engages consultants and employees in a way that complies with applicable law and NIU policy.”

The OEIG investigation revealed that NIU President Douglas Baker engaged high-paid consultants, including a friend. In an effort to meet President Baker’s directives to select these consultants, NIU Human Resources administrators improperly classified them as “affiliate employees,” an employment category for short-term part-time teaching positions, to circumvent procurement rules and employment policies. As a result, NIU paid over \$1 million in public funds to five consultants who were not selected either through the competitive process required for engaging independent contractors, or in compliance with hiring and employment rules applicable to regular employees. The investigation further revealed that NIU administrators arranged for NIU to pay the expenses for some of these consultants’ travel to and from their out-of-state residences, and for their lodging on campus. Based on the investigation, the OEIG determined that:

- President Baker mismanaged NIU by allowing the improper hiring of the consultants;
- Human Resources administrators Steven Cunningham and Celeste Latham misused the affiliate employment classification by approving the consultants’ initial and continued appointments; and

- President Baker's Executive Assistant, Doris Hooker Day, improperly used an NIU procurement card to pay for an affiliate employee's travel.

The OEIG recommended that NIU take appropriate action with regard to President Baker, counsel Ms. Latham and Ms. Day (Mr. Cunningham had previously left NIU employment), and limit any future use of the affiliate classification. The OEIG also recommended that NIU continue to pursue the corrective actions it had already initiated to recoup any unaddressed travel and lodging reimbursements. NIU eliminated the affiliate classification, initiated a review of procurement and contracting policies and procedures, and counseled President Baker, Ms. Latham, and Ms. Day. President Baker resigned following the publication of the OEIG's report.

In re: Shelly Shevlin, Case #15-00238

The OEIG received a complaint alleging that the interviewers for an Illinois Department of Transportation (IDOT) Operations Supervisor position were not free of a conflict of interest because they were IDOT employees subordinate to the selected applicant. The Operations Supervisor position was subject to the hiring requirements instituted for the Governor's agencies in response to the United States Supreme Court decision, *Rutan v. Republican Party of Illinois*, which held that employment decisions made on the basis of political affiliation violate the First Amendment rights of public employees who do not occupy policymaking or confidential positions. One of those requirements, contained in Administrative Order No. 2 (2009), provides that no "interview panel should include. . . any person who is related to, or otherwise would have a conflict of interest in connection with evaluating, any of the applicants for the position."

This potential conflict of interest was also brought to the attention of Noelle Brennan, who was appointed as Special Master by the U.S. District Court for the Northern District of Illinois to investigate and report on employment practices within IDOT. In a letter dated February 9, 2015, the Special Master concluded that the subordinate relationship between the applicant and the interviewers "created an actual and inherent conflict of interest in violation of Administrative Order No. 2 (2009)" and requested that "IDOT halt [the applicant's] hire." Following receipt of this letter, the applicant was removed from the Operations Supervisor position and returned to his previous IDOT position. Because this issue had been addressed by the Special Master, the OEIG did not address this issue in its report.

However, in its investigation, the OEIG discovered that, in addition to the alleged subordinate relationship, one of the *Rutan* interviewers for the Operations Supervisor position, Shelly Shevlin, had engaged in political activity in support of the applicant's campaign prior to the interviews by walking in parades and distributing literature in support of the applicant's candidacy. The OEIG determined that:

"Despite Ms. Shevlin's assurances that she could 'remain free of bias' while conducting the interview, the OEIG finds that there was a conflict of interest..."

- Ms. Shevlin's participation in the applicant's *Rutan* interview created a conflict of interest in violation of Administrative Order No. 2 (2009) and IDOT policy.

The OEIG recommended that IDOT take whatever steps it deemed appropriate with regard to Ms. Shevlin. IDOT discharged Ms. Shevlin as a result of the OEIG report.

As part of this investigation, the OEIG also reviewed IDOT's process for vetting potential conflicts for interviewers. In this instance, Ms. Shevlin identified the applicant as a "co-worker" on an IDOT Affidavit of Disclosure prior to the interviews, but she did not disclose the aforementioned political activity on this form. At the time of the Operations Supervisor interviews, interviewers completed this Affidavit on the day of the interviews to self-disclose any knowledge of the candidates and sign the form attesting that he or she could remain free of bias. This self-disclosure process allowed the person with the potential conflict of interest to determine whether a conflict existed and did not allow time for that determination to be reviewed by a third party. IDOT subsequently implemented changes with the Affidavit to address this issue.

Violations of State Laws/State Rules/Agency Policies

In re: Brad O'Halloran and Mike McCoy, Case #13-01519

The OEIG investigated allegations that a member of the Metra Board of Directors accepted compensation from an elected position in local government, in violation of the Regional Transportation Authority Act (RTA Act). The RTA Act establishes compensation levels for Metra Board directors and also prohibits those directors from accepting compensation from certain elected or appointed offices while serving on the Metra Board. After conducting an investigation, the OEIG confirmed that then-Metra Board Chairman Brad O'Halloran received simultaneous compensation as a Metra Director/Chairman and Orland Park Trustee from July 2011 through November 2012; and then-Metra Director Mike McCoy received simultaneous compensation as a Metra Director and a Commissioner for the Aurora Election Commission from July 2011 until July 2013, both in violation of the RTA Act.

During the investigation, Messrs. O'Halloran and McCoy resigned from the Metra Board. Subsequently, the OEIG recommended that the Office of the Governor, as Ultimate Jurisdictional Authority for directors (board members) of Regional Transit Boards, and Metra take whatever action they deemed necessary to ensure that all current and future directors are aware of and abide by the prohibitions against accepting simultaneous salaries from certain positions while receiving salaries for Metra Board positions. In response, Metra agreed to emphasize this prohibition while training new directors and to ask directors to confirm in writing that they understood this prohibition. Similarly, the Office of the Governor also stated that it would counsel its appointees to the Regional Transit Boards regarding this prohibition.

In re: Bobbie Wanzo, Case #14-00592

The OEIG investigated allegations regarding the Illinois Department of Human Rights' (DHR) incentive pay programs that DHR ran for investigators. Following the investigation, the OEIG concluded that DHR paid its investigators additional money over their salaries for completing cases in excess of their designated work standards, even if the work was done during their normal work hours. In addition, the OEIG discovered that under some of the DHR's incentive programs it was possible for the investigators

to delay submitting completed cases until an incentive went into effect, in order to collect incentive pay. Between 2012 and 2014, DHR paid its investigators approximately \$173,923 in incentive pay.

Rules issued by the Illinois Department of Central Management Services (CMS) state that incentive pay “shall be at a wage rate and in a manner approved by the Director of Central Management Services.” The OEIG determined that there was reasonable cause to believe that DHR Deputy Director Bobbie Wanzo approved the payment of incentive pay to DHR investigators under three programs between 2012 and 2014 without first obtaining the approval of the Director of CMS. The OEIG recommended that DHR take appropriate action relating to Ms. Wanzo, not reinstate incentive pay programs without obtaining CMS approval, consider whether to increase investigator work standards, and ensure that workers are accurately recording their time. DHR responded that it had implemented the OEIG’s recommendations, but did not specify what action had been taken relating to Deputy Director Wanzo.

In re: Tracey Bruno, Case #15-00700

The OEIG received a complaint alleging that an Illinois Department of Human Services (DHS) employee, Tracey Bruno, improperly authorized tuition payments totaling \$20,000 for a DHS client. Per DHS rules, a qualifying individual in need of financial assistance for expenses of a non-degree training program may obtain either: (1) the full-cost of attendance at a community college, or (2) the cost of an alternative program at a non-community college, up to the cost of a comparable community college program, or a maximum of \$5,268 (for the 2014-2015 academic year) if no comparable community college program exists. Regardless, DHS will first subtract any grants received by the client from the amount awarded.

The OEIG investigation revealed that a DHS client was pursuing a non-degree training program in automotive technology at Universal Technical Institute, which was a private institution. Ms. Bruno authorized payments of \$20,000 to cover the balance of the client’s tuition expenses at Universal Technical Institute and for books and supplies even though this client already received over \$12,000 in federal grants and was not eligible for this particular financial assistance through DHS.

The OEIG concluded that Ms. Bruno failed to follow DHS policy when she authorized tuition payments for the client in excess of the maximum amount allowable and failed to obtain approval to do so from a Bureau Chief. The OEIG recommended that DHS take appropriate action regarding Ms. Bruno and seek to recoup overpaid funds. In response, she received a 15-day suspension and DHS confirmed that it was seeking to recoup these funds.

In re: Tahnee Wood, Case #15-00855

The OEIG received a complaint alleging, among other things, that Illinois Department of Human Services (DHS) employee Tahnee Wood took inappropriate images of herself at work. During the investigation, the OEIG was able to ascertain that Ms. Wood had in fact taken photos of herself, with her personal cellular phone, and that at least some of them were taken at her place of work.

There was a policy at Ms. Wood’s work location that primarily prohibited employees from using personal cellular phones anywhere outside of their vehicles. The OEIG found that Ms. Wood’s use of her personal

cellular phone at work (and outside her vehicle) was in violation of the location's policies on cellular phone use. The OEIG also found that Ms. Wood's actions constituted conduct unbecoming and violated DHS's personal conduct policies. The OEIG recommended that DHS take appropriate action with regard to Ms. Wood. Ultimately, Ms. Wood served a 20-day suspension for her actions.

In re: Illinois Department of Transportation and State Use Committee, Case #15-01333

The Illinois State Use Program allows State agencies to procure certain services from not-for-profit agencies, known as "sheltered workshops," that provide services to people with disabilities. Through the State Use Program, a State agency can contract with a sheltered workshop without advertising or calling for bids as long as the price is not substantially more than it would be if the contract had been competitively bid. The State Use Committee is statutorily charged with reviewing all proposed contracts under the State Use Program and rejecting any contract it determines is substantially more than the purchase would have cost had it been competitively bid.

The OEIG investigated whether the Illinois Department of Transportation (IDOT) failed to properly set contract prices with the vendors providing janitorial services at rest areas, and whether the State Use Committee failed to make statutorily required determinations regarding contract prices before approving State Use Program contracts. The OEIG reviewed relevant contract information and documents regarding IDOT's written requests to the State Use Committee, and conducted relevant interviews. The OEIG determined that IDOT could not provide a basis for its representations to the State Use Committee that these contract prices were not substantially more than they would have been had they been competitively bid. The OEIG also determined that the State Use Committee was not properly reviewing these contracts to determine that the prices were not substantially more than they would have been if they were competitively bid.

While the OEIG recognized the importance of the State Use Program in providing gainful employment to people with disabilities and applauded the State Use Committee's efforts to advance the program, the OEIG recommended that IDOT and the State Use Committee take steps to abide by the General Assembly's intent that State Use contracts not be substantially more costly to the State than competitively bid contracts. In response, the State Use Committee said it would amend the relevant forms and request more detailed information from State agencies regarding State Use contracts. IDOT ultimately indicated that it believed its contracts complied with all relevant Procurement and Administrative Code requirements for the State Use Program but also agreed to provide greater detail to the State Use Committee to justify the costs of these contracts.

Ethics Act Disciplinary Decisions

If the OEIG conducts an investigation and determines that there is reasonable cause to believe that a violation of the Ethics Act has occurred—such as prohibited political activity, retaliation, a gift ban, revolving door violation, or failure to cooperate with an OEIG investigation—the OEIG issues a founded report to the affected agency to pursue disciplinary or other appropriate action. The OEIG may also request that the Illinois Attorney General file a complaint related to this misconduct. After the OEIG's request, the Illinois Attorney General may file a complaint, on the OEIG's behalf, with the Executive Ethics Commission (EEC). If the EEC decides that a violation of the Ethics Act did indeed occur, the EEC may impose an administrative fine or take other appropriate injunctive relief. A decision of the EEC to impose a fine or injunctive relief is subject to judicial review.

In FY2017, the EEC publicly disclosed four disciplinary decisions after the OEIG found that violations of the Ethics Act occurred and brought complaints to the EEC through the Illinois Attorney General. This year's decisions implicate two types of Ethics Act violations, namely, prohibited political activity and failing to cooperate with the OEIG's investigations.

Prohibited Political Activity

The Ethics Act prohibits State employees from “intentionally perform[ing] any prohibited political activity during any compensated time...” and “intentionally misappropriat[ing] any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.” 5 ILCS 430/5-15(a). The Ethics Act further states that: “Contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, [or] by State employees” 5 ILCS 430/5-35.

Hickey v. Slusser (16-EEC-006)

Shirley Slusser served as an Office Associate with the Illinois State Police. Ms. Slusser was a member of the American Federation of State, County, and Municipal Employees (AFSCME), and on or before September 7, 2014, Ms. Slusser attended an AFSCME meeting where she received five flyers. At least two of the flyers urged readers to “stop” a political candidate running for office in the November 2014 election. On the morning of September 8, 2014, Ms. Slusser used State paper and a State copier to make 50 copies of four of the flyers, which she distributed to approximately 50 State employees in two different units by laying them on her co-workers' desktops. On September 11, 2014, Ms. Slusser again used State paper and State copiers to make 20 copies of another flyer, which she distributed to State employees by placing them on their desks. When interviewed by the OEIG, Ms. Slusser admitted that she knew, prior to distributing the flyers, that she was not permitted to distribute them at work during compensated time. The OEIG brought a complaint to the EEC through the Illinois Attorney General, alleging that Ms. Slusser engaged in prohibited political activity, using State resources and on compensated time.

In response to the OEIG's complaint, Ms. Slusser argued that the flyers did not constitute prohibited political activity; rather, they were related to issue advocacy and/or collective bargaining, which are excluded from the definition of "political" in the Ethics Act. The EEC reviewed the flyers and concluded that they "can only be reasonably interpreted as an effort to influence the outcome of the [2014 General] election." The EEC also said that these flyers could not be considered "collective bargaining" as defined by relevant State law. Therefore, the EEC concluded that Ms. Slusser violated Section 5-15(a) of the Ethics Act when she intentionally performed prohibited political activity during compensated time and by using State property or resources to engage in this activity. The EEC levied a fine of \$1,000.

Hickey v. Winburn (16-EEC-007)

James Winburn worked for the Illinois Department of Juvenile Justice (DJJ) and was head of Local 416 of AFSCME Council 31. On three different days in September 2014, when Mr. Winburn was working for DJJ at State facilities, he approached two colleagues (who were also on State-compensated time) to ask them to contribute to Public Employees Organized to Promote Legislative Equality (PEOPLE), a political action committee (PAC) of AFSCME International. Specifically, Mr. Winburn asked these two colleagues to consider enrolling in AFSCME's voluntary payroll deduction program by signing a Voluntary PEOPLE Deduction Authorization for the National PEOPLE Committee form. Two of these conversations were made using State phones. The OEIG brought a complaint to the EEC through the Attorney General, alleging that Mr. Winburn engaged in prohibited political activity, using State resources and on compensated time.

In response to the OEIG's complaint, Mr. Winburn argued that the solicited deductions were not "contributions" under the Ethics Act because PEOPLE should not be considered a "political organization" within the meaning of the Ethics Act; federal regulations preempt the Ethics Act as to whether PEOPLE can be considered a "political organization;" and contributions to PEOPLE did not benefit any particular campaign or political organization because "there was no specific earmarking of where those contributions might be used...."

The EEC rejected these arguments. First, the EEC concluded that PEOPLE would fall within the definition of "political organization" under the Ethics Act. The EEC noted that Mr. Winburn's preemption argument was "misplaced" because federal preemption requires that there be a conflict between federal law and State law. The EEC observed that there is no conflict between federal regulations regarding how federal election entities must behave and a State law that dictates certain restrictions on State employees' political activities on State property or State time; rather, they are mutually exclusive.

In addition, the EEC concluded that, despite the lack of specific earmarking for the contributions, given the Ethics Act's broad definition of "campaign for elective office," it was "hard to see how contributions to PEOPLE would not be considered 'for the benefit of any campaign for elective office or any political organization.'"

The EEC concluded that Mr. Winburn violated Section 5-15(a) of the Ethics Act when he intentionally performed prohibited political activity during compensated time by asking colleagues to sign the Voluntary PEOPLE Deduction Authorization for the National PEOPLE Committee forms. According

to the EEC, Mr. Winburn further violated Section 5-15(a) by misappropriating State property, i.e., State phones, to have some of these conversations. The EEC also concluded that Mr. Winburn violated Section 5-35 of the Ethics Act when he solicited contributions for PEOPLE while in a DJJ office, which is State property. The EEC levied a \$1,000 fine against Mr. Winburn. Since the EEC announced its decision, Mr. Winburn has requested review of the decision by a Circuit Court, pursuant to Section 20-60 of the Ethics Act. The matter remains pending.

Failure to Cooperate with the OEIG

The Ethics Act requires State employees under the OEIG's jurisdiction to "cooperate with the Executive Inspector General and the Attorney General in any investigation undertaken pursuant to this Act. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements." 5 ILCS 430/20-70. The Ethics Act further states that the EEC may levy a fine against any person who "intentionally obstructs or interferes with an investigation conducted under this Act by an inspector general...." 5 ILCS 430/50-5(e).

Hickey v. Schweitzer (17-EEC-001)

Dale Schweitzer served as a Tax Auditor with the Illinois Department of Employment Security (IDES). He conducted official business on a State-issued laptop, which IDES assigned exclusively to him. As part of its forensic review of Mr. Schweitzer's laptop, the OEIG found over 140 files, images, and videos with sexual, pornographic, or otherwise inappropriate, non-work related content. The OEIG also found that the laptop had been used to access pornographic, sexual, or adult websites. All of the inappropriate files and websites had been created, modified, or accessed during normal IDES business hours. When interviewed, Mr. Schweitzer falsely denied using the laptop to access and/or view any of the above-referenced materials. The OEIG brought a complaint to the EEC, through the Attorney General, alleging that Mr. Schweitzer failed to cooperate with the OEIG's investigation.

The EEC determined that Mr. Schweitzer violated the Ethics Act and obstructed the OEIG's investigation when he knowingly and intentionally made numerous material false statements, misstatements, and omissions during his interview with OEIG investigators. The EEC levied a \$1,000 fine against Mr. Schweitzer.

Hickey v. Spreser (17-EEC-002)

Roger Spreser served as a Mine Inspector-At-Large with the Illinois Department of Natural Resources (IDNR). Mr. Spreser had a State email account, and was also assigned State laptop and desktop computers. In connection with another investigation, the OEIG obtained and analyzed Mr. Spreser's State emails. During this search of his emails, and a forensic review of his two State-issued computers, the OEIG discovered numerous sexually explicit or otherwise inappropriate non-work related images and emails. OEIG investigators interviewed Mr. Spreser about the images and emails, and in that interview Mr. Spreser knowingly made false and materially misleading statements and omissions when he denied that he had accessed inappropriate images with State computers. The OEIG brought a complaint to the EEC, through the Attorney General, alleging that Mr. Spreser failed to cooperate with the OEIG's investigation.

The EEC noted that it is the duty of every State employee under the OEIG's jurisdiction to cooperate in OEIG investigations. The EEC concluded that Mr. Spresser intentionally obstructed and interfered with the OEIG's investigation, in violation of the Ethics Act, when he knowingly and intentionally made material false statements, misstatements, and omissions during his interview with OEIG investigators. The EEC levied a \$1,000 fine against Mr. Spresser.

Revolving Door Decisions

The revolving door provisions of the Ethics Act prohibit State employees who "personally and substantially" participated in a regulatory, licensing, or procurement decision from accepting employment or compensation from the subject of that decision, or its parent or subsidiary. Certain State employees, whose positions may include the authority to make such decisions, are required to seek a determination by the OEIG that they may legally accept such employment, prior to accepting an offer. A small number of high-ranking public officials are prohibited from accepting employment or compensation from any entity who was a party to a State contract involving the employee's agency or was the subject of a regulatory or licensing decision involving the employee's agency, even if they did not individually participate in the award of a State contract or the making of the regulatory or licensing decision.

The Ethics Act requires the OEIG to issue the revolving door determination within 10 calendar days. The OEIG receives written statements from the employee, the applicable ethics officer, and often from the prospective employer. In addition, the OEIG conducts interviews of the employee, the employee's supervisor(s), and others. The OEIG also examines various public records relating to any procurement, regulatory, or licensing decisions involving the employee. The OEIG then determines whether the employee "personally and substantially" participated in the award of a procurement, regulatory, or licensing decision that directly applied to the prospective employer, or its parent or subsidiary.

Revolving door determination requests and the resulting determinations are generally not public. If the OEIG determines that the employee is "restricted" (that acceptance of the employment offer would violate the revolving door prohibition), the former employee may appeal the determination to the Executive Ethics Commission. If the OEIG determines that the former State employee is "not restricted," the Attorney General may appeal the determination to the Executive Ethics Commission. Once the Commission rules on an appeal, its decision becomes public.

In FY2017, the OEIG made 162 revolving door determinations; none of them were appealed to the Executive Ethics Commission.

Hiring and Employment Monitoring



Section 20-20(9) of the Ethics Act empowers the OEIG to review State agency hiring and employment matters to ensure compliance with *Rutan v. Republican Party of Illinois*, 497 U.S. 62, 75 (1990), which generally held that hiring, promotion, transfer, and recall decisions may not be based on party affiliation. The OEIG's Division of Hiring and Employment Monitoring (HEM) performs this compliance-based function through file reviews, interview monitoring, and consulting with agency staff on hiring and employment practices. Pursuant to Executive Order 2016-04, § VI, each State agency and employee must cooperate with and provide assistance to the HEM division's hiring or employment-related review. In ensuring State agencies are compliant with employment matters, HEM works closely with Special Master Noelle Brennan and her staff as they conduct their court-appointed work in the ongoing *Shakman* litigation, where the United States District Court for the Northern District of Illinois entered an order essentially preventing numerous Illinois entities and public officials from improperly basing hiring decisions on political factors.

During FY2017, HEM staff analyzed agency hiring sequences and decisions to assess compliance with governing authority by conducting two main duties: file reviews and on-site interview monitoring. In completing both file reviews and on-site monitoring, HEM staff reviewed job postings, position descriptions, hiring criteria, interview questions, internal personnel requests, eligible lists, candidate job applications, and interview lists, among other documentation. The chart on the next page summarizes some of these activities. When an agency used a screening tool to narrow the applicant pool for a specific position, HEM staff reviewed the screening tool criteria and compared it against the position description requirements, posting requirements, and applicant qualifications. During the in-person, on-site monitoring of interviews, HEM staff evaluated whether the interview process was consistent, standardized, and free from inappropriate bias. As necessary, HEM staff worked with agency staff on hiring issues that needed to be addressed, such as the improper use of screening tools, scoring errors, and candidate selection decisions. HEM's recommendations were routinely implemented.

In FY2017, HEM also worked with the Special Master's Office and agency staff on assessing the process(es) for hiring into so-called Rutan-covered and Rutan-exempt positions, as well as the exempt determination process. In her Initial Report to the Court the Special Master noted:

Notably, since the expansion of the Special Master's duties, HEM has taken primary responsibility for a variety of issues raised by the Governor's Office, CMS, or individual agencies. Those issues include questions related to term appointments, special staffing or process requests received from agencies or CMS, and questions relating to interim process changes. The Special Master and her staff appreciate the vital assistance provided by HEM and look forward to continued collaboration. Pg.8.

HEM staff will continue to randomly review hiring files, conduct in-person, on-site monitoring of interview sequences, consult with agency staff regarding hiring issues, and work with the Special Master's Office. In performing these duties, HEM will ensure that hiring practices of State agencies are fair, and that employment decisions are merit-based.

Hiring and Employment Monitoring



Legislative Action

This year began the 100th General Assembly, and the OEIG renewed its efforts to obtain greater transparency and safety in Illinois by working to introduce several bills. The focus of these bills was to clarify ethics rules and processes, increase transparency, and protect public safety. The OEIG introduced five different substantive bills, with companion bills filed in both houses. Below is a summary of those bills.



Senate Bill 643

Senator Heather Steans introduced Senate Bill 643 on January 25, 2017. This bill amends the Ethics Act to allow EIGs to disclose investigatory files and reports, as necessary, to the head of the State agency affected by or involved in the investigation.

This bill is important because EIGs need a mechanism to disclose information directly to agency heads. Due to the confidentiality provisions of the Ethics Act, currently an EIG cannot directly disclose investigatory files and reports to an agency head while an investigation is pending.

Indeed, the Ethics Act prohibits the disclosure of EIG investigatory files and reports, except in limited circumstances. An executive inspector general may disclose investigatory files and reports, as necessary, to: (1) a law enforcement authority; (2) the ultimate jurisdictional authority (e.g., the Office of the Governor); (3) the Executive Ethics Commission; (4) another inspector general pursuant to the Ethics Act; or (5) an inspector general employed by a Regional Transit Board.

The omission of affected agencies from the list of exceptions gives rise to a question of the extent to which an executive inspector general may communicate with an agency head regarding a pending investigation, where, for example, the investigation involves allegations of a risk to public safety. The OEIG believes it is important to clarify the Ethics Act in this regard.

On May 11, 2017, EIG Hickey testified before the Senate Executive Committee regarding Senate Bill 643. The Committee unanimously voted to recommend that the bill move forward. On May 26, 2017, the full Senate voted on the bill and it received full bipartisan support with 51 “yes” votes and zero “no” votes. Senate Bill 643 moved out of the Senate to the House. Shortly after arriving in the House, Senate Bill 643 was assigned to the House Executive Committee. Unfortunately, on May 31, 2017, Senate Bill 643 was re-referred to the Rules Committee. While the OEIG hoped this bill would pass, it was pleased with the progress and the opportunity to testify before the Senate Executive Committee regarding its importance.

Senate Bill 739 / House Bill 2476

Senate Bill 739, introduced by State Senator Julie A. Morrison on January 30, 2017, and House Bill 2476, introduced by State Representative Majority Leader Barbara Flynn Curie on February 7, 2017, are the product of discussions between the OEIG and the EEC. These identical bills amend provisions of the Ethics Act to clarify the exchange of information during the revolving door determination process, clarify the confidentiality of OEIG investigatory files and reports, provide for ethics officer training, and update a section of the Procurement Code to reflect the new procurement officer structure.

Authorize Timely Exchange of Information During the Revolving Door Determination Process

In Illinois, the Ethics Act places restrictions on former State employees and officers regarding private sector employment immediately following State employment. Certain State employees and officers are required to notify the appropriate EIG of a non-State job offer so that the EIG can determine whether the State employee or officer may accept the employment without violating the Ethics Act’s revolving door prohibition. The EIG’s determination may be appealed to EEC by the State employee or by the Attorney General.

These bills will codify a procedure for parties to obtain information. For example, these bills:

- Require EIGs to explain in writing the factual and legal basis for their determination.
- Allow EIGs to provide investigatory files and reports that relate to the revolving door determination to the subject of a restricted determination.
- Require agency ethics officers to provide EIGs with information necessary to make an informed determination.
- Clarify that the timeframe for an EIG to make a determination begins when the EIG has received notification from the employee and that such notification made be defined by the EEC.

Clarify the Confidentiality of EIG Investigatory Files and Reports

EIG investigatory files and reports are generally prohibited from disclosure, with very limited exceptions.

These bills clarify the current confidentiality provisions. These bills:

- Clarify that requests for documents of or by the Office of Executive Inspector General are confidential.
- Permit EIGs, as necessary, to disclose investigatory files and reports to the head of the agency affected by or involved in the investigation.
- Permit the ultimate jurisdictional authority or the agency head, for the purpose of determining and imposing discipline, to disclose EIG investigatory files and reports to certain agency staff and the employee accused of wrongdoing. This disclosure may only occur after an EIG issues a summary report of the investigation.

Require Training for Ethics Officers

Ethics officers provide ethics guidance to State employees, and employees can rely upon their guidance in good faith. These bills require ethics officers to complete training within 30 days of their appointment, and annually thereafter. The EEC will develop the training.

[House Bill 2790 / House Bill 3840](#)

On February 8, 2017, Representative Fred Crespo introduced House Bill 2790 and on February 10, 2017, he introduced House Bill 3840. These identical bills amend provisions of the Ethics Act to clarify the confidentiality of EIG investigatory files, reports, and requests for information. Specifically, these bills amend sections 20-90 and 20-95 of the Ethics Act to state that requests for information of or by the Office of an Executive Inspector General are confidential and exempt from disclosure under FOIA, except in certain limited circumstances. These bills also allow EIGs, as necessary, to disclose investigatory files, reports, and requests for information to the head of the State agency affected by or involved in the investigation.

[Senate Bill 644 / House Bill 2791 / House Bill 3841](#)

Senator Steans introduced Senate Bill 644 on January 25, 2017, and Representative Fred Crespo introduced House Bill 2791 on February 8, 2017, and he introduced House Bill 3841 on February 10, 2017. These identical bills amend provisions of the Ethics Act to provide a mechanism for executive inspectors general to release summary reports and responses. Specifically, the bills state in part:

If the Executive Ethics Commission does not make a summary report and response of the ultimate jurisdictional authority or agency head available to the public, the Executive Inspector General responsible for the investigation and report may make a summary report and response of the ultimate jurisdictional authority or agency head available to the public.

Under the current law, only the Executive Ethics Commission may release summary reports and responses, and it is only required to do so if the investigation resulted in “a suspension of at least 3 days or termination of employment.” 5 ILCS 430/20-52. Thus, these bills work to ensure transparency by allowing the EIG to release a summary report and response to an investigation if the EEC does not.

Senate Bill 645 / House Bill 2789/ House Bill 3843

Senator Steans introduced Senate Bill 645 on January 25, 2017, Representative Crespo introduced House Bill 2789 on February 8, 2017 and House Bill 3843 on February 10, 2017. These identical bills amend provisions of the Ethics Act to clarify a process for officers and employees to object to a request for information by an executive inspector general. These bills also provide a process for an executive inspector general to seek to compel the production of information he/she requested from an officer or employee. Specifically, these bills add to section 20-70 of the Ethics Act the following language:

(b) If an officer or employee objects to a request for information by an Executive Inspector General based on any applicable rights or protections under State or federal law, the officer or employee may seek resolution of the objection from the Executive Ethics Commission. If an officer or employee refuses or fails to provide information requested by an Executive Inspector General, the Executive Inspector General may notify the Executive Ethics Commission and seek an order compelling the officer or employee to produce the information requested by the Executive Inspector General.

These bills are necessary to implement a process for EIGs to compel production of documents that may be improperly withheld. These bills provide for an impartial third party, the EEC, to review the issue, and if warranted, compel production of the requested information. In addition, these bills codify the protections employees and officers are afforded under the Illinois Administrative Code.

100th General Assembly

At the time this Annual Report was published, the bills the OEIG worked to introduce had not been passed by the General Assembly.

Appendices

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Leadership

Margaret A. Hickey

Executive Inspector General

Ms. Hickey is the Executive Inspector General for the Agencies of the Illinois Governor. She was nominated by Governor Bruce Rauner in 2015 and confirmed by the Illinois Senate without dissent in 2016. Before coming to the OEIG, she served the U.S. Attorney's Office for the Northern District of Illinois for over 10 years. From 2010-2015, she was the Executive Assistant U.S. Attorney, overseeing a staff of approximately 300 employees. Prior to her supervisory role, Ms. Hickey served as an Assistant U.S. Attorney in the Criminal Division, Financial Crimes and Special Prosecution Section, where she investigated and prosecuted a wide array of white collar crimes, including health care fraud, mortgage fraud, and bankruptcy fraud. She has tried multiple cases to verdict, and also briefed and argued many appeals before the U.S. Court of Appeals.

Previously, Ms. Hickey served as chief of staff to U.S. Senator Peter Fitzgerald. She began her career with the United States Senate, serving as the investigative counsel for the Committee on Government Affairs. Prior to her service with the United States Senate, she was an Assistant U.S. Attorney in the Criminal Division for the Southern District of West Virginia. She began her legal career as an associate with a law firm in Los Angeles, California, now known as Reed Smith. She currently serves on the board of the Constitutional Rights Foundation, Chicago.

Susan Haling

First Assistant Inspector General

Ms. Haling joined the OEIG in December 2011 and currently serves as First Assistant Inspector General. She has more than nine years of experience as an Assistant U.S. Attorney in Chicago, where she tried over 25 criminal trials. Ms. Haling also previously worked for the U.S. Justice Department, Criminal Division, in Washington, D.C. Ms. Haling was a law clerk for the Honorable James F. Holderman, a former U.S. District Judge for the Northern District of Illinois. Ms. Haling received her BA from the University of Notre Dame and obtained her law degree from the DePaul University College of Law, where she graduated Order of the Coif, served as editor for the Law Review, and was a member of the Moot Court Trial Team.

Daniel Hurtado

General Counsel

Mr. Hurtado was appointed Special Counsel in July 2012 and was subsequently appointed as General Counsel in March 2014. Prior to joining the OEIG, he was a litigator with a large law firm for 17 years and served as in-house counsel for a media company for over two years. Mr. Hurtado has served as the President of the Hispanic Lawyers Association of Illinois, the Chair of the Chicago Lawyers Committee for Civil Rights, and as a member of the Legal Assistance Foundation Board of Directors and the Chicago Legal Clinic Board of Directors. He has been honored with the Chicago Bar Association Vanguard Award, the Public Interest Law Initiative Distinguished Alumnus Award, and MALDEF's Excellence in Legal Service Award. Mr. Hurtado received a BA from the University of Michigan and holds an MA and JD from Northwestern University, where he was an editor of the Journal of Criminal Law and Criminology and the President of the Hispanic Law Students Association.

Fallon Opperman
[Deputy Inspector General and Chief of Chicago Division](#)

Ms. Opperman joined the OEIG as an Assistant Inspector General in June 2008 and then served as Chief of the Regional Transit Board Division. As Deputy Inspector General and Chief of Chicago Division, Ms. Opperman manages the investigative activities of the OEIG's Chicago office, including oversight of the Regional Transit Board Division. Ms. Opperman received a BA from North Central College and obtained her law degree from the DePaul University College of Law.

Thomas Klein
[Deputy Inspector General and Chief of Springfield Division](#)

Mr. Klein joined the OEIG in February 2015 as Deputy Inspector General and Chief of the Springfield Division. Mr. Klein had previously served with the OEIG from 2010-2011 before serving as General Counsel for the Illinois Capital Development Board. He previously spent over seven years with the Illinois Attorney General's Office and two years with a large law firm. Mr. Klein received a BA from Taylor University, an MA from Purdue University, and a JD from the University of Michigan Law School.

Claudia Ortega
[Chief Administrative Officer](#)

Ms. Ortega joined the OEIG in March 2014 and currently serves as Chief Administrative Officer. She manages the OEIG's finance, human resources, information technology, procurement, and other administrative functions. Previously, Ms. Ortega worked in a financial reporting role for a State university and for a global forensics investigative firm. She holds a MSA in accounting from Benedictine University and a BA in accounting from DePaul University and she is a Certified Fraud Examiner.

<i>Number of Complaints Received by Type</i>	<i>FY2015</i>	<i>FY2016</i>	<i>FY2017</i>
Abuse	22	23	23
Abuse of Time	82	93	103
Americans with Disabilities Act Violations	2	6	2
Bid-Rigging	1	7	0
Breach of Confidentiality	7	5	8
Bribery	2	1	3
Child Support	4	1	1
Conflict of Interest	17	20	25
Corruption	0	4	6
Discrimination	20	35	43
Ex Parte Communications Violations	1	2	0
Failure to Cooperate	0	3	2
Failure to Follow Agency Policy	13	23	13
False Employment Application	0	2	3
Fraud	53	51	69
Ghost Payrolling	2	0	0
Gift Ban Violation	4	6	7
Harassment	56	45	71
Hiring Improprieties	81	58	67
Improper Political Promotion	0	3	1
Misappropriation or Misuse of Funds	18	18	10
Misconduct	1,551	1,183	720
Mismanagement	565	689	1057
Misuse of Property	28	27	35
Other	64	84	139
Patronage	1	5	2
Personnel	0	29	1
Political Work on State Time	4	7	16
Prisoner Complaint	5	12	25
Procurement Fraud	8	6	11
Prohibited Political Activity	13	10	11
Retaliation	33	59	72
Revolving Door Violation	10	5	14
Sexual Harassment	11	7	4
Theft	15	15	20
Unethical Conduct or Practices	14	20	33
Violence in the Workplace	3	3	7
Waste	3	1	2
Wrongful Termination	8	6	6
Total	2,721	2,574	2,632

<i>Number of Founded Reports by Agency</i>	<i>FY2015</i>	<i>FY2016</i>	<i>FY2017</i>
Agriculture, Department of	0	0	1
Central Management Services, Department of	1	2	0
Chicago State University	0	1	0
Chicago Transit Authority	3	3	4
Children and Family Services, Department of	0	1	1
Commerce and Economic Opportunity, Department of	1	1	0
Commerce Commission	0	0	1
Corrections, Department of	1	2	0
Employment Security, Department of	2	1	0
Environmental Protection Agency	0	0	1
Financial and Professional Regulation, Department of	0	1	0
Governor's Office	0	0	1
Healthcare and Family Services, Department of	0	1	0
Healthcare and Family Services Inspector General, Department of	0	0	1
Human Rights, Department of	1	2	1
Human Services, Department of	6	15	6
Human Services Inspector General, Department of	0	1	0
Illinois State University	2	0	0
Insurance, Department of	1	1	0
Juvenile Justice, Department of	0	1	0
Metra	0	0	2
Natural Resources, Department of	0	1	0
Northern Illinois University	0	0	2
Pace	0	0	1
Public Health, Department of	1	1	0
Regional Transportation Authority	1	0	0
Revenue, Department of	1	0	0
Southern Illinois University – Edwardsville	1	0	0
State Board of Education	0	1	1
State Police	0	1	0
Transportation, Department of	4	5	4
University of Illinois	1	0	1
Various State Agencies	0	0	1
Veterans' Affairs, Department of	2	1	0
Total	29	43	29

<i>Number of Founded Reports by Type</i>	<i>FY2015</i>	<i>FY2016</i>	<i>FY2017</i>
Abuse of Time	1	2	3
Bid-Rigging	0	2	0
Breach of Confidentiality	0	1	0
Conflict of Interest	1	2	0
Failure to Follow Agency Policy	1	2	0
False Employment Application	0	0	1
Fraud	8	4	1
Gift Ban Violation	1	0	0
Harassment	0	1	0
Hiring Improprieties	1	2	1
Misconduct	6	15	14
Mismanagement	1	3	1
Misuse of Property	1	1	0
Other	0	1	1
Political Work on State Time	3	0	0
Procurement Fraud	1	0	1
Prohibited Political Activity	2	1	1
Retaliation	1	0	0
Revolving Door Violation	1	1	4
Sexual Harassment	0	1	0
Theft	0	1	1
Unethical Conduct	0	2	0
Waste	0	1	0
Total	29	43	29

FREEDOM OF INFORMATION ACT

MISSION STATEMENT:

The OEIG is an independent State agency dedicated to ensuring accountability in State government. The OEIG receives and fairly investigates complaints of fraud, waste, abuse, and misconduct, and recommends corrective action. In addition, the OEIG establishes standards for and provides oversight to ethics training for employees and officials within its jurisdiction.

OEIG OFFICES:

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Springfield, IL 62701-1634

NUMBER OF OEIG EMPLOYEES:

69 employees as of June 30, 2017

STATE AGENCY WITH LIMITED OVERSIGHT ROLE OVER THE OEIG:

Illinois Executive Ethics Commission

OEIG FOIA OFFICER:

Daniel Hurtado
General Counsel
Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 W. Washington St., Suite 3400
Chicago, IL 60602-9703

PHOTOCOPY COSTS FOR FOIA REQUESTS:

The OEIG provides the first 50 black-and-white copies at no charge; each additional page costs 15 cents.

ONLINE REFERENCES

State Officials and Employees Ethics Act (5 ILCS 430)

<http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=2529&ChapterID=2>

OEIG Monthly Reports

https://www.illinois.gov/oeig/publications/Pages/monthly_reports.aspx

OEIG Revolving Door Decisions

<https://www.illinois.gov/oeig/RevolvingDoor/Pages/RevolvingDoorDecisions.aspx>

Publicly Disclosed OEIG Founded Reports

<https://www.illinois.gov/oeig/investigations/Pages/PublishedOEIGCases.aspx>

OEIG Investigation Policy and Procedures Manual

<https://www.illinois.gov/oeig/publications/Pages/policy.aspx>

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In an effort to conserve resources and be green, the FY2017 Annual Report will be distributed electronically.

An online copy of this report in PDF format may be found at:
http://www2.illinois.gov/oeig/Pages/annual_reports.aspx

Report Misconduct



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