

2019 ANNUAL REPORT



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

www.inspectorgeneral.illinois.gov

Message from Executive Inspector General Susan Haling

It is an honor and privilege to serve the people of Illinois as the Executive Inspector General for the Agencies of the Illinois Governor (OEIG). The OEIG is an independent agency charged with investigating allegations of fraud, waste, abuse, misconduct, and violations of laws and rules. The primary mission of the OEIG is to promote better State government. I strongly believe the role of oversight can help improve the quality of work as well as root out waste and wrongdoing. Because investigations can have a significant impact, it is imperative that the OEIG conduct every investigation with objectivity, fairness, good judgment, integrity, and professionalism.



In FY2019, we received 2,546 complaints. We opened 96 investigations, completed 99 investigations, and issued 27 reports that concluded there was a reasonable basis to believe that wrongdoing occurred. Our founded reports included findings involving improper hiring, procurement violations, mismanagement or lack of oversight, and abuse of State resources and benefits which are further detailed in this report.

While investigations are necessary and paramount to the oversight role, the OEIG also conducts other essential work to help improve State government. Our office produces and reviews ethics and harassment/discrimination training for State employees and we do significant compliance work through our Hiring & Employment Monitoring (HEM) Division that oversees State hiring. To the extent allowable by our statute, we share our insight or recommendations in a proactive manner to help improve the efficiency and quality of the entities we oversee. Some specific examples of our work include:

- ◆ HEM. In FY2019, HEM undertook and completed significant tasks to facilitate fair and compliant hiring practices. First, it worked closely with the court-appointed monitor to create a Statewide list of exempt positions, which totaled over 1,000 positions and involved thorough review of positions under the Governor's jurisdiction. Second, HEM worked extensively with its partners on the formation of a Statewide comprehensive employment plan that details hiring processes and commitments.
- ◆ Sexual Harassment & Ethics Training. In calendar year 2018, the OEIG approved 33 sexual harassment training courses and 35 ethics training courses. Over 160,000 people took ethics and sexual harassment trainings overseen by the OEIG. The OEIG also produced and circulated reference guides, training materials, and informational letters, and took other steps to maximize agency compliance with these training requirements.
- ◆ Illinois Health Care Fraud Elimination Task Force. This Task Force has been led by the OEIG for over three years and during that time reported over \$600 million dollars in savings, recoupment, and avoidance in Medicaid spending. The Task Force successfully changed processes and forms to combat fraud and waste, increased training and data sharing, and performed audits and pre-payment reviews. In June 2019, the Task Force dissolved.

My staff and I are deeply committed to helping improve State government and will continue to pursue a highly ethical work force free of fraud, waste, and abuse.

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Haling".

Susan M. Haling
Executive Inspector General

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Overview

The State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430/1 *et seq.*, established the OEIG in 2003. The OEIG is an independent executive branch State agency.

The Ethics Act authorizes the OEIG to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, and violations of the Ethics Act, such as prohibited political activity, the “revolving door” prohibition, sexual harassment, the gift ban, and retaliation.

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.

Susan M. Haling was appointed as Acting Executive Inspector General in March 2018. On May 31, 2019, the Illinois Senate confirmed the appointment of Ms. Haling to Executive Inspector General for the term ending on June 30, 2023.



- **Susan M. Haling**, Executive Inspector General
- **Neil P. Olson**, General Counsel
- **Fallon Opperman**, Deputy Inspector General and Chief of Chicago Division
- **Erin K. Bonales**, Director of Hiring & Employment Monitoring Division
- **Christine P. Benavente**, Deputy Inspector General - Executive Projects
- **Claudia P. Ortega**, Chief Administrative Officer

Investigative Division

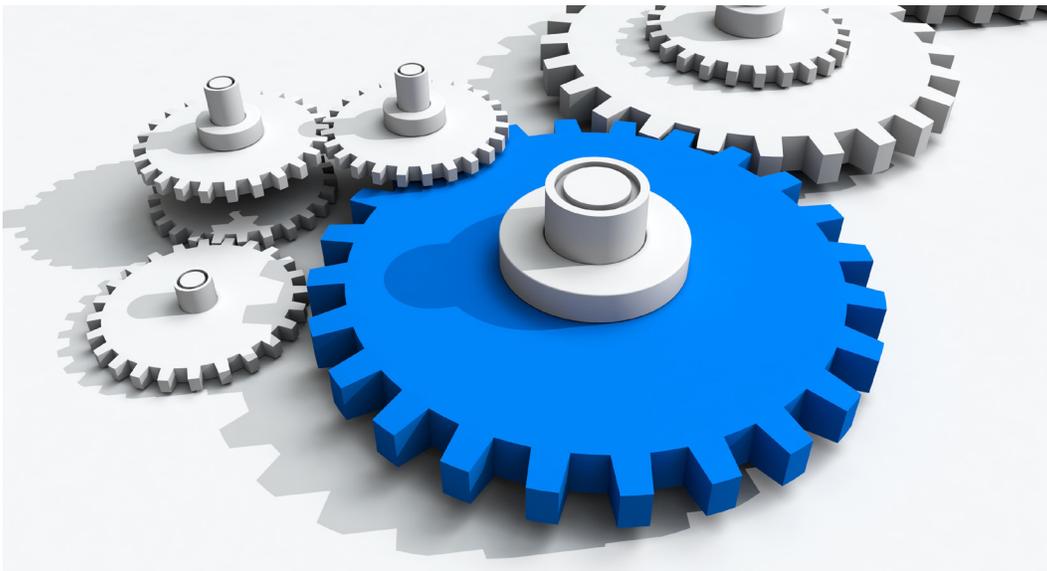
The OEIG receives complaints from members of the public, State employees, contractors, bidders, and anonymous sources. In the absence of consent from a complainant, the OEIG is required to ensure that the identities of complainants are and will remain confidential unless otherwise required by law. The OEIG also initiates its own investigations based on publicly reported information or information developed during other investigations.

The OEIG evaluates all new complaints to determine the appropriate action. In FY2019, the OEIG received 2,546 complaints, initiated 96 investigations, and completed 99 investigations, including 27 with findings of wrongdoing. In FY2019, 15 founded reports were made public by the Executive Ethics Commission (EEC). The EEC also decided eight cases based on OEIG investigations finding Ethics Act violations. At the close of the fiscal year, 97 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 also has subpoena power to obtain 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. This governing authority is available on the OEIG's website, www.inspectorgeneral.illinois.gov.

Anyone seeking to report possible violations may call the OEIG 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. The OEIG has complaint forms available in both English and Spanish.



Hiring & Employment Monitoring Division

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(9). In keeping with this mandate, in FY2016, the OEIG created the Hiring & Employment Monitoring (HEM) Division, which conducts compliance-based reviews of State hiring and employment procedures and decisions. HEM monitors hiring sequences — which includes in-person, real-time monitoring of interviews — and conducts desk audits; HEM operates independent from the OEIG Investigative Division.

HEM also works closely with the *Shakman* court-appointed monitor, whose initial and ongoing charge to review hiring practices within the Illinois Department of

Transportation has since expanded to include a review of all exempt positions under the jurisdiction of the Governor. In January 2019, due in significant part to HEM’s work in 2018, the *Shakman* court entered orders delineating nearly 1,000 exempt positions (Exempt List), as well as setting forth processes for amending the Exempt List, which places the decision-making authority for future and current exempt positions within the Executive Inspector General (EIG’s) discretion. In addition, as set forth in the federal court orders, all individuals selected for exempt positions must meet minimum qualifications and perform the duties of their positions. HEM will continue to ensure compliance with these provisions as well as facilitate State hiring reforms designed to ensure that decisions are lawful, merit-based, or justifiable.

Revolving Door Determinations

The Ethics Act requires the OEIG to determine whether certain State employees, appointees, and officials, who by the nature of their duties may personally and substantially participate in contracting, licensing, or regulatory decisions, may accept non-State employment or compensation within one year of leaving State employment. These determinations are called “revolving door” determinations.

Generally, the 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 FY2019, the OEIG investigated and issued 189 revolving door determinations. It determined that three of the employees seeking these determinations were restricted from accepting non-State employment for one year.

Training & Compliance

The Ethics Act requires individuals under the OEIG's jurisdiction to complete ethics and sexual harassment training on an annual basis. In addition, new employees, appointees, and officials must complete initial ethics and sexual harassment training within 30 days of the commencement of their employment or office. Sexual harassment training first became mandatory under the Ethics Act in 2018.

The OEIG reviews and approves training programs proposed by entities under its jurisdiction. For the calendar year 2018 training period, the OEIG reviewed and approved 35 ethics training programs and 33 sexual harassment training programs.

Ultimate jurisdictional authorities are required to report compliance with these training requirements on an annual basis. For the 2018 calendar year reporting period, agencies reported that individuals completed 185,659 ethics training sessions and 161,890 sexual harassment training sessions.

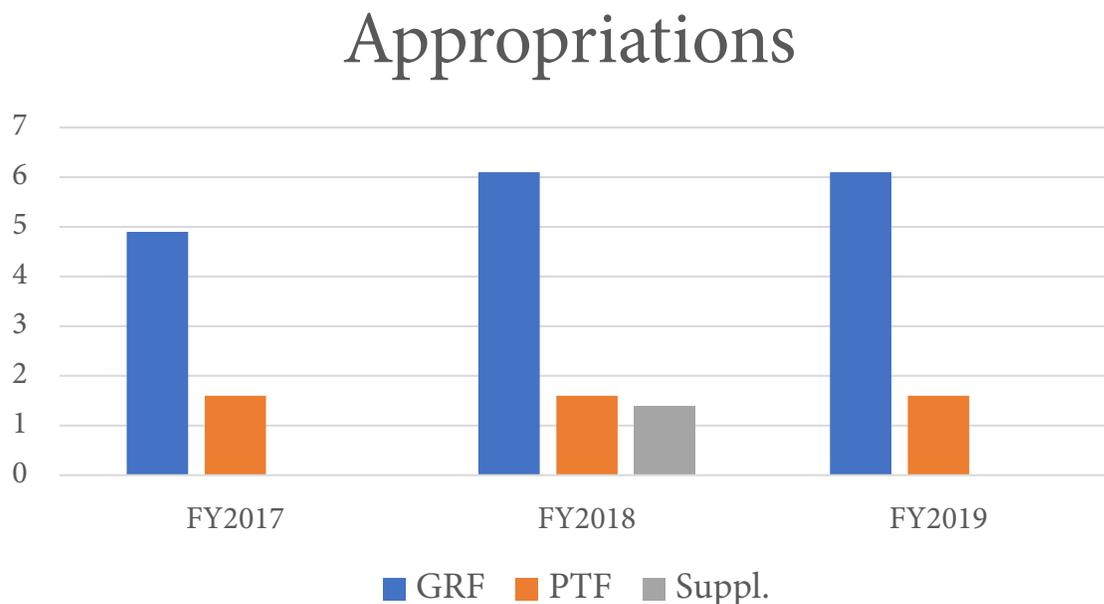
For agencies under the Illinois Governor, the



OEIG directly provided more than 50,000 online ethics training sessions in calendar year 2018. In order to better use available State resources and accommodate the new sexual harassment training mandate, in FY2019 the OEIG began working with the Illinois Department of Innovation & Technology (DoIT) to provide an online training platform, OneNet, for both ethics training and sexual harassment training for those employees, appointees, and officials under the Illinois Governor. These individuals completed 50,247 online sexual harassment training sessions in calendar year 2018.

Finances

Sources of Funding



General Revenue Fund

The Illinois General Assembly appropriated \$6.1 million from the General Revenue Fund (GRF) for the OEIG’s FY2019 ordinary and contingent expenses. The same amount had been appropriated for the prior fiscal year (FY2018) for ordinary and contingent expenses. In June 2018, the OEIG also received a supplemental appropriation of \$1.4 million from the GRF to pay unpaid bills from past fiscal years accrued because of the State budget impasse.

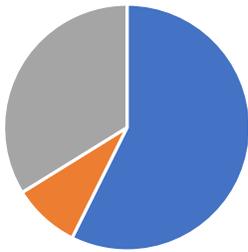
Public Transportation Fund

The Illinois General Assembly appropriated \$1.6 million to the OEIG from the Public Transportation Fund (PTF) to support the OEIG’s jurisdiction of matters involving the Regional Transportation Authority, Chicago Transit Authority, Metra, and Pace. This \$1.6 million appropriation from the PTF has remained flat since FY2014.

Maintaining Investigations and Growing Compliance

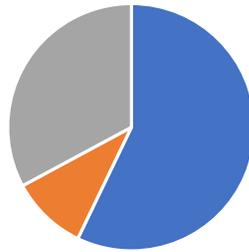
Since the beginning of FY2017, the OEIG has performed more compliance activity in response to statutory mandates, including establishing and growing a division dedicated to monitoring State hiring practices (HEM) and overseeing new training programs on harassment prevention in the workplace. The OEIG has maintained its productivity in investigations despite these new compliance areas and challenges such as the State budget impasse in FY2016 and FY2017. Overall, the OEIG’s average headcount has remained relatively flat, with the greatest proportionate reductions in areas not related to investigations or HEM. The OEIG has also reduced non-personnel costs in other ways, such as using a State-developed platform to deliver training programs rather than an outside private vendor beginning in FY2019.

FY2017 Avg.
Headcount - 68



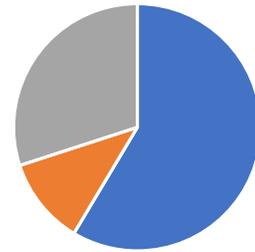
- Investigations
- HEM
- Other

FY2018 Avg.
Headcount - 70



- Investigations
- HEM
- Other

FY2019 Avg.
Headcount - 71

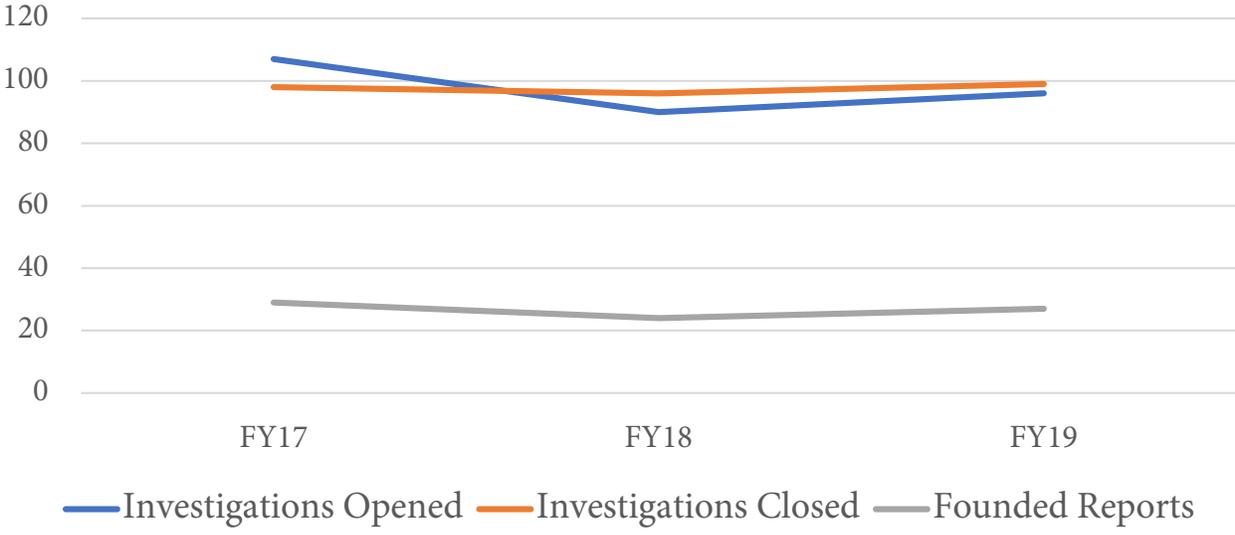


- Investigations
- HEM
- Other

Complaints Evaluated

	FY2017	FY2018	FY2019
Complaints	2,632	2,724	2,546

Other Investigative Activity



Operating Expenses

Personnel-related expenses accounted for 82.7% of the OEIG’s FY2019 operating expenses. The bulk of the remaining operating expenses are office space rent for its Chicago and Springfield locations.

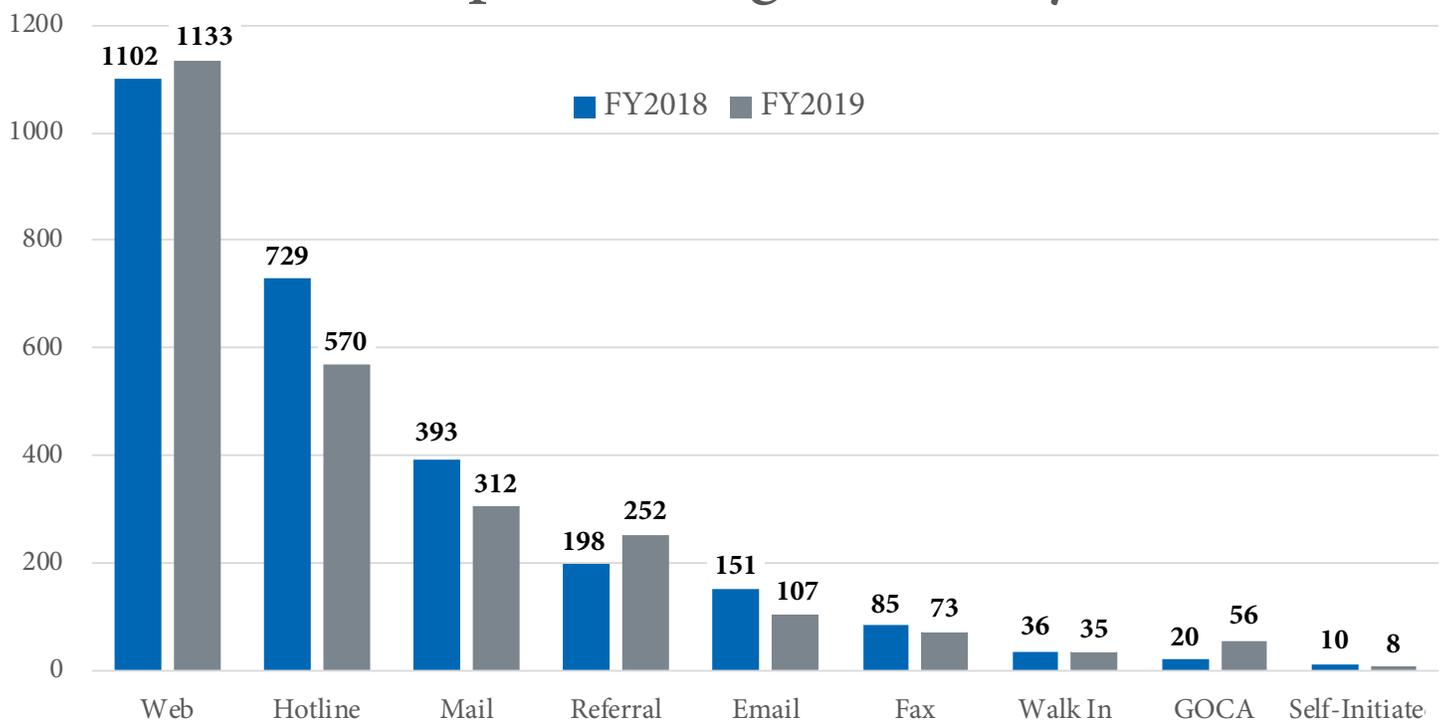
Total Operating Expenses (in thousands)	FY2018 GRF & PTF	FY2018 GRF Suppl.	FY2019 GRF & PTF
Personnel	\$5,276	\$0	\$5,556
Leases, Vendors, and Central Management Services Chargebacks	\$1,477	\$934	\$954
Telecommunications	\$71	\$121	\$76
Printing and Office Supplies	\$115	\$0	\$20
Travel and Conferences	\$14	\$0	\$20
Office Equipment	\$58	\$0	\$76
Automotive Repairs and Fuel	\$7	\$0	\$7
Other	\$28	\$54	\$8
Total	\$7,046	\$1,109	\$6,717

Investigations

Complaints Received and Evaluated

During FY2019, the OEIG received 2,546 complaints. The OEIG received these complaints through many different methods, including, among others, its toll-free hotline at 866-814-1113, complaint forms found on its website at: www.inspectorgeneral.illinois.gov, by U.S. mail, and by referral from others. For those who require it, the OEIG also accepts complaints via a telecommunications device for the deaf (TDD) at 888-261-2734. The following chart shows the origin of the complaints received by the OEIG in FY2018 and FY2019.

FY2018 and FY2019 Complaint Origin History



Complaints about entities under the jurisdiction of the OEIG may be submitted by anyone and may be submitted anonymously. However, a complaint must relate to the official conduct of:

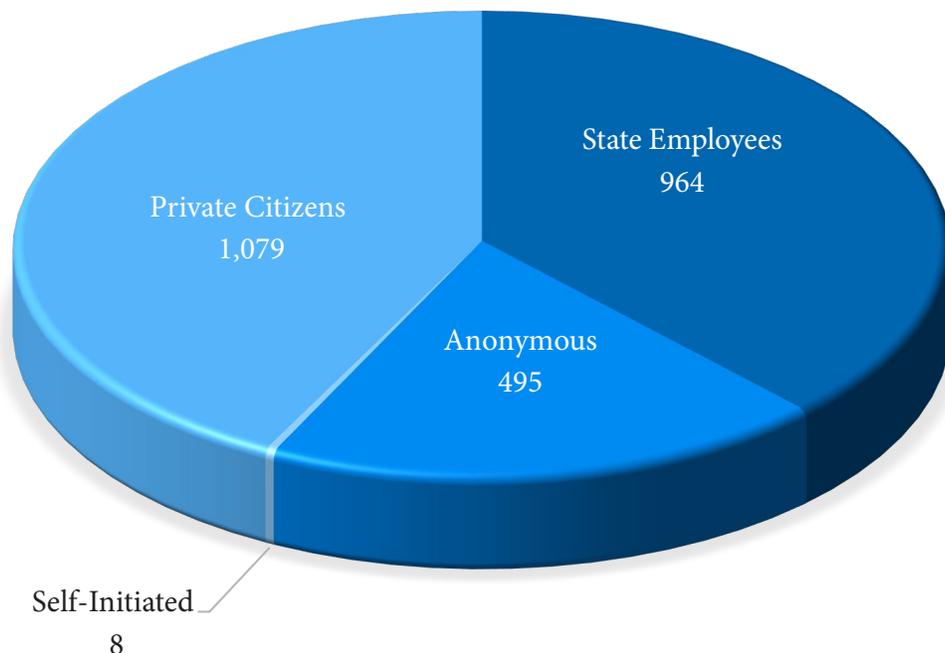
- an employee of an executive branch State agency, board, or commission, or State public university under the jurisdiction of the OEIG;
- an employee of one of the Regional Transit Boards (the Regional Transportation Authority, Chicago Transit Authority, Metra, or Pace); or
- a person or entity (such as a vendor) doing business with an entity under the jurisdiction of the OEIG.

Anyone who files a complaint should have a reasonable belief that the allegation being reported is true. In addition, anyone filing a complaint must provide sufficient detail concerning the allegation in order for an investigation to be initiated.

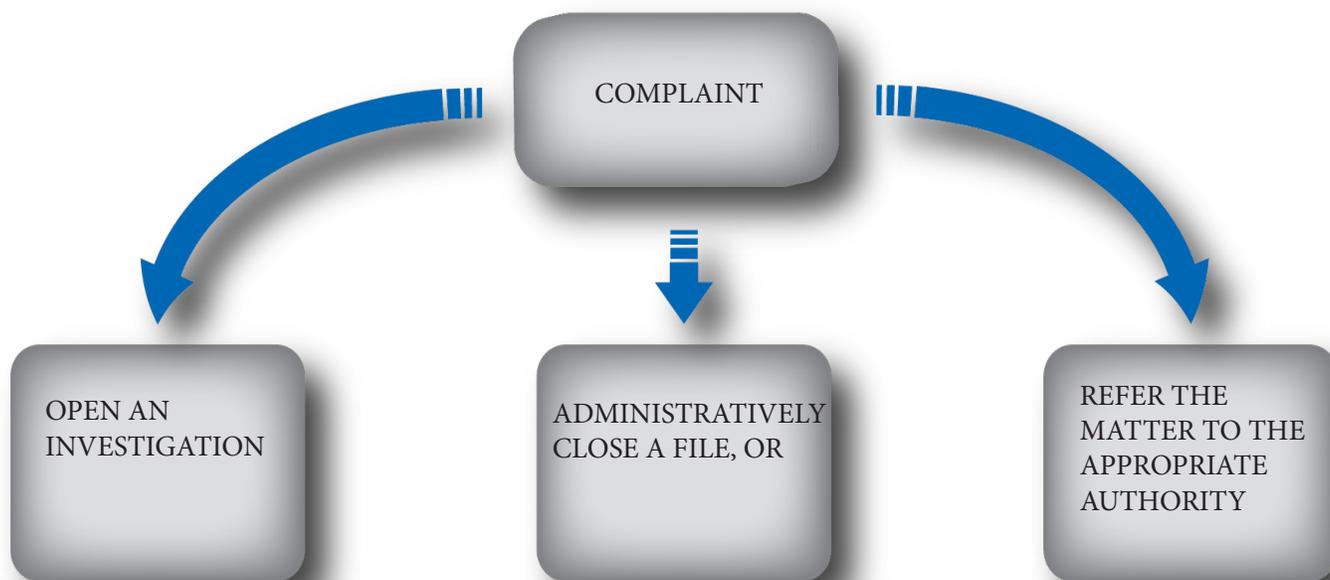
The OEIG received complaints from many different sources, including, for example, other State employees and private citizens. Some complaints were filed anonymously. The OEIG also self-initiated eight investigations based on public information or information generated by other investigations. Below is a chart showing generally how complainants were identified in FY2019.

FY2019 Complaint History

- 2,546 Total Complaints -



The OEIG must assign each complaint a file identification number and evaluate it within 30 days of receipt. After the initial evaluation, the OEIG will take one of the following actions:



The OEIG opened 96 investigations in FY2019. The OEIG opened most of these investigations based on the complaints it received. At times, the OEIG received multiple complaints related to one another and consolidated those complaints into one investigation.

In FY2019, the OEIG administratively closed 221 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 the OEIG determined that the complaint was not within its jurisdiction.

In FY2019, the OEIG referred 2,082 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

For investigations the OEIG opens, it has “the discretion to determine the appropriate means of investigation as permitted by law.” 5 ILCS 430/20-20(1). The OEIG investigates complaints by means such as interviewing witnesses, obtaining and analyzing relevant documents, electronic forensic analysis, and conducting surveillance. The length of time required for an investigation depends on factors such as the nature of the allegations, the number of interviews to be conducted, the number and complexity of records that must be analyzed, and the OEIG’s staffing levels.

At the conclusion of an investigation, if the OEIG determines that there is insufficient evidence that a violation of law or policy has occurred, it issues a written statement of its decision to close the matter 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.

If the OEIG determines there is reasonable cause to believe that a violation of law or policy has occurred, 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, the OEIG provides founded reports to the head of each agency affected by or involved with the investigation and the appropriate ultimate jurisdictional authority (for instance, to the Office of the Governor for agencies under the Governor’s authority or the boards of trustees for public universities).

Disposition of Investigations	FY2017	FY2018	FY2019
Founded Reports	29	24	27
Unfounded Reports	50	55	64
Administrative Closures	19	17	8
Total Closed Investigations	98	96	99

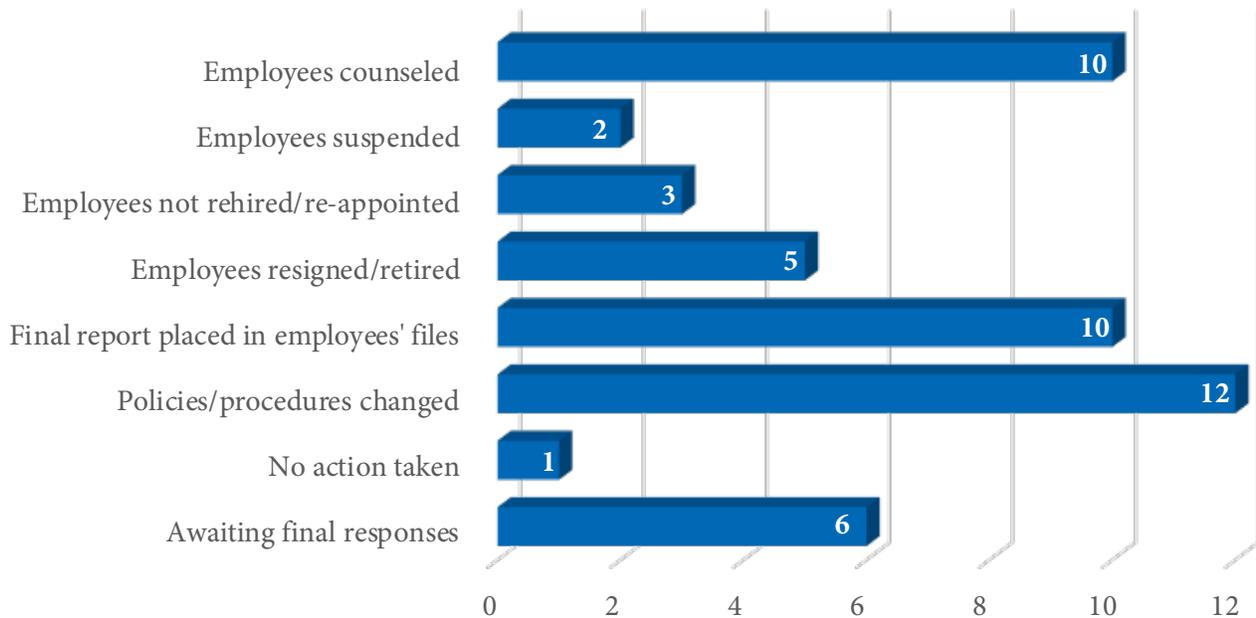
OEIG Recommendations and Agency Responses

The OEIG completed 99 investigations in FY2019. As noted above, 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:

- terminating an employee;**
- taking disciplinary action against an employee;**
- counseling an employee;**
- placing a copy of the founded report in a former employee's personnel file;**
- changing agency policies or procedures; and**
- attempting to recoup State funds.**

Under the Ethics Act, the OEIG does not have the authority to enforce its recommendations; rather, it is the responsibility of the affected agencies to act upon OEIG recommendations. Specifically, within 20 days after receiving a founded report from the OEIG, the appropriate agency head and/or the ultimate jurisdictional authority must respond to the report and describe any corrective or disciplinary action to be imposed. As shown in the chart below, agencies usually adopt the OEIG's recommendations in some form and take disciplinary action against employees or seek to change policies that may have contributed to misconduct or could at least help to prevent future misconduct. In FY2019, OEIG investigations yielded 42 different results, such as employee discipline or an action not to reappoint an official, an employee resignation or retirement, or policy changes. Certain cases are awaiting final responses from agencies as they implement disciplinary procedures and policy changes. The following chart further summarizes how agencies responded to OEIG founded reports issued in FY2019.

Agency Responses to FY2019 OEIG Recommendations



Within 30 days after receiving the agency response, the OEIG must forward a copy of a founded report and agency response to the EEC. The exception is when the OEIG believes a complaint should be filed alleging a violation of the Ethics Act. That process will be further described later in this Annual Report.

The EEC then has the responsibility to review OEIG founded reports and determine whether they should be made available to the public or not. The Ethics Act requires the EEC to publish founded reports and agency responses that resulted in a suspension of three or more days or termination of employment. The EEC can choose to make other founded reports public in its discretion.

Publicly Disclosed Founded Reports

During FY2019, the EEC made 15 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, along with the relevant agency responses and responses from the subjects. The OEIG also subsequently placed the redacted versions of these founded reports on its own website. Below are summaries of these founded reports, organized by category based on the primary type of misconduct. These redacted reports, as well as reports from past fiscal years, are available at www.inspectorgeneral.illinois.gov.

Procurement Violations

In re: Central Management Services and Irvin “Chip” Smith, Case #17-00626

The OEIG self-initiated an investigation to examine the Illinois Department of Human Services' (DHS) lease of a warehouse from Climate Controlled Holdings LLC. The OEIG subsequently received a complaint alleging that the Department of Central Management Services (CMS) improperly awarded that lease, as well as a lease of property for the Bureau of Computer and Communication Services (BCCS); the complaint also noted that Climate Controlled Holdings is owned by family members of William “Bill” Cellini, who was prohibited from doing business with the State as a result of his felony convictions. The OEIG also received a second complaint, which alleged that CMS Leasing Representative Chip Smith improperly shared pricing information relating to one of the leases. Those complaints were closed into the self-initiated investigation.

The OEIG discovered that after proposals were solicited, received, publicly opened, and assessed for responsiveness for a lease of warehouse space for DHS and a lease of office and warehouse space for BCCS, CMS Bureau

“[T]he leases were awarded contrary to the Illinois Procurement Code’s principles that are designed to promote competition and transparency, and to ensure that leases are secured in the best interest of the State.”

of Property Management staff significantly changed the space requirements, did not offer a new opportunity for property owners to submit proposals based on the new criteria, and chose lessors that had not submitted a proposal in response to each original request for information. As a result, the OEIG determined that CMS awarded the DHS and BCCS leases in violation of the purpose of the Procurement Code and related rules; the OEIG also determined that Mr. Smith improperly disclosed confidential information during the procurement. Although the OEIG identified emails on which Mr. Cellini was a recipient or copied relating to one of the leases, the OEIG found

insufficient evidence to make a finding that he did business with the State relating to the lease.

The OEIG recommended that CMS take steps to ensure that leasing procurement staff properly award leases in a transparent and competitive manner, and recommended training relevant employees regarding maintaining the confidentiality of procurement information. The OEIG further recommended that CMS provide complete and accurate information to State Purchasing Officers, other Chief Procurement Office staff, and the Procurement Policy Board. Finally, the OEIG recommended that CMS take steps to ensure that user agency Space Requests accurately reflect agency needs prior to issuing Requests for Information, and conduct a cost benefit analysis regarding options other than leasing new space. CMS responded that it revised its leasing solicitation document and leasing process, trained leasing staff and facility managers,

and was revising the information it provides the Capital Development Board.

In addition, the OEIG recommended that DHS implement procedures to ensure that it adequately assesses and determines its space needs prior to submitting future Space Requests, and trains relevant staff regarding making such determinations. The OEIG did not require DHS to respond to these recommendations.

Finally, the OEIG recommended that the Chief Procurement Office – General Services (CPO) review and clarify its processes for reviewing leasing procurements, and that the EEC coordinate with the CPO, if appropriate, to assist in that process. The EEC responded that the CPO had issued a Notice outlining various requirements, and that the State Purchasing Officer was providing CMS staff with communications and procurement training.

In re: Suzy Martin and James Hernandez, Case #15-02081

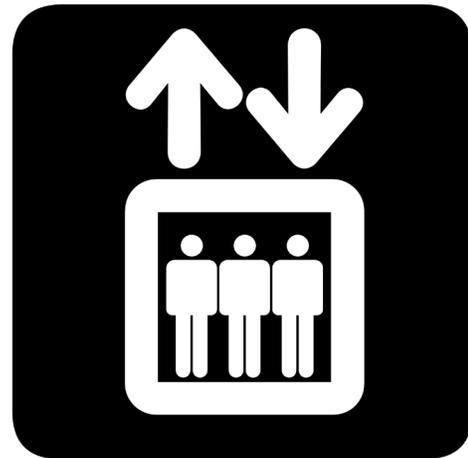
James Hernandez was the Lead Elevator Mechanic at the University of Illinois at Chicago (UIC) from 2008 to 2016, responsible for the maintenance and repair of all elevators on the UIC campus. He had the authority to hire outside vendors. Suzy Martin was the owner of Smart Elevators, an elevator repair and maintenance business. Beginning in 2011, Mr. Hernandez hired Smart Elevators to service the UIC elevators. The OEIG investigated allegations that the relationship between Mr. Hernandez and Smart Elevators was potentially improper since Mr. Hernandez significantly increased the amount of work that Smart Elevators performed at UIC each

year, while decreasing the amount of work that UIC's in-house elevator mechanics performed.

The OEIG investigated UIC's procurement system and discovered that it gave Mr. Hernandez nearly unchecked authority to hire, and direct university funds to, Smart Elevators. UIC's payments to Smart Elevators more than doubled, from approximately \$767,000 in 2012, to over \$1.6 million in 2013, and increased further, to over \$1.7 million in 2014. In total, Mr. Hernandez directed almost \$5.4 million in university business to Smart Elevators between 2011 and 2015.

Based on its investigation, the OEIG determined that Mr. Hernandez and Ms. Martin operated a kickback scheme. In return for Mr. Hernandez's directing large amounts of UIC funds to Smart Elevators, Ms. Martin kicked back substantial payments to Mr. Hernandez, at least \$83,530, and possibly as much as \$199,430. The kickback payments took the form of Smart Elevators checks made payable to Mr. Hernandez's daughter, which were deposited into an account held jointly by Mr. Hernandez and his daughter. The OEIG concluded that the payments were meant for Mr. Hernandez; it found no indication that Mr. Hernandez's daughter worked for Smart Elevators or had any other relationship with Ms. Martin. It also found that Mr. Hernandez used the funds from the account for his own purposes, including to pay a boat loan.

The OEIG also found that Ms. Martin and Mr. Hernandez violated the Ethics Act's gift ban, and that Mr. Hernandez violated UIC's conflicts of interest policy. It recommended that UIC terminate its business relationship with Smart Elevators and bar any future work involving Ms. Martin. As James Hernandez resigned



from UIC while the OEIG investigation was pending, the OEIG recommended that UIC not rehire Mr. Hernandez, and that it improve its procurement system to ensure services are warranted and actually performed. UIC agreed with the OEIG's recommendations and implemented new procurement procedures.

The OEIG referred the case to the U.S. Attorney's Office for the Northern District of Illinois for prosecution. On January 3, 2019, Mr. Hernandez pled guilty to federal charges of conspiracy to commit bribery and bribery. Ms. Martin was acquitted of all charges following a jury trial.

Improper Hiring

In re: Chicago Transit Authority, Thomas McKone, and Eric McKennie, Case #17-00162

The OEIG investigated allegations that the Chicago Transit Authority (CTA) Director of Diversity Programs was forced to hire Eric McKennie as a Diversity Consultant because of Mr. McKennie's wife's position as a State legislator.

The Metropolitan Transit Authority Act (MTA Act), which created the CTA, prohibits discrimination in all hiring, including at-will positions, on the basis of political affiliation. The CTA's hiring policy, AP151, meant to ensure compliance with all applicable

State and federal laws including those which prohibit discrimination based on political considerations, generally requires that the CTA post open positions, develop structured interview questions, and interview candidates who meet the minimum job requirements. However, the CTA has also established a salary band structure, and under certain circumstances, AP151 allows CTA executives to fill positions classified under the higher salary bands without following the CTA's formal hiring procedures. Chief Administrative Officer Thomas McKone was responsible for overseeing the administration of the CTA's hiring practices.

“Based on its investigation, the OEIG concludes that there is reasonable cause to believe that the CTA’s direct hire of Mr. McKennie into the Project Consultant — Diversity position was politically motivated, which is contrary to the principles of the MTA Act.”

The OEIG found that the CTA created a position for Eric McKennie, which had identical qualifications requirements and essentially the same duties as an open position, but without following the required hiring procedures and with a significantly higher salary. In doing so, the OEIG found that the CTA violated the MTA Act by unfairly discriminating against qualified individuals who did not have such political connections and who were never given the opportunity to apply and interview for the higher paying position. The OEIG determined that Mr. McKone was ultimately responsible for the

CTA's hire of Mr. McKennie, and accordingly made a finding against Mr. McKone for directing the hire in a manner that contravenes the requirements of the MTA Act.

In addition, the OEIG found that Mr. McKennie violated the CTA's employee attendance and timekeeping policies by:

- failing to submit timesheets for nine of the 16 weeks he was employed by the CTA,
- failing to report for a full day of work for 51 out of the 57 days he was supposed to be working during those nine weeks he did not submit timesheets, and
- overreporting the total time he worked on CTA business by more than 46 hours during the seven-week period he did submit timesheets.

Because Mr. McKennie resigned from the CTA during this investigation, the OEIG recommended that the CTA place a copy of the OEIG final report in his personnel file. The CTA followed this recommendation. The OEIG also recommended that the CTA review its hiring practices and procedures with respect to the higher salary bands to ensure that all hiring is in keeping with the requirements of the MTA Act prohibiting discrimination and that it take whatever action it deemed appropriate with respect to Mr. McKone. The CTA objected to the OEIG's conclusions and denied any wrongdoing with respect to its hiring of Mr. McKennie, and therefore, declined to take any action with respect to those findings.

In re: Randy Dunn, Randal Thomas, and Southern Illinois University Carbondale, Case #17-02333

The OEIG received multiple complaints alleging hiring improprieties at Southern Illinois University's Carbondale (SIUC) campus. Specifically, some of the complaints alleged that SIUC Chancellor Carlo Montemagno's daughter and son-in-law, Melissa and Jeffrey Germain, were improperly hired into SIUC positions and that Dr. William Bradley Colwell was improperly hired into an administrative position.

The OEIG learned that SIU President Randy Dunn was tasked, along with SIU General Counsel Lucas Crater and Board Chair Randal Thomas, with negotiating Dr. Montemagno's employment agreement. During the negotiations, Dr. Montemagno requested that his contract include hires for the Germaines. Dr. Dunn agreed that SIUC would hire the Germaines, but he declined to include the hires in the employment agreement. Further, Dr. Dunn did not tell the whole SIU Board of Trustees that he had obligated SIUC to the hires, although the investigation indicated that he discussed it generally with Mr. Crater and more specifically with Mr. Thomas.

The investigation also uncovered that Dr. Dunn instructed SIUC staff to hire the Germaines and indicated Melissa Germain's hire was done at the direction of the Board of Trustees without ensuring the Board of Trustees knew of her hire. The result was that SIUC hired Melissa Germain into a position created specifically for her without adhering to SIUC's hiring policies.

The OEIG also found that a position was created for Jeffrey Germain and that his hiring process demonstrated a systemic misunderstanding on how to implement Civil Service rules for temporary Extra Help appointments. Civil Service rules require a review of temporary Extra Help appointments' qualifications, a verbal interview, and maintenance of an Acceptable Candidate list for those candidates whose qualifications are determined to be sufficient. When an Extra Help appointment is determined to be needed, the department or unit at SIUC was required to request a referral of a candidate from the Acceptable Candidate list. The OEIG learned that SIUC's administration of Extra Help appointments



did not include maintaining an Acceptable Candidate list for positions other than clerical and that the various units ultimately selected their own Extra Help appointments.

Based on its investigation, the OEIG determined that Dr. Dunn improperly negotiated the hire of Melissa and Jeffrey Germain, as well as violated the applicable hiring procedures. The OEIG also found that Dr. Dunn violated hiring policies when he hired a colleague, William Bradley Colwell, into a Vice President for Academic Affairs position after Dr. Colwell was not offered the SIUC Chancellor position that Dr.

Montemagno received. In addition to the findings against Dr. Dunn, the OEIG found that Mr. Thomas failed to properly carry out his duties as Board Chair and that SIUC failed to maintain Acceptable Candidate lists for Extra Help appointments.

In response to the report, SIU did not proceed with a planned hire for Dr. Dunn at the Edwardsville campus after he had left the President position. Mr. Thomas was not reappointed to the Board. SIU implemented numerous changes to its hiring procedures.

In re: Illinois Department of Agriculture and Cheryl Bluhm, Case #14-01678

The OEIG self-initiated this investigation to examine whether the Illinois Department of Agriculture (IDoA) used Personal Services Contracts (PSCs) to circumvent the competitive hiring process.

The OEIG examined selections of PSCs IDoA awarded for initial hires between January 2007 and September 2015, and for rehires between January 2013 and September 2015. The OEIG discovered that for nearly all those PSCs, IDoA failed to maintain required hiring documentation. For new hires, IDoA was unable to produce completed interview questionnaires, candidate evaluation forms, decision forms, or statements certifying that politics were not a factor in the contracting decision; for rehires, IDoA was unable to produce required decision forms.

Based on its investigation, the OEIG determined that IDoA hired new employees under PSCs without completing required interviews or

maintaining required hiring documentation, and rehired employees under PSCs without verifying that they had previously performed satisfactorily, and without documenting that the rehires provided some tangible benefit to the agency. The OEIG also determined that IDoA employee Cheryl Bluhm hired State Fair Workers without completing required interviews.

“Although the OEIG did not uncover evidence that the hires were made based on political connections, [IDoA’s] lax process created the potential for improper political hiring to occur.”

The OEIG noted that since the investigation began, IDoA had already begun implementing changes designed to address these issues, including conducting required interviews, maintaining hiring and evaluation

documentation, and increasing centralized oversight of the PSC hiring process. The OEIG recommended that IDoA continue those efforts, and that it take whatever action it deemed necessary with regard to Ms. Bluhm. IDoA responded that it would continue its efforts in order to ensure continued compliance, and that it reviewed the OEIG's report with Ms. Bluhm and stressed that compliance is of the utmost importance. IDoA stated that it also planned to periodically confirm that Human Resources was complying with hiring requirements.

Because other State agencies may be using similarly problematic practices for hiring

under PSCs, the OEIG also recommended that CMS take necessary action to ensure that all agencies use PSCs in compliance with applicable rules and procedures. In addition, the OEIG recommended that CMS and the Office of the Governor provide guidance to relevant agencies regarding the ability to use PSCs for positions that are comparable to Personnel Code-covered positions. CMS responded that it had begun to develop updated guidance and a new policy regarding the appropriate use of PSCs, and that it had discussions with the OEIG's HEM Division and the *Shakman* Special Master regarding PSCs, as part of ongoing conversations about hiring issues and policy changes.

Mismanagement and/or Lack of Oversight

In re: James Aubin, Robert Capuani, and the Office of the State Fire Marshal, Case #17-00769

An OEIG investigation revealed mismanagement within the Elevator Safety Division of the Office of the State Fire Marshal (OSFM), which is responsible for assuring that elevators in the State are correctly and safely installed and operated. To that end, every elevator must be inspected annually. Upon the submission of a passing safety inspection report and the payment of a fee, the OSFM issues a certificate of operation, which is valid for one year.

The OEIG investigation found that OSFM Elevator Inspector James Aubin issued over 200 certificates of operation for elevators that appear not to have been properly inspected, and without the OSFM fees having been

“The OEIG’s investigation revealed that Mr. Aubin committed misfeasance for a number of years, by issuing over 200 certificates of operation for elevators that appear not to have been properly inspected, and without the OSFM having first received the payment of fees.”

paid. Mr. Aubin’s job duties did not include issuing elevator certificates of operation. He nevertheless issued approximately 242 certificates, nearly all of which were for elevators located at UIC, and which had purportedly been inspected by the same

inspector, Thomas Hynes of Citywide Elevator Inspection Services.

Evidence uncovered in the investigation strongly suggested that the UIC elevators had not been properly inspected, in some cases perhaps for years, when Mr. Aubin issued the certificates of operation. The investigation also found that the certificates were issued without the proper fees being paid, resulting in a loss of approximately \$18,150. The investigation discovered that Mr. Aubin took advantage of glitches in the software that the OSFM used which allowed the certificate to issue without payment. The investigation also found that the software did not require that an inspection report be included in order to generate a certificate of operation. The OEIG concluded that Mr. Aubin's conduct in issuing the elevator certificates of operation constituted misfeasance.

Mr. Aubin's direct supervisor, Director of Elevator Safety Division Robert Capuani, became aware of Mr. Aubin's misconduct by February 2014, yet the misconduct continued into 2016. The OEIG found that Mr. Capuani mismanaged the Elevator Safety Division by failing to take reasonable steps to timely address the misconduct and ensure that certificates of operation were properly issued only upon the payment of fees.

In addition, the investigation revealed that Mr. Aubin violated the Ethics Act's gift ban. Mr. Aubin was responsible for reviewing applications and issuing permits for new elevator installations. On two occasions, he accepted gifts from permit applicants or their representatives. First, he accepted a \$200 gift certificate to a golf club on behalf of an applicant, shortly after he had issued



expedited permits to that applicant. Second, he solicited and accepted gifts of golf balls from an applicant at the same time the applicant was seeking permits.

Finally, the OEIG found that the OSFM failed to retain elevator inspection reports as it was required to do. OSFM either did not require that inspection reports be provided, or it did not keep the inspection reports it received, or both.

Mr. Aubin retired from the OSFM on the day he was set to be interviewed by OEIG investigators for a second time. The OEIG issued its report and recommended that OSFM not rehire him. It also recommended that the OSFM take disciplinary action that it deemed appropriate with regard to Mr. Capuani and improve its systems for overseeing elevator inspections, issuing certificates of operation, and retaining records. The OSFM agreed with the OEIG's recommendations about inspection and records procedures and counseled Mr. Capuani. In addition, the OEIG recommended that UIC not rehire or contract with Citywide. UIC agreed with this recommendation.

In re: Marlene Meriwether and John Rogers, Case #17-00213

The OEIG investigated allegations of time abuse, waste and mismanagement associated with a contract between the Illinois Department of Employment Security (IDES) and Seville Staffing (Seville), a temporary staffing contractor. The contract, in effect from October 31, 2016 through June 30, 2020, estimated that nine workers and four lead workers would work eight hours per day, Monday through Friday, plus an additional 8.6 and 26 hours per week, respectively, for overtime.

The complaint specifically alleged that then-IDES Manager of Support Services Marlene Meriwether favored certain Seville contract employees by paying them overtime they did not work, giving them days off, and allowing them to abuse time.

Ms. Meriwether retired as IDES Manager of Support Services at the end of 2016. In that position, Ms. Meriwether was responsible for giving IDES and Seville employees their daily assignments related to the mailroom, duplication of documents, maintenance, and the vehicle pool. After her retirement, Ms. Meriwether continued to perform these duties pursuant to three 75-day temporary appointments, from February 2017 to October 2018. Ms. Meriwether's supervisor was General Services Manager John Rogers.

During the investigation, the OEIG reviewed timekeeping documents for Seville employees assigned to IDES and confirmed that most of the employees were paid overtime, in most cases for completing normal duties that should have been completed during normal work hours. The four employees reporting



the largest number of hours each averaged over 31 hours of overtime per week during an approximately eight month period.

Although Ms. Meriwether claimed that the overtime was necessary, Mr. Rogers called the amount of overtime “unbelievable” and inefficient. Furthermore, investigators compared Seville timekeeping documents with IDES building swipe records and found significant discrepancies, suggesting that these employees did not work the hours they claimed either as regular or overtime hours. Some Seville employees claimed these discrepancies were a result of a “carryover” timekeeping policy where hours worked one day would carry over to the next; others claimed that some Seville employees never began working when they were supposed to. One employee admitted that he always recorded the same times on his timesheets regardless of when he actually worked, while another admitted that he intentionally stretched out assignments.

Ultimately, the OEIG concluded that Seville contract employees were able to misreport their time worked due to Ms. Meriwether's and Mr. Rogers' mismanagement of the Seville contract and its employees. At the time the

report was issued, Ms. Meriwether was no longer employed by IDES, and Mr. Rogers had already received an oral reprimand in connection with the matters investigated. Accordingly, the OEIG recommended that IDES place a copy of the OEIG's final report in their respective personnel files. The OEIG also recommended that IDES take measures to ensure adequate supervision of its contract employees in the future and reevaluate the Seville contract to determine whether the amount of overtime was necessary and should be allowed under future contracts.

IDES agreed with the OEIG's recommendations. Specifically, IDES reported that it improved its supervision of contract employees under the current contract by implementing a two-step approval process for overtime and ensuring overtime was only allowed with prior approval and when absolutely necessary. IDES also advised that for new contracts, it would add a provision limiting overtime hours to specific enumerated circumstances, requiring prior approval.

Gift Ban

In re: Steve McClain, Case #16-02506

The OEIG investigated an allegation that a UIC vendor, FastModel Sports (FastModel), paid \$2,500 to UIC Men's Basketball Head Coach Steve McClain in exchange for UIC buying FastModel's software. FastModel develops several basketball coaching software products. OEIG investigators reviewed financial records and confirmed that Mr. McClain, on behalf of UIC, approved purchases of FastModel software for \$2,500 in 2015 and \$5,000 in 2016, and received a check written to "SMBC LLC" for \$2,500 in 2016.

In an interview, Mr. McClain confirmed that he accepted the \$2,500 check, but claimed that FastModel gave him the check to sponsor his basketball camp, through SMBC LLC. Mr. McClain stated FastModel was the only sponsor of his basketball camp and admitted that he did not report the sponsorship to UIC. FastModel's Chief Executive Officer, however, told investigators that he paid Mr. McClain

\$2,500 (through SMBC LLC) to make calls and introductions to other coaches that may be interested in one of FastModel's new products. The Ethics Act's gift ban prohibits State employees from intentionally soliciting or accepting gifts from prohibited sources. As a vendor of UIC, FastModel was a prohibited source. The OEIG thus determined that Mr. McClain:

- accepted a monetary gift from FastModel in violation of the Ethics Act gift ban; and
- engaged in activities on behalf of FastModel that created a conflict of interest.

Among other things, the OEIG recommended that UIC take whatever disciplinary action it deemed appropriate against Mr. McClain. In response, UIC placed a letter of expectations in Mr. McClain's file and conducted a training

regarding gifts and conflicts of interest to reduce the risks of future situations like this.

UIC also advised FastModel about the Ethics Act's gift ban provisions.

Retaliation

In re: Illinois Department of Transportation, Case #17-00682

The OEIG received a complaint alleging that the Illinois Department of Transportation (IDOT) retaliated against a probationary Highway Maintainer for reporting misconduct to IDOT management.

The OEIG discovered that although the Highway Maintainer's supervisors considered his work performance to be satisfactory, immediately after he filed incident reports describing misconduct at an IDOT yard and threatened to contact the OEIG, IDOT employees placed him on administrative leave and initiated termination proceedings; the Highway Maintainer ultimately resigned. Various IDOT managers' written communications and statements made immediately before these actions reflected their concerns about the Highway Maintainer's complaints and purported contact with the OEIG, and the Highway Maintainer was given an evaluation that criticized him for going to the OEIG and calling the Whistleblower hotline rather than making complaints to his supervisors.

"[V]arious IDOT employees supported and encouraged a culture at IDOT where employees are expected to make complaints only to their direct supervisor, and are discouraged from bringing issues to the attention of the OEIG or others outside this 'chain of command.'"

Based on its investigation, the OEIG determined that IDOT took retaliatory action against the Highway Maintainer because he engaged in a protected activity, in violation of the Ethics Act. The OEIG recommended that IDOT take whatever action it deemed necessary to ensure that employees and managers are aware of and understand the various avenues available to them for reporting misconduct. IDOT disagreed with the OEIG's finding and indicated that it already provides its employees with direction on methods and means to report misconduct.

Abuse of State Benefits and/or Funds

In re: Bianca Kelly, Case #17-00402

The OEIG investigated allegations that DHS employee Bianca Kelly received Supplemental

Nutrition Assistance Program (SNAP) benefits to which she was not entitled, and

also that she improperly used SNAP benefits assigned to the father of her children while he was incarcerated.

The OEIG's investigation revealed that Ms. Kelly applied for and received SNAP benefits while she was on unpaid leave and suspension from her job at the Fox Developmental Center. Recipients are instructed to notify DHS if their income changes. After she returned to work, she failed to report that her income increased, and thus exceeded the maximum monthly income standard to be eligible for SNAP benefits. As a result, Ms. Kelly improperly received SNAP benefits for at least seven months.

In addition, the investigation revealed that Ms. Kelly improperly used the SNAP benefits of her children's father while he was incarcerated. Records showed that the father was incarcerated during the entire time that

his benefits card was being used.

Store video footage obtained by the OEIG showed Ms. Kelly using the benefits assigned to her children's father. She admitted using his benefits in her OEIG interview, admitting among other things to purchasing sodas and snacks for herself during breaks from work.

Based on her own improper receipt of SNAP benefits and her use of her children's father's benefits, the OEIG determined that Ms. Kelly engaged in conduct unbecoming a State employee. The OEIG recommended that DHS terminate her employment and take steps to recoup the SNAP benefits that she improperly used. DHS began to implement these recommendations. Ms. Kelly resigned her State position following issuance of the OEIG's report.

In re: Yolanda Villa, Case #17-00403

The OEIG received a complaint alleging that Illinois Department of Veterans' Affairs (IDVA) employee Yolanda Villa failed to notify DHS when her income increased and she received SNAP benefits that she was not qualified to receive.

The OEIG, among other things, reviewed Ms. Villa's IDVA personnel file, other personnel records, and multiple SNAP related documents, and interviewed Ms. Villa. The documents reflected that in November 2015, Ms. Villa was approved to receive SNAP benefits through October 2016, but she was responsible for letting DHS know if her income changed. Additionally, it was revealed

that Ms. Villa began working for IDVA in May 2016, she did not report the change in income to DHS, her monthly gross income made her ineligible to receive SNAP benefits, and she improperly received and used \$1,376 in SNAP benefits. In her interview, Ms. Villa admitted that she did receive SNAP benefits she was not entitled to receive. As a result of this investigation, Ms. Villa received a 30-day suspension, classified as a 15-day "actual suspension" and a 15-day "paper suspension."

Misuse of State Resources

In re: Donald Johnson, Case #17-01432

The OEIG received a complaint alleging that Illinois Workers' Compensation Commission (IWCC) employee Frank Capuzi disseminated racist, sexist, and homophobic emails. Shortly after those allegations came to light through the press, Mr. Capuzi retired. The OEIG's review of Mr. Capuzi's emails revealed that some of them originated with another IWCC employee, Donald Johnson, prompting a review of Mr. Johnson's email account.

Investigators identified eighteen email threads in Mr. Johnson's State email account that were not work-related and contained images of naked women, or included sexual, racist, political, or religious content. Mr. Johnson was interviewed. He admitted that he had sent

the emails to or from his State email account, or conceded that he had apparently done so.

Based on the investigation, the OEIG determined that Mr. Johnson violated IWCC policy by disseminating emails that were not work-related and could reasonably be expected to offend coworkers or other contacts. It also concluded that Mr. Johnson engaged in conduct unbecoming an IWCC employee.

The OEIG recommended that the IWCC discipline Mr. Johnson, up to and including discharge. Mr. Johnson resigned his position after the OEIG issued its report.

In re: Illinois Department of Transportation, Case #18-01118

The OEIG investigated an allegation that IDOT Emergency Traffic Patrol (ETP) facility parking lot was potentially being used for Chicago White Sox gameday parking. As part of the investigation, the OEIG conducted surveillance on the ETP parking lot, interviewed IDOT staff, and reviewed internal IDOT documents and learned that there has been a decades long practice of IDOT allowing the ETP parking lot to be used by State employees and non-State employees during White Sox games, thus allowing them to avoid paying to park for the game.

As a result, the OEIG determined that IDOT

violated its policies on the use of State property by allowing the use of the ETP parking lot for personal use—in particular, for gameday parking. The OEIG recommended that IDOT cease allowing the use of the ETP lot for White Sox parking, and IDOT responded that going forward, parking at the ETP facility would be restricted to ETP staff and they would only be able to park there during their shift. IDOT continued that in the event other first responders or emergency personnel request or require use of the ETP parking lot for the execution of their duties, IDOT will grant or deny access consistent with Department policy.

Violations of State Laws/State Rules/Agency Policies

In re: Ebonie Davis, Case #17-00724

The OEIG investigated an allegation that Illinois Department of Human Rights (IDHR) Institute for Training and Development (ITD) Trainer Ebonie Davis informed a Cook County State's Attorney's Office (CCSAO) employee who contacted her to arrange a training that she would be charging a \$200 fee for the training, and asked the CCSAO employee to conduct all further communication through her (Ms. Davis') personal email account.

Investigators learned that in June 2016, Ms. Davis did give a presentation for the CCSAO as an independent contractor—rather than through IDHR—and was paid \$200 for her services. However, Ms. Davis did not seek or receive approval from her supervisor, Division Manager, or IDHR's Ethics Officer to obtain or hold this outside employment, as required by IDHR policy. In addition, investigators learned that Ms. Davis' presentation for the CCSAO was on cultural competency, a topic closely related to topics on which the ITD provides training. The investigation further revealed that Ms. Davis was again asked to

present a training on cultural competency at a CCSAO seminar in 2017, and agreed to do so as an independent contractor. Although the 2017 presentation never took place, Ms. Davis nevertheless had agreed to present at the seminar and had begun preparing for her presentation, once again without seeking or receiving approval from her supervisor, Division Manager, or IDHR's Ethics Officer for this planned secondary employment.

As a result, the OEIG determined that Ms. Davis violated IDHR's secondary employment policy by failing to obtain approval to hold outside employment in 2016 and 2017, and by conducting training on cultural competency for the CCSAO as an independent contractor in 2016. The OEIG recommended that IDHR take whatever action it deemed necessary with respect to Ms. Davis, and remind all IDHR employees of the agency's policies and procedures related to secondary employment. Ultimately, Ms. Davis received an 8-day suspension for these secondary employment violations.

In re: Katherine Patti, Case #18-01567

The OEIG received a complaint that Illinois Property Tax Appeal Board (PTAB) Deputy Chief Administrative Law Judge Katherine Patti issued favorable decisions to clients represented by a property tax appeal law firm while her relative was employed at that law firm. The complaint also alleged that Ms.

Patti also may have used her influence to get her relative that job.

As an Administrative Law Judge (ALJ), Ms. Patti presided over hearings involving disputes over real property tax assessments. Ms. Patti would then make a recommendation to the

members of the Appeal Board, and the Appeal Board made the ultimate decision on the case. In addition to contested hearings, ALJs also adjudicated stipulated cases, in which an agreement had already been reached between the parties. As Deputy Chief ALJ, Ms. Patti was also responsible for the assignment of cases in her office.

PTAB rules provide that ALJs should discuss any potential conflicts of interest with their supervisor to determine if they should be recused from that case. The OEIG investigation revealed that while in her official capacity as an ALJ, Ms. Patti discussed a job opening at a law firm with the partner of that firm. During that discussion, the partner mentioned that the law firm had an opening, and Ms. Patti mentioned that her relative was searching for employment. The partner told Ms. Patti to have her relative give the law firm a call, and Ms. Patti encouraged the relative to apply.

Ultimately, Ms. Patti's relative was hired at the law firm. During the relative's employment at that law firm, Ms. Patti continued to adjudicate stipulated cases from that law firm; however, Ms. Patti did not notify

her supervisor, or anyone in her chain of command, that her relative was employed at this law firm. When confronted with this issue in an interview, Ms. Patti told OEIG investigators that she purposefully did not assign herself any contested hearings from that law firm while her relative was employed there to avoid the appearance of a conflict of interest; however, she did not feel the need to notify her supervisor of her relative's employment.

The OEIG ultimately concluded that Ms. Patti's handling of cases brought by a law firm to which her relative was employed created the appearance of a conflict of interest. Furthermore, the OEIG determined that Ms. Patti's failure to inform her supervisor of this potential conflict was a violation of PTAB regulations. The OEIG did not, however, find sufficient evidence to support that Ms. Patti issued favorable decisions to this law firm in exchange for her relative's employment. PTAB accepted the findings of the investigation and counseled Ms. Patti. PTAB also advised that they would revise their conflict of interest policies to include a specific process for ALJ recusals.



EEC Ethics Act Decisions Based on OEIG Founded Investigations

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, sexual harassment, a gift ban or 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. In addition to the founded report, the OEIG may also request that the Office of the Attorney General (Attorney General) file a complaint related to this misconduct. The Attorney General may then file a complaint, on the OEIG’s behalf, with the 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 FY2019, the EEC publicly disclosed eight decisions after the OEIG found reasonable cause to believe that violations of the Ethics Act occurred and brought complaints to the EEC through the Attorney General. This was the highest number of Ethics Act decisions since FY2011. This year’s decisions implicate several types of Ethics Act violations, namely, revolving door violations, prohibited political activity, the gift ban, and failing to cooperate with the OEIG’s investigations.

Revolving Door Violation – Prohibited Employment

The revolving door provisions of the Ethics Act prohibit State employees from accepting non-State employment with, or receiving compensation from, a non-State entity, for “one year immediately after termination of State employment” if, within the one year period immediately preceding separation from State employment, the employee participated personally and substantially in the awarding of State contracts or grants with a cumulative value of \$25,000 or more to his or her prospective employer, or in a regulatory or licensing decision involving his or her prospective employer. 5 ILCS 430/5-45(a) and (b). The EEC has the authority to fine a State employee who accepts compensation or employment in violation of these provisions, in an amount of up to three times the annual compensation that would have been obtained in violation of the Ethics Act’s revolving door employment prohibitions.

The following case involved a violation of the revolving door prohibition relating to contractors. The EEC imposed a \$154,056.10 fine, which is the largest ever for an Ethics Act matter.

Haling v. Doyle (17-EEC-003)

Mark Doyle was employed by DHS from 2011 to February 15, 2015. During that time, he was responsible for overseeing the closure of certain State-operated developmental disability and psychiatric care centers and for moving the residents to community-based care facilities. To assist with the closures and transitions, DHS contracted with Community Resource Associates, Inc. (CRA). CRA is controlled by the same person as CRA Consulting, Inc. (CRA-C), a company that contracts with the State of Georgia to perform services similar to those CRA performed in the State of Illinois.

On January 31, 2015, CRA-C offered Mr. Doyle an opportunity to work on CRA-C's contract with the State of Georgia. Mr. Doyle submitted a revolving door determination request to the OEIG, which found him to be restricted from CRA-C's job opportunity. That decision was affirmed by the EEC because in the year prior to the termination of his State employment, Mr. Doyle participated personally and substantially in the decision to award contracts to CRA, which is essentially the same entity as CRA-C.

In February 2015, CRA-C entered into a contract with BennBrook, Inc. (BennBrook) to provide consulting services for the State of Georgia. In April 2015, Mr. Doyle submitted a revolving door determination request to the OEIG to provide consulting work for BennBrook, describing his prospective duties as "Expand Array Consulting Services into New Geographic Area." Mr. Doyle did not disclose to the OEIG that BennBrook contracted with CRA-C to do work that the OEIG previously found to be restricted for

"Having personally and substantially participated in the award of a State contract with CRA within the year prior to his termination of State employment, Doyle, within one year following his termination of State employment, knowingly accepted compensation or fees for services from CRA-C via BennBrook, which operated as nothing more than a 'pass through' organization for CRA-C."

Mr. Doyle. Thus, the OEIG determined that Mr. Doyle was eligible to accept BennBrook's employment opportunity. From June 2015 through February 15, 2016, Mr. Doyle billed BennBrook \$154,056.10 for his consulting work on CRA-C's Georgia project. In a cover letter attached to an invoice, Mr. Doyle directed BennBrook to bill CRA-C by the 27th of each month, thereby demonstrating his knowledge of the true source of his compensation.

The OEIG brought a complaint to the EEC through the Attorney General, alleging that Mr. Doyle violated the revolving door prohibition of the Ethics Act. On April 15, 2019, the EEC concluded that Mr. Doyle participated personally and substantially in the award of a State contract with CRA within the year prior to his termination of State employment, and within one year following his termination of State employment, knowingly accepted compensation or fees for services from CRA-C via BennBrook, which operated as nothing more than a "pass through" organization for CRA-C. Thus,

the EEC determined that Mr. Doyle violated Section 5-45(a) of the Ethics Act and levied an administrative fine against Mr. Doyle for \$154,056.10 — the largest fine ever assessed by the EEC for a violation of the Ethics Act.

As of the publication date of this report, Mr. Doyle had appealed the EEC’s decision to the Circuit Court, and that case is pending.

Revolving Door Violation - Failure to Notify the OEIG of Prospective Employment

To enforce the revolving door provisions, Section 5-45(c) of the Ethics Act requires the Governor to adopt a policy delineating which State positions, by the nature of their duties, may have the authority to participate personally and substantially in contracting, regulatory, or licensing decisions. In order to effectuate this, each State agency under the jurisdiction of the Governor is asked to provide a list of such positions and the names of the employees in those positions to the Office of the Governor. These lists are commonly referred to as “c-lists.” If an employee in a position included on his or her agency’s “c-list” is offered non-State employment within one year following his or her separation from State employment, that individual must notify the OEIG of this offer of employment prior to acceptance. 5 ILCS 430/5-45(f). Illinois law provides that any employee who is on the “c-list” and fails to provide notice to the OEIG of any non-State employment offer received within one year of the termination of that employee’s State employment “shall be subject to a fine” of up to \$5,000. 5 ILCS 430/50-5(e).

Haling v. Hittmeier (19-EEC-003)

Robert Hittmeier worked for Illinois Department of Corrections (IDOC) as the Warden of the Joliet Treatment Center from October 16, 2016 to June 9, 2017. Prior to that, from December 2013 to October 15, 2016, Mr. Hittmeier worked for DHS as a Hospital Administrator for the Madden Mental Health Center. Mr. Hittmeier signed an offer letter for employment with Universal Health Services, Inc. around May 29, 2017 and left State employment with IDOC on June 9, 2017. Mr. Hittmeier began working for Universal Health Services, Inc. on June 12, 2017. Mr. Hittmeier was designated as a “c-list” employee by DHS and IDOC,



and thus was required to seek a revolving door determination from the OEIG prior to accepting any offer of non-State employment received within one year of his separation from the State. However, a review of OEIG

revolving door records and an interview with Mr. Hittmeier confirmed that he did not seek a determination from the OEIG.

The OEIG brought a complaint to the EEC through the Attorney General, alleging Mr. Hittmeier violated the Ethics Act when he failed to notify the OEIG and obtain a determination of eligibility prior to accepting non-State employment. Mr. Hittmeier stipulated

to a series of facts indicating at least one of two State agencies informed him of his duties with respect to the revolving door provisions, he assumed and understood he was subject to revolving door obligations, and he failed to seek the required revolving door determination from the OEIG. The EEC concluded Mr. Hittmeier violated section 5-45(f) of the Ethics Act and levied a \$500 fine against him.

Prohibited Political Activity

The Ethics Act prohibits State employees from “intentionally perform[ing] prohibited political activity during any compensated time ... ” and “intentionally misappropriat[ing] any State property or resources by engaging in prohibited political activity for the benefit of any campaign for elective office or any political organization.” 5 ILCS 430/5-15(a).

Haling v. Milano (19-EEC-002)

William Milano has served as an Operations Supervisor II for IDOT since September 1, 2013. While working for IDOT, Mr. Milano ran for alderman of Ward Two in the City of Wood Dale in the election that was held on April 4, 2017. The OEIG’s investigation revealed that in the months leading up to the election, Mr. Milano used his State-issued desk phone and his State-issued cell phone to make or receive ten phone calls that were sent or received in support of his campaign for elective office.

In addition, the OEIG learned that some of these calls occurred during State-compensated time. In an interview with investigators, Mr. Milano admitted that these phone calls were political in nature, were made or received with a State-issued phone, and that some of

the calls occurred during State-compensated time.

The OEIG brought a complaint to the EEC, through the Attorney General, alleging that Mr. Milano engaged in prohibited political activity during State-compensated time and by misappropriating State property. Mr. Milano stipulated to a series of facts from which the EEC concluded that he violated Section 5-15(a) of the Ethics Act by intentionally performing prohibited political activity during State-compensated time and by intentionally misappropriating State property. Mr. Milano was suspended for five days by IDOT and was given a \$1,500 fine by the EEC.

Gift Ban

The Ethics Act prohibits State employees from intentionally soliciting or accepting gifts from so-called “prohibited sources.” 5 ILCS 430/10-10.

Haling v. Hernandez (18-EEC-011)

Robert Hernandez served as interim principal of the Illinois Mathematics and Science Academy (IMSA) beginning in June 2017, and as IMSA’s Executive Director of Student Affairs for nineteen years before that. Sodexo America, LLC provided student meals and other food services to IMSA under a 2010 contract, which contained an option to renew for nine successive one-year periods. Mr. Hernandez’s signature appeared on each contract renewal from 2012 to 2018, as IMSA’s contract manager.

The OEIG investigation revealed that in December 2016, two Sodexo employees gave Mr. Hernandez a gift card valued at \$100, and a bottle of spirits valued at \$197.99, which Sodexo paid for. Mr. Hernandez accepted both items.

The OEIG brought a complaint to the EEC through the Attorney General, alleging that Mr. Hernandez violated the gift ban provision of the Ethics Act. Mr. Hernandez stipulated to a series of facts from which the EEC concluded that he intentionally violated the gift ban, in violation of the Ethics Act, when he accepted the gift card and the bottle of spirits from Sodexo, a prohibited source. The EEC levied a \$1,000 fine against Mr. Hernandez.

“Sodexo America, LLC is a large company that does business with a number of public institutions, which makes them a prohibited source with respect to those institutions and their employees. Prohibited sources are forbidden from intentionally offering or making gifts that violate the Gift Ban. Gifts of this nature unnecessarily complicate the lives of public servants who receive them. They can also raise the appearance of ‘pay to play,’ though there is absolutely no evidence of that in the present matter.”

Failure to Cooperate with the OEIG

The Ethics Act requires the officials and 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 any investigation conducted under this Act by an inspector general ...” 5 ILCS 430/50-5(e).

Haling v. Mosley (18-EEC-001)

David Mosley worked as a CTA employee. While investigating, among other things, circumstances surrounding the suspension of Mr. Mosley’s commercial driver’s license (CDL), the OEIG attempted to interview Mr. Mosley. During his interview, Mr. Mosley stated that his CDL was suspended because of unpaid tickets issued to two vehicles that he did not own. Mr. Mosley further explained that someone else fraudulently purchased those two vehicles in his name, making Mr. Mosley a victim of identity theft. After being shown business records from the dealership that had sold the two vehicles, which included accurate personal identifying information about himself, Mr. Mosley halted the interview to seek representation.

Over the next several months after Mr. Mosley’s interview, the OEIG made repeated requests to Mr. Mosley to complete his interview; Mr. Mosley failed to respond to and ignored each of these requests. Finally, after being hand-delivered a letter at his place of business, Mr. Mosley indicated that, although he received the OEIG’s prior requests, he did not respond because he expected to receive additional documentation by September 16, 2016 which may be relevant to the OEIG’s

“During the course of his OEIG interview, [Mr. Mosley] halted the interview to seek representation before continuing. During the period between March 21 and September 16, 2016, however, [Mr. Mosley] failed to respond to and ignored OEIG’s repeated requests—by phone, email, letter, and personal contact—to set a date to complete his OEIG interview.”

investigation. Nevertheless, Mr. Mosley never renewed contact with the OEIG.

The OEIG brought a complaint to the EEC, through the Attorney General, alleging that Mr. Mosley failed to cooperate with the OEIG’s investigation. Mr. Mosley was subsequently notified by certified service of the OEIG’s Motion for an Order of Default, as well as the time and location of the hearing, but Mr. Mosley failed to appear. Following the testimony of an OEIG investigator who conducted the investigation, the EEC concluded that Mr. Mosley intentionally obstructed and interfered with the OEIG’s investigation, in violation of the Ethics Act. The EEC levied a \$2,500 fine against Mr. Mosley.

Haling v. Garza-Lang (17-EEC-004)

Amparo Garza-Lang was employed by IDoA as the Trade Director for Latin America and the Caribbean. Ms. Garza-Lang conducted IDoA business in a field office located in Mexico City, Mexico. IDoA employed Maria “Malena” Moedano as a part-time office administrator at its Mexico City office pursuant to annually-renewed contracts beginning in 2000 and ending on June 30, 2015, when her contract expired and IDoA did not renew it.



During an OEIG investigation relating to IDoA’s decision not to renew Ms. Moedano’s contract, OEIG investigators showed Ms. Garza-Lang an e-mail dated March 26, 2015, bearing her signature block, that expressed concerns that Ms. Moedano intended to inform IDoA’s Director of perceived improprieties in the Mexico City office. The e-mail concluded with the statement “PLEASE do not answer this email, since I am erasing it as soon as it leaves my desk.”

In response to questions concerning this e-mail, Ms. Garza-Lang stated that she did not recall this e-mail and that she did not recall sending the same e-mail. Ms. Garza-Lang also questioned how OEIG obtained a copy of the e-mail. When asked again if she sent the e-mail, Ms. Garza-Lang stated that IDoA’s Mexico City office had only one computer, that computer had access to only one e-mail account, and the computer was not password protected. She also stated that she was often away from IDoA’s Mexico City office.

The OEIG brought a complaint to the EEC, through the Attorney General, alleging that Ms. Garza-Lang failed to cooperate with

the OEIG’s investigation by making false statements relating to the March 26, 2015 e-mail, as well as other false statements.

After an administrative law judge conducted an evidentiary hearing, the EEC found that Ms. Garza-Lang intentionally obstructed and interfered with the OEIG’s investigation, in violation of the Ethics Act, when she stated that she did not recall sending the March 26, 2015 e-mail and implied that the e-mail could be explained by having a single computer in the office without password protection and her absence due to long periods of travel. The EEC did not make findings against Ms. Garza-Lang regarding other alleged false statements. The EEC levied a \$500 fine against Ms. Garza-Lang.

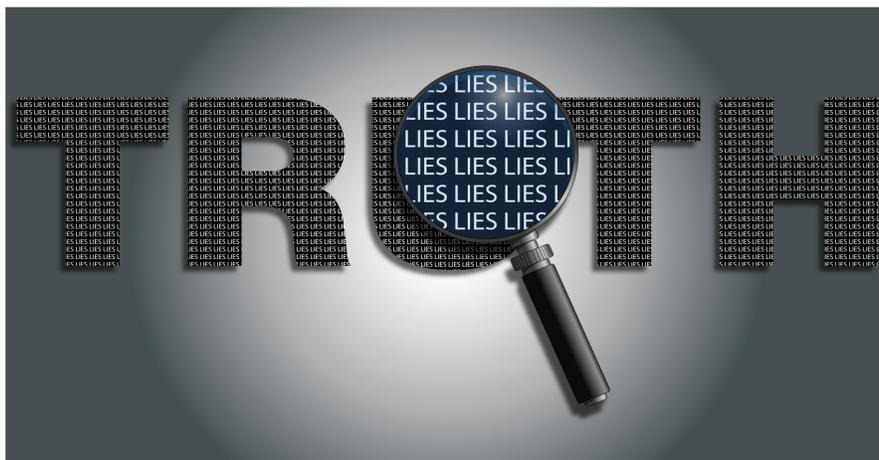
Haling v. Lacy-Clark (18-EEC-004)

Tiffany Lacy-Clark was the Executive Director for the DHS Division of Mental Health for Region 5. Ms. Lacy-Clark's position required her to travel to facilities providing services to Division of Mental Health customers to conduct oversight. Per DHS policy, "Work Away" records are used to document work performed at locations other than an employee's designated workplace. During this investigation, the OEIG conducted surveillance of Ms. Lacy-Clark on three days in late 2015 and early 2016 where she had been pre-approved to perform Work Away duties. On each of the three days, the OEIG observed Ms. Lacy-Clark spend much less than the amount of time scheduled as Work Away at the locations indicated on her forms. She spent the remainder of each work day at home.

During her OEIG interview, even when confronted with her Work Away records and other relevant evidence, Ms. Lacy-Clark denied falsifying Work Away records, denied that she had ever represented that she was

on Work Away status while actually at home, and stated that she had "absolutely not" misrepresented her attendance at Work Away events.

The OEIG brought a complaint to the EEC through the Attorney General, alleging that Ms. Lacy-Clark had failed to cooperate with the OEIG's investigation. Ms. Lacy-Clark stipulated to a series of facts from which the EEC concluded that she intentionally obstructed and interfered with the OEIG's investigation, in violation of the Ethics Act, when she knowingly made false and materially misleading statements and intentional omissions during her OEIG interview. The EEC levied a \$500 fine against Ms. Lacy-Clark.



Haling v. Davis (18-EEC-006)

Latoya Davis was employed by the CTA with a flexible 8.5-hour schedule. She was permitted to start work between 7:00 a.m. and 9:00 a.m. and end between 3:30 p.m. and 5:30 p.m. Ms. Davis was required to report her work hours via a timesheet, where she recorded the times she worked and signed her name, verifying that the dates and times were accurate.

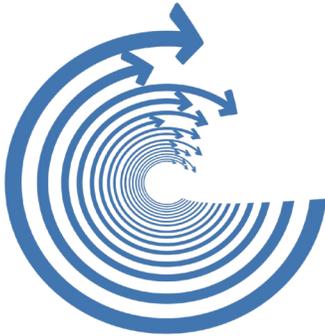
The Illinois Department on Aging (Aging) administers a Community Care Program, which provides homecare services to qualified Illinois residents over the age of 60 (participants) pursuant to prescribed care plans. Under this program, caregivers are paid by a Home Care Provider for each hour spent caring for the participant, as certified on a provider timesheet, and Aging later reimburses the Home Care Provider. Ms. Davis lived with her grandmother, who was a participant in the Community Care Program, and, in 2012, Ms. Davis became the “preferred caregiver” for her grandmother. Per CTA policy, Ms. Davis was required to complete a Secondary Work Application, identifying her additional position as a caregiver and the prospective work schedule for this position.

The OEIG investigated a complaint that Ms. Davis falsely reported that she provided homecare services to her grandmother when she was actually at work with the CTA. When OEIG investigators confronted Ms. Davis with her CTA and provider timesheets for the preceding six months, Ms. Davis initially stated that the times reported were accurate. As the interview continued, however, Ms. Davis later conceded that

while her CTA timesheets were accurate, the hours she reported as a caregiver on her provider timesheets were inaccurate, as well as her prospective caregiver work schedule on the Secondary Work Application. Ms. Davis, however, also continued to claim that Home Care Provider staff completed portions of the CTA Secondary Work Application, including the prospective work schedule. The OEIG’s investigation indicated that Home Care Provider staff did not review or complete the CTA Secondary Work Application for Ms. Davis.

The OEIG brought a complaint to the EEC through the Attorney General, alleging that Ms. Davis intentionally made false statements to OEIG investigators. Ms. Davis stipulated to a series of facts from the EEC concluded that she violated Section 50-5(e) of the Ethics Act when she intentionally obstructed or interfered with the OEIG’s investigation. As a result of this violation, the EEC levied a fine of \$1,000 against Ms. Davis.

Revolving Door Determinations



The revolving door provisions of the Ethics Act prohibit State employees who “personally and substantially” participated in certain regulatory, licensing, or procurement decisions from accepting employment or compensation from the subject of that decision, or its parent or subsidiary.

The revolving door provisions of the Ethics Act prohibit State employees, for one year after leaving public service, from accepting employment or compensation from a person or entity if, during the year prior to leaving public service, the employee participated “personally and substantially” in the award of certain contracts or change orders to, or in regulatory or licensing decisions directly applicable to, the person or entity, or its parent or subsidiary.

“C-list” Requirements and Determination Process

Certain State employees whose positions may have the authority to participate personally and substantially in such decisions must seek a determination from the OEIG that they may accept employment prior to accepting an offer. These employees are on what is known as the “c-list” (after subsection (c) of Section 5-45 of the Ethics Act). They should be instructed in writing by their agency that they are on the “c-list.” The duty to seek a determination from the OEIG continues for a period of one year immediately after ending State employment.

To notify the OEIG about a prospective job offer, employees should go to the OEIG’s website and follow the revolving door instructions, which include having both the employee and his/her ethics officer complete certain forms (the RD-101 and RD-102) that are available on the OEIG’s website. OEIG staff will review information from these forms and conduct interviews of the employee, the employee’s supervisor, and others, as needed. The OEIG also examines various records relating to any contract awards or regulatory or licensing decisions involving the employee.

Within 10 calendar days of receiving the forms from both the employee and the ethics officer, the OEIG will issue a determination indicating whether the employee “personally and substantially” participated in the award of a State contract, or a regulatory or licensing decision that directly applied to the prospective employer, or its parent or subsidiary, and thus whether

the employee can accept the employment offer. In making this determination, the OEIG will also examine the effect that the prospective employment may have had on any such awards or decisions.

The OEIG's determination may be appealed to the EEC by either the affected employee or the Attorney General no later than 10 calendar days after the date of the determination. The EEC must issue its decision within 10 calendar days. Therefore, the OEIG's determination is not final until either the time to appeal has expired or until the EEC has made its decision on an appeal. Requests for revolving door determinations and the resulting determinations are generally not public. However, once the EEC rules on an appeal, its decision becomes public.

“H-list” Restrictions

A limited number of State officers, employees, or appointees in certain high-level positions, called “h-list” employees (after subsection (h) of Section 5-45 of the Ethics Act), are strictly prohibited from accepting employment or compensation from people or entities who are parties to certain contracts involving their State agencies, or subject to regulatory or licensing decisions involving their agencies, regardless of whether they participated personally and substantially in the regulatory or licensing decisions or the award of the contracts.

There is no determination process through the OEIG for people on the “h-list.” If “h-list” employees have questions about prospective job offers, they may contact their ethics officer for guidance.

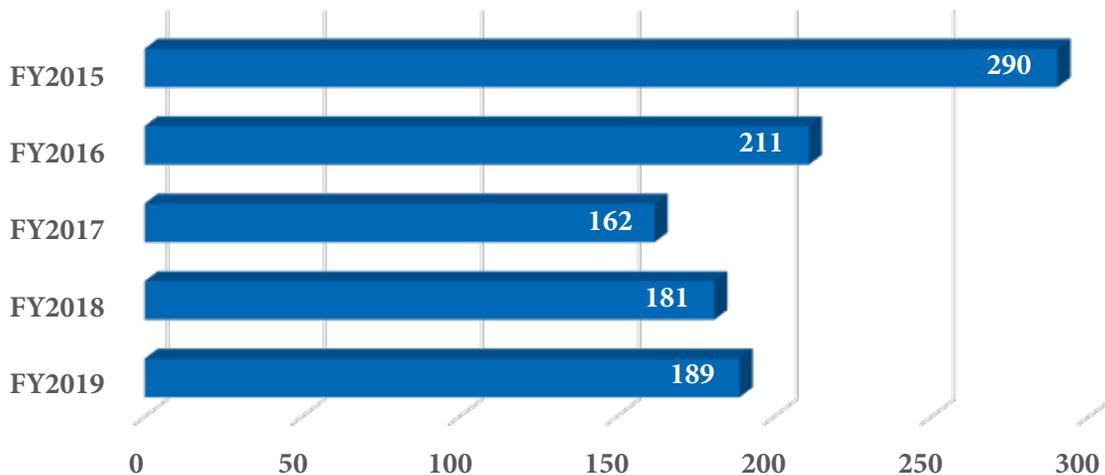
Penalties for Violations of the Revolving Door Provisions

The EEC has the authority to fine a State employee who accepts compensation or employment in violation of these provisions, in an amount of up to three times the annual compensation that would have been obtained in violation of the Ethics Act's revolving door employment prohibitions. In addition, “c-list” employees who fail to seek a determination may face a fine of up to \$5,000. Two such revolving door matters, *Haling v. Doyle* and *Haling v. Hittmeier*, are discussed above.

Revolving Door Statistics

In FY2019, the OEIG investigated and made 189 revolving door determinations. The OEIG determined that three of those employees were restricted from accepting their post-State employment offers. Although the number of determinations rose slightly from the prior fiscal year, it did not approach the highest number of determinations—290—in FY2015. Below you will find a chart showing the number of revolving door determinations made by the OEIG between FY2015 and FY2019.

Revolving Door Determinations by Fiscal Year



Revolving Door Decisions

In FY2019, three revolving door determinations by the OEIG were appealed to the EEC. In one case, the EEC determined that it lacked jurisdiction over the appeal because it was not properly filed, and that case is not public. The two publicly reported decisions are described below:

In re: Agurann Bates (19-EEC-001)

Agurann Bates was employed as a Principal Consultant at the Illinois State Board of Education. Her duties included participating in the process of approving applications submitted by Illinois school districts seeking

federal funding allocated under Title I (children of low-income families), Title II (teacher preparation and improvement), and Title IV-A (direct student support). As one of a team of consultants, Ms. Bates's

responsibilities included reviewing federal grant applications and support documentation to ensure that these materials were complete and correct.

On February 8, 2018, Ms. Bates approved a Title grant application submitted by Dolton School District No. 149 (Dolton) that was allocated as follows: \$2,367,729 in Title I funding, \$190,280 in Title II funding, and \$38,404 in Title IV funding. After the grant was reviewed by a more senior reviewer, it was returned to Ms. Bates on May 16, 2018, for changes to rectify budget items that both she and a second-level reviewer should not have allowed.

In June 2018, Ms. Bates sought a determination

In re: William D. McMillan (19-EEC-004)

William McMillan was employed as a Public Water Supplies Division Manager for the Illinois Environmental Protection Agency (IEPA). Beginning around June of 2017, Mr. McMillan helped develop a Request for Proposal (RFP) to help smaller water systems to increase capacity. Mr. McMillan claimed that his involvement in the RFP ended around September 2017. Mr. McMillan's prospective employer, the Illinois Rural Water Association (IRWA), was the only entity that responded to the RFP. While Mr. McMillan was not on the team that evaluated IRWA's proposal, one of the members of that team told the OEIG that he did speak with Mr. McMillan during the evaluation process and discussed some of the items that would be required of the awardee. IRWA was awarded the \$125,000 contract by IEPA; the contract was signed by the IEPA in June 2018.

from the OEIG to accept employment with Dolton as its Director of Grants. The OEIG determined that Ms. Bates was restricted from accepting the employment offer because of her participation in the approval of the award of grants on February 8, 2018. Ms. Bates appealed the OEIG's restricted determination to the EEC.

The EEC found that based on the totality of participation by Ms. Bates in these decisions involving Dolton, she had participated personally and substantially in awarding grants to her prospective employer within one year of her proposed termination of State employment. Accordingly, the EEC affirmed the OEIG's determination.

Mr. McMillan planned to retire from State employment on December 31, 2018. He sought a determination from the OEIG to accept employment with the IRWA in November 2018. The OEIG determined that Mr. McMillan was restricted from accepting this employment opportunity. Mr. McMillan appealed the OEIG's restricted determination to the EEC.

The EEC found that based upon the totality of the participation of Mr. McMillan upon contracting decisions related to IRWA, he did not participate personally and substantially in awarding a contract to IRWA within one year of his proposed termination of State employment. As a result, the EEC reversed the OEIG's determination and allowed Mr. McMillan to pursue his employment opportunity with IRWA.

Hiring & Employment Monitoring

The OEIG's HEM Division — created in FY2016 to operate independently of but complementary to the Investigative Division — ensures compliance with applicable employment laws. HEM substantially contributed to the extensive reforms to the State's hiring system(s) that were put in place in FY2019. Among these reforms are court-ordered HEM reviews of exempt hiring decisions, the standardization of position qualifications, and several material policy changes affecting the structured interview process.

During FY2019, due in significant part to HEM's work with the *Shakman* litigation, federal court orders were entered delineating nearly 1,000 exempt positions (Exempt List). The order also set forth processes for amending the Exempt List that requires the EIG's review and approval. In addition, through entry of the federal court orders, all individuals selected for exempt positions must meet minimum qualifications and perform the duties of their positions, as identified in their position descriptions. HEM ensured compliance with these provisions, as follows:

251

reviewed exempt appointment paperwork for 251 positions verifying minimal qualifications;

19

vetted 19 Governor's Office addition requests to the Exempt List; and

26

reviewed 26 clarifications to Exempt List position descriptions.

In addition, pursuant to court-appointed monitoring of IDOT's hiring practices, HEM staff:



1,054

conducted detailed analysis of the proposed minimum qualifications for 1,054 positions to determine whether the position would be subject to the Personnel Code; and



15

reviewed and suggested minimum required qualifications for fifteen IDOT technical classifications.

HEM staff also worked on the formation of a statewide comprehensive employment plan. HEM's initial work on the comprehensive employment plan resulted in the entry of an agreed court order detailing general hiring-related principles and commitments. HEM staff continues to work with its partners on a finalized comprehensive employment plan for the State.

In FY2019, HEM staff monitored 14 hiring sequences, which included on-site observation of the interview process. In monitoring interview sequences, HEM staff evaluated whether the interview process was consistent and free from inappropriate bias. Based on their findings, HEM staff made oral and written recommendations to agency personnel regarding all aspects of the competitive selection process, starting with the initial job posting and culminating with the ultimate employment decisions. HEM's recommendations were routinely implemented by agency personnel or other interested parties.

HEM staff also reviewed and recommended extensive corrective action regarding term appointment positions, the majority of which arise under the Personnel Code's provisions allowing for job protection during the pendency of the incumbent's four-year term. In 34 instances where the agency wanted to renew an incumbent's term appointment, HEM staff thoroughly reviewed the related hiring files to ensure that the individuals were selected pursuant to a truly competitive selection process.

HEM's monitoring work and resultant recommendations aimed at promoting the transparency and integrity of hiring decisions also served, in part, to prompt the issuance of policy guidance to agency personnel staff pertaining to:

- conflicts of interest;
- assessing applicant qualifications; and,
- determining appropriate, broader interview pools.

Training & Compliance

Ethics Training

The Ethics Act mandates that the OEIG, along with the EEC, oversee ethics training for the agencies of the Illinois Governor, the State universities, and the Regional Transit Boards. Ethics training is conducted on an annual basis, and new employees, appointees, and officials must complete initial ethics training within 30 days of the commencement of their employment or office.



The OEIG designs the online ethics training for agencies under the Governor, and reviews training for other entities under its jurisdiction to ensure they meet prescribed training standards. In calendar year 2018, the OEIG reviewed and approved 35 ethics training programs.

For agencies under the Illinois Governor, the OEIG directly provided more than 50,000 online ethics training sessions in calendar year 2018. For all of the entities under the OEIG's jurisdiction, it was reported that individuals completed 185,659 ethics training sessions during the calendar year 2018 reporting period.

Sexual Harassment Training

The Ethics Act was amended to also include sexual harassment training overseen by the OEIG and EEC starting in calendar year 2018. Like ethics training, employees, appointees, and officials are required to complete initial sexual harassment training within 30 days of the start of their employment or office, as well as annually.

As part of its statutorily mandated role of overseeing sexual harassment training, the OEIG, along with the EEC, review and approve sexual harassment training for the agencies of the Illinois Governor, the State universities, and the Regional Transit Boards. In calendar year 2018, the OEIG reviewed and approved 33 sexual harassment training programs.

In order to better use available State resources and accommodate the new sexual harassment training mandate, in FY2019 the OEIG began working with DoIT to provide an online training platform, OneNet, for both ethics training and sexual harassment training for employees, appointees, and officials under the Illinois Governor. These individuals completed approximately 50,000 such online sexual harassment training sessions in calendar year 2018. In total, for calendar year 2018, entities under the OEIG's jurisdiction reported that 161,890 sexual harassment trainings were completed.

In addition to reviewing and approving the sexual harassment trainings, the OEIG also provided guidance and information to facilitate compliance with the new sexual harassment training requirements. For example, the OEIG drafted and circulated, to all of the entities under its jurisdiction responsible for submitting sexual harassment training, a reference guide containing information addressing the minimum requirements of the training. In addition, the OEIG drafted sample test questions to be considered during the trainings and circulated them to interested entities. Further, the OEIG had several conference calls or meetings with the Office of the Governor, the universities, and the Regional Transit Boards regarding the requirements and deadlines for the sexual harassment training.

As discussed in more detail elsewhere in this report, on April 16, 2019, the OEIG also presented with the EEC at the annual Ethics Officer Conference and outlined the law and rules regarding sexual harassment training and ethics training.

New for 2020 – Expanded Harassment and Discrimination Prevention Training

As described further in this report, Public Act 101-0221 amends the Ethics Act provisions concerning sexual harassment training to expandittoalsoincludethetopicsofharassment and discrimination. This new training, called “harassment and discrimination prevention training” will begin in 2020. Like the prior sexual harassment training, harassment and discrimination prevention training must be completed annually, with new employees training within 30 days of the start of their employment.



The training will be overseen by the EEC and OEIG, and the new law outlines minimum requirements for this training. As with the prior sexual harassment training programs, the OEIG will work closely with the entities under its jurisdiction to ensure compliance with the expanded training requirements.

Health Care Fraud Elimination Task Force

The Illinois Health Care Fraud Elimination Task Force was created by Executive Order (2016-05) in April 2016 and ended June 30, 2019. EIG Haling chaired the Task Force, which was 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.”



The Task Force members included:

- The Executive Inspector General for the OEIG
- The Deputy Governor
- The Chief Compliance Officer for the Office of the Governor
- The Special Counsel and Policy Advisor to the Governor for Healthcare and Human Services
- The Inspector General for the Department of Healthcare and Family Services (HFS-OIG)
- The Director of the State Police Medicaid Fraud Control Unit (ISP-MFCU)
- The Director of the Department on Aging
- The Director of the Department of Central Management Services
- The Director of the Department of Healthcare and Family Services
- The Secretary of the Department of Human Services
- The Secretary of the Department of Innovation and Technology
- The Director of the Department of Insurance
- The Chairman of the Workers’ Compensation Commission

To fully explore the issues in State-administered health programs, the Task Force formed three working groups, focused on the three broad health care program areas within State government: (1) the Medicaid Program, (2) the State Employee Group Insurance Program, and (3) the Workers' Compensation Program for State agencies. These working groups allowed the Task Force to efficiently manage its broad mandate by focusing its resources on three priority State-administered health care programs. The focus of each working group was to engage in a thoughtful analysis of the current status of its program and to compare Illinois' system with the best practices in other states, the private sector, and the federal government. Each working group reviewed documentation related to its focus, held multiple meetings, and engaged third-parties to obtain recommendations.

Some of the accomplishments outlined in the Task Force's most recent October 2018 Interim Report includes:

- ◇ Participating in the Largest Nationwide Health Care Fraud Takedown. Task Force members participated in the 2018 National Health Care Fraud Takedown, the largest health care fraud enforcement action in U.S. Department of Justice history. The multi-agency effort took place in June 2018 and resulted in 601 defendants, including 165 doctors, nurses, and other licensed professionals, being charged with health care fraud allegations that involved over \$2 billion in false billing. ISP-MFCU was one of 30 state Medicaid Fraud Control Units participating in the 2018 Takedown. ISP-MFCU investigated allegations of fraud in the Medicaid Home Services Program, leading to the indictment of 14 individuals responsible for approximately \$430,000 in fraudulent claims.
- ◇ Hospital Global Billing Initiative. The Hospital Global Billing Initiative involved allowing hospitals to self-audit potential overpayments identified by HFS-OIG and to correct any billing errors. Specifically, the self-audit allowed the hospital to review all instances of global billing overpayments HFS-OIG found and to submit repayments for all services determined to be inaccurately billed. The follow-up audit resulted in the identification of approximately \$800,000 in overpayments for FY2018. In addition to those overpayments, approximately 29 hospitals have followed up with the self-disclosure process and found potential overpayments of approximately \$1 million for that audit period.
- ◇ Blood Pressure Machines. As part of the Task Force's focus on wellness, CMS worked with one of the State's health carriers to install blood pressure machines at various State agencies. These machines, called Higi machines, measure blood pressure, pulse, body weight, Body Mass Index (BMI), and body fat percentage. The machine is connected to the internet and allows the individual to send the results to an email account. In the first three months, nearly 5,000 screenings were completed. One employee who used the Higi machine contacted CMS to credit the machine with saving her life. When she used the machine, it informed her that her blood pressure was in a critically dangerous zone and

instructed her to seek immediate medical attention. The employee went to the hospital emergency room, where she was admitted for early stages of a stroke. This employee was very grateful and told CMS that the machine saved her life.

- ◇ Notice of Injury Form. The Task Force updated the form employees submit to report a workplace injury. The form now includes a certification that the information is accurate and that it is unlawful to intentionally provide false information. This language will serve as a reminder to State employees of the basic requirement of honest reporting and the seriousness of submitting false statements about workers' compensation injuries. Additionally, this language will assist in the investigations and prosecutions of employees by providing proof that the employee knew or should have known about his or her legal obligations.
- ◇ U.S. Attorney's Office Health Care Fraud Task Force. As part of furthering the collaboration between the U.S. Attorney's Office Health Care Fraud Unit and this Task Force, State Task Force members attended the U.S. Attorney's Office Health Care Fraud Task Force meetings and actively participated in discussions about deterring wrongdoing and using data to prioritize resources. The information sharing at these meetings highlights the importance of the State collaborating with federal partners.
- ◇ The Task Force reported \$190 million in savings, recoupment, and avoidance in Medicaid spending during FY2018.

The Task Force held public meetings every quarter and has drafted three public reports on its progress. The October 2016 Initial Six-Month Report, October 2017 Interim Report, and October 2018 Interim Report are posted on the OEIG's website. On June 30, 2019, the Task Force dissolved per Executive Order 2016-05.

Outreach & Development

General Outreach Initiatives

In addition to its mandated oversight of trainings for State employees, the OEIG promotes awareness of ethics issues and OEIG procedures for employees under its jurisdiction, and maintains operational excellence by training and developing its staff.

The OEIG staff members participated in various outreach and development activities in FY2019, including:

- meeting with newly designated ethics officers to discuss the administration of ethics and sexual harassment training, answering questions, and explaining the OEIG's authority, programs and operations;
- speaking at conferences and training events;
- hosting an in-house multi-day training for the OEIG investigators and attorneys;
- updating the OEIG website to make it more user-friendly and include more information; and
- drafting and circulating an updated brochure regarding the OEIG.



Below is a more detailed description of some of these initiatives to educate and develop employees both outside and inside the OEIG.

National Association of Inspectors General Conference, October 24 – 26, 2018

From October 24 to 26, 2018, the National Association of Inspectors General held a Fall Training Conference in Chicago. The conference was attended by inspectors general offices from around the country, including members of the OEIG's staff. Executive Inspector General Susan Haling gave the welcome address to attendees. EIG Haling's presentation was titled "Beyond Investigations: Promoting Better Government by Thinking Beyond Investigations." EIG Haling discussed the role of an inspector general and the value of thinking beyond investigations. EIG Haling outlined training, outreach, compliance, and legislative initiatives conducted by various inspectors general offices throughout the country and encouraged attendees to use the conference as an opportunity to learn from each other and collaborate for the good of government.

Annual Ethics Officer Conference, April 16, 2019

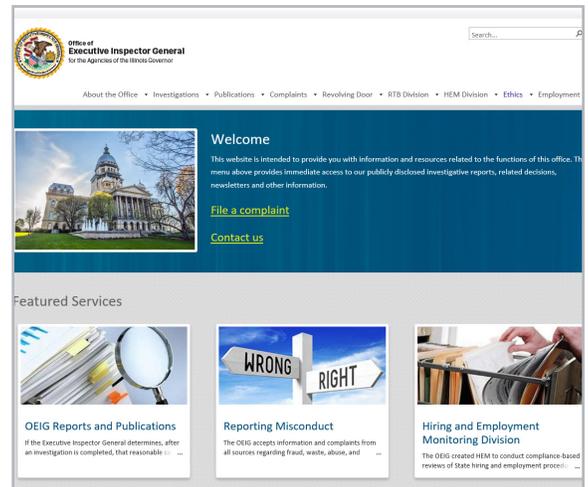
OEIG staff attended and presented at the annual Ethics Officer Conference hosted by the EEC on April 16, 2019. Every year, ethics officers, general counsels, and others under the jurisdiction of the EEC are invited to attend this conference, which focuses on ethical issues and responsibilities of ethics officers. This year, OEIG staff made the following presentations.

- ◇ "The Revolving Door." OEIG General Counsel Neil Olson and the EEC presented on the revolving door responsibilities in State government, including the applicable law and rules relevant to an ethics officer's duties.
- ◇ "Hiring and Employment Monitoring." The OEIG Director of the HEM Division, Erin Bonales, and an employee from CMS discussed the OEIG HEM Division and its work in hiring and employment monitoring as well as new procedures for State hiring.
- ◇ "Training 101 and the Ethical Culture." OEIG Deputy Inspector General – Executive Projects Christine Benavente and the EEC discussed the State-mandated sexual harassment and ethics trainings and the relevant laws, rules, and deadlines associated with those trainings.
- ◇ "Interacting with the OEIG." General Counsel Olson outlined for ethics officers the various times that they will interact with the OEIG and their role during those interactions.

OEIG Website:

www.inspectorgeneral.illinois.gov

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 information about the OEIG. In the past fiscal year, the OEIG has added information and other features to make the website more user-friendly as well as additional information required by law.



Electronic Newsletter:

Illinois Ethics Matters

The OEIG produces a one-page monthly electronic newsletter, Illinois Ethics Matters. The OEIG electronically delivers Illinois Ethics Matters to State agencies, the General Assembly, news media, and the public, and the newsletter is posted to the OEIG website. 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.

Any person wishing to receive Illinois Ethics Matters should contact the OEIG to be added to the electronic distribution list.



Ongoing Staff Training

Continuing education and training of staff are key components of the OEIG's initiative to maintain efficiency and effectiveness. The OEIG trains all new staff on applicable laws, administrative rules, and OEIG policies and procedures. Investigative staff receive regular and ongoing instruction concerning legal developments, administrative policies, and investigative tools and techniques. This training consists of regular staff meetings about relevant topics, as well as external training.

From September 20 - 21, 2018, the OEIG hosted a staff training in Bloomington, Illinois. The training was attended by OEIG investigators, attorneys, managers, and members of the HEM Division. During the training, OEIG staff heard presentations regarding the HEM Division, report writing, the intake process, and information about how to investigate sexual harassment complaints, among other topics. In addition, there was a sexual harassment training conducted by IDHR and interactive interview skills workshops conducted by OEIG staff.

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.

In FY2019, two legal interns and four investigative interns worked at the OEIG.



Legislative Work

In FY2019, the General Assembly passed laws amending the Ethics Act that directly impact the OEIG's duties.

Public Act 101-0221 (Senate Bill 75)

In June 2019, Senate Bill 75 passed both chambers of the General Assembly, and the Governor signed it into law as Public Act 101-0221 on August 9, 2019. The new law amended several statutes relating to gender violence, harassment, sexual harassment, and discrimination, and created the Workplace Transparency Act, the Sexual Harassment Victim Representation Act, and the Hotel and Casino Employee Safety Act.

Importantly for the OEIG, this law makes several major changes to the Ethics Act that directly impact the OEIG's duties and functions, including: 1) expanding the State's sexual harassment training; 2) providing rights to certain individuals identified in complaints; and 3) requiring governmental units to provide a mechanism for reporting and independent review of certain sexual harassment allegations.* Below is a summary of those Ethics Act amendments, which went into effect when the bill was signed into law on August 9, 2019.

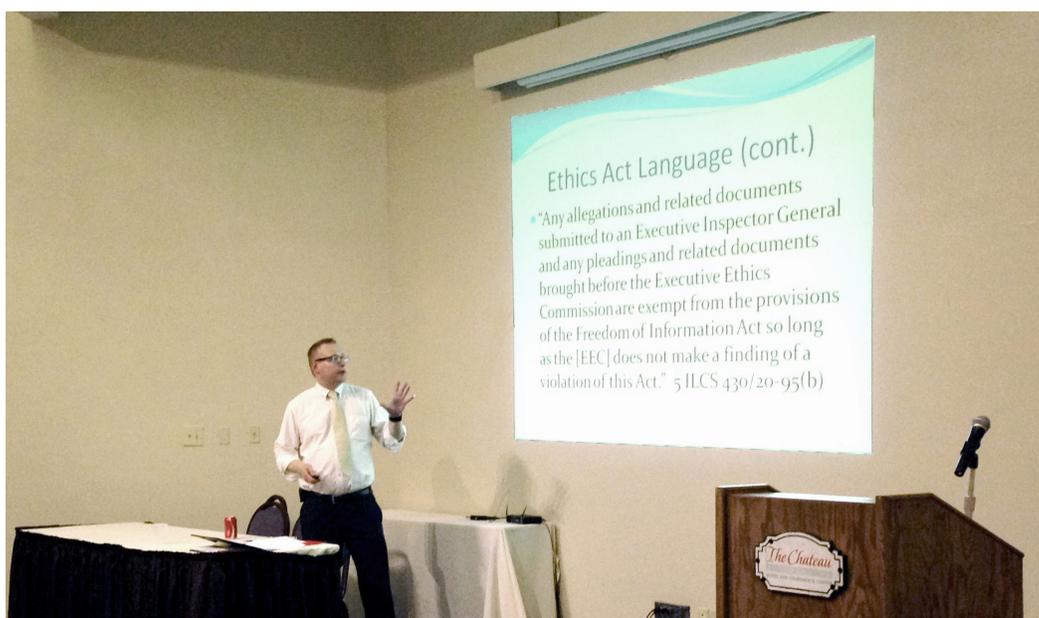
Expansion of Harassment Training Overseen by OEIG

Public Act 101-0221 amends the Ethics Act to expand sexual harassment training to harassment and discrimination prevention training starting in 2020. This training must be completed

* Public Act 101-0221 also adjusted the time for the Attorney General to bring Ethics Act violation complaints before the EEC. On November 14, 2019, both chambers of the General Assembly passed Senate Bill 730, House Amendment No. 2, which, among other amendments to the Ethics Act, further adjusted the statute of limitations for filing Ethics Act violation complaints to be "12 months after the Executive Inspector General's receipt of the allegation of the violation or within 18 months after the most recent act of the alleged violation or of a series of alleged violations, whichever is later[.]"

annually, with new employees training within 30 days. The training is overseen by the EEC and OEIG, and the new law outlines minimum requirements for this training.

The new law states that, “unlawful discrimination” and “harassment” refers to discrimination and harassment prohibited under Section 2-102 of the Illinois Human Rights Act (775 ILCS 5/2-102). It also amends the Illinois Human Rights Act to add that “‘Harassment’ means any unwelcome conduct on the basis of an individual’s actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, or citizenship status that has the purpose or effect of substantially interfering with the individual’s work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase ‘working environment’ is not limited to a physical location an employee is assigned to perform his or her duties.” (775 ILCS 5/2-101(E-1)). Section 2-102 contains other types of unlawful discrimination.



Rights of Individuals Identified in Certain Complaints

Public Act 101-0221 adds a new section 20-63 to the Ethics Act (5 ILCS 430/20-63), entitled “Rights of persons subjected to discrimination, harassment, or sexual harassment.” This section provides that individuals identified in a complaint as a person subjected to alleged discrimination, harassment, or sexual harassment as those terms are respectively defined by the Ethics Act, Lobbyist Registration Act, and Illinois Human Rights Act, have certain rights. Those rights include receiving information about their rights, the OEIG process, and ability to submit an impact statement with the EIG’s summary report for the EEC’s consideration, among others. These same rights are also outlined for complainants before the Legislative Inspector General and Legislative Ethics Commission.

Other Governmental Entities

Public Act 101-0221 amended section 70-5 of the Ethics Act (5 ILCS 430/70-5), regarding adoption by governmental entities, to add that, “within 6 months after the effective date of this amendatory Act of the 101st General Assembly, each governmental unit that is not subject to the jurisdiction of a State or local Inspector General shall adopt an ordinance or resolution amending its sexual harassment policy to provide for a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit.”

Public Act 101-0031 (Senate Bill 690)

Public Act 101-0031 focuses on making changes to statutes regarding gaming in Illinois. However, with the goal of strengthening ethics in gaming, the General Assembly also amended the revolving door provisions of the Ethics Act. Section 5-45 of the Ethics Act (5 ILCS 430/5-45) was amended to add the following language:

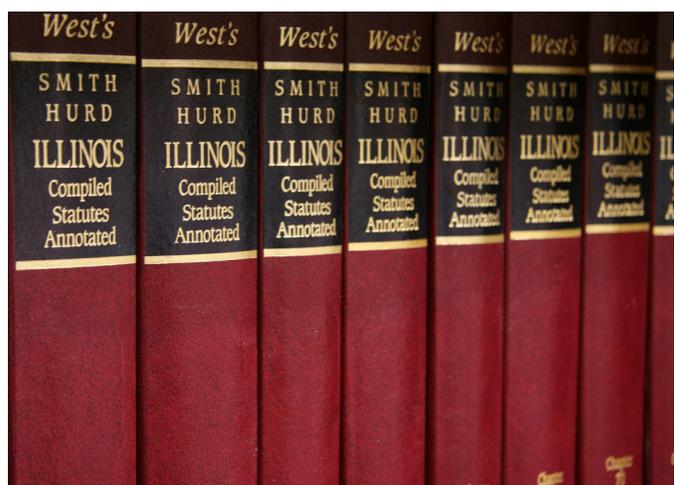
(a-5) No officer, member, or spouse or immediate family member living with such person shall, during the officer or member’s term in office or within a period of 2 years immediately leaving office, hold an ownership interest, other than a passive interest in a publicly traded company, in any gaming license under the Illinois Gambling Act, the Video Gaming Act, the Illinois Horse Racing Act of 1975, or the Sports Wagering Act. Any member of the General Assembly or spouse or immediate family member living with such person who has an ownership interest, other than a passive interest in a publicly traded company, in any gaming license under the Illinois Gambling Act, the Illinois Horse Racing Act of 1975, the Video Gaming Act, or the Sports Wagering Act at the time of the effective date of this amendatory Act of the 101st General Assembly shall divest himself or herself of such ownership within one year after the effective date of this amendatory Act of the 101st General Assembly. No State employee who works for the Illinois Gaming Board or Illinois Racing Board or spouse or immediate family member living with such person shall, during State employment or within a period of 2 years immediately after termination of State employment, hold an ownership interest, other than a passive interest in a publicly traded company, in any gaming license under the Illinois Gambling Act, the Video Gaming Act, the Illinois Horse Racing Act of 1975, or the Sports Wagering Act.

Public Act 101-0031 also added employees of the Illinois Racing Board and Illinois Gaming Board to the “h-list,” meaning that these employees: “shall not, within a period of one year

immediately after termination of office or State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the person or entity or its parent or subsidiary, during the year immediately preceding termination of State employment, was a party to a State contract or contracts with a cumulative value of \$25,000 or more involving the officer, member, or State employee's State agency, or was the subject of a regulatory or licensing decision involving the officer, member, or State employee's State agency, regardless of whether he or she participated personally and substantially in the award of the State contract or contracts or the making of the regulatory or licensing decision in question.” 5 ILCS 430/5-45(h).

OEIG Initiated Legislation

In FY2019, during the 101st General Assembly, the OEIG renewed its efforts toward better State government by introducing several bills. The focus of these bills is to clarify ethics rules and processes and protect public safety. The OEIG worked with legislators to introduce three different substantive bills, with companion bills filed in both houses. Below is a summary of those bills.



Senate Bill 1233 / House Bill 2537

Senator Heather Steans introduced Senate Bill 1233 on February 6, 2019, and Representative Fred Crespo introduced House Bill 2537 on February 13, 2019. These identical bills would amend the Ethics Act revolving door provisions to ensure State employees are acting in the best interest of the State.

First, these bills add language to the revolving door section to ensure that employees who are personally and substantially involved in making fiscal decisions during a contract are prohibited from accepting certain employment for one year after public service. The Ethics Act currently prohibits State employees who participated personally and substantially in the award of certain State contracts or contract change orders from accepting employment with the entity or individual that was awarded the contract. However, after a contract is awarded, State employees may continue to have discretion to make fiscal decisions concerning that contract. This bill would address certain employees who make financial decisions during the life of a contract. For example, State employees may determine the validity of a claim submitted by a health care provider under a State contract.

Second, these bills add language to clarify that certain high-level employees, based on their job functions, fall under the revolving door restrictions. The Ethics Act currently states that chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors have some revolving door restrictions. However, some of these titles are outdated and would not capture individuals who are performing these same job functions. The titles in the section should not control the outcome, and a limited focus on titles may omit individuals whose functions involve the top managerial oversight that these job titles were intended to capture. These bills modify the language that describes chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors, to include positions that hold an equivalent level of managerial oversight.

Senate Bill 1234 / House Bill 2536

Senate Bill 1234 was introduced by Senator Heather Steans on February 6, 2019, and House Bill 2536 was introduced by Representative Fred Crespo on February 13, 2019. These identical bills would amend the Ethics Act to clarify that the EEC has jurisdiction over State of Illinois vendors. The OEIG has jurisdiction over State vendors and so it may make a finding, such as a gift ban violation, against a vendor. However, it is unclear whether the EEC has jurisdiction to hear a case involving the vendor or assess penalties for the vendor's wrongdoing because its jurisdiction is inconsistent with the OEIG's jurisdiction. It is important to clarify the EEC's jurisdiction to hear Ethics Act violations of vendors so that, when appropriate, it can administer penalties, including fines.

Senate Bill 1235 / House Bill 2535

Senate Bill 1235 was introduced by Senator Heather Steans on February 6, 2019, and House Bill 2535 was introduced by Representative Fred Crespo on February 13, 2019. These identical bills would amend the Ethics Act to allow executive inspectors general to disclose investigatory files and reports, as necessary, to the head of the State agency affected by or involved in the investigation. These bills are important because executive inspectors general need a mechanism to disclose information directly to agency heads, for example when there is a potential risk to public safety. Due to the confidentiality provisions of the Ethics Act, currently an executive inspector general cannot directly disclose information to an agency head while an investigation is pending. Amending the Ethics Act to clarify that executive inspectors general can disclose investigatory files and reports to agency heads furthers the public interest.

101st General Assembly

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

On April 3, 2019, EIG Haling testified before the Senate Executive Committee regarding Senate Bills 1233, 1234, and 1235. EIG Haling provided a summary of each of the bills and answered senators' questions about the bills. The Executive Committee voted to pass out of committee Senate Bills 1233 and 1235, and voted to postpone Senate Bill 1234. Senate Bills 1233 and 1235 were read on second reading, but were not read a third time, and on April 12, 2019, all three Senate bills were re-referred to the Assignments Committee.

House Bills 2535, 2536, and 2537 were assigned to the Executive Committee, but were not scheduled for a hearing. These three bills were re-referred to the Rules Committee on March 29, 2019.

OEIG's Participation in Legislative Hearings

On November 28, 2018, EIG Haling and Deputy Inspector General – Executive Projects Christine Benavente testified at the House Sexual Harassment and Discrimination Task Force hearing regarding Public Act 100-0554. The Task Force had asked the OEIG to speak about the impact of the law and provide an update on its role in overseeing the sexual harassment training outlined in the law. EIG Haling provided information about the number of sexual harassment complaints the OEIG received during the past several fiscal years, the number of sexual harassment investigations, and steps taken to oversee the sexual harassment training, among other things.

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LEADERSHIP

Susan M. Haling

Executive Inspector General

Ms. Haling was nominated as Executive Inspector General in March 2018, and confirmed by the Illinois Senate in May 2019. She first joined the OEIG in December 2011 as Special Counsel, and served as the First Assistant Inspector General beginning in 2015. In addition, she has more than nine years of experience as an Assistant U.S. Attorney in Chicago, where she tried over 20 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.

Neil P. Olson

General Counsel

Mr. Olson returned to the OEIG in May 2018 and serves as General Counsel. Mr. Olson previously worked at the OEIG as Deputy Inspector General and Chief of Springfield Division before leaving the OEIG in 2013 to serve as General Counsel in the Office of the Illinois State Treasurer. Prior to his return to the OEIG, Mr. Olson also served as an Assistant Attorney General and then the Deputy Public Access Counselor in the Office of the Illinois Attorney General. He also previously worked for the Massachusetts Attorney General's Office, the Massachusetts Commission on Judicial Conduct, as a litigator in private practice, and as the law clerk to the Honorable Kenneth Laurence of the Massachusetts Appeals Court. Mr. Olson is a graduate of Grinnell College and Northeastern University School of Law, and is licensed to practice law in Massachusetts and Illinois.

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 since February 2015, 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 spent over seven years with the Office of the Illinois Attorney General 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.

Erin K. Bonales

Director of Hiring & Employment Monitoring

Ms. Bonales is responsible for directing the OEIG's HEM Division, which engages in compliance reviews and monitoring activities related to hiring and employment decisions, policies, and practices. Ms. Bonales previously worked for the OEIG for nearly eight years, including serving as Deputy Inspector General and Chief of the Chicago Investigative Division. Prior to joining the OEIG in May 2006, Ms. Bonales was an Assistant General Counsel for DHS for approximately five years. Ms. Bonales received a BA in Political Science from Southern Illinois University, and a JD from the University of Illinois College of Law.

Christine P. Benavente

Deputy Inspector General - Executive Projects

Ms. Benavente joined the OEIG as an Assistant Inspector General in August 2011 and later served as a Legislative Assistant Inspector General. As Deputy Inspector General – Executive Projects, Ms. Benavente leads numerous executive projects, including overseeing the Division of External Compliance & Outreach and serving as the legislative attorney for all legislative matters pertaining to the OEIG. Prior to working at the OEIG, she was an Associate at Jenner & Block, LLP. Ms. Benavente obtained a BA from the University of Iowa, and her law degree from DePaul University College of Law, where she graduated Order of the Coif and magna cum laude. During law school, she served as Editor-in-Chief of the Women's Law Caucus Digest and Moot Court Representative for the Hispanic National Bar Association.

Claudia P. 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.

COMPLAINTS RECEIVED BY AGENCY

Number of Complaints Received by Agency	FY2019 totals
Aging, Department on	18
Agriculture, Department of	14
Attorney General, Office of the Illinois	14
Attorney General Inspector General, Office of the	2
Attorney Registration & Disciplinary Commission	1
Board of Investment	1
Capital Development Board	3
Central Management Services, Department of	41
Chicago Read Mental Health	6
Chicago State University	9
Chicago Transit Authority	152
Children and Family Services, Department of	92
City Colleges of Chicago	3
City Colleges of Chicago IG	1
City of Chicago Inspector General	1
Commerce and Economic Opportunity, Department of	8
Commerce Commission	2
Community College Board	2
Comptroller	5
Cook County State's Attorney's Office	1
Corrections, Department of	213
Eastern Illinois University	4
Educational Labor Relations Board	1
Emergency Management Agency	1
Employment Security, Department of	33
Environmental Protection Agency	18
Executive Ethics Commission	2
Financial and Professional Regulation, Department of	49

Number of Complaints Received by Agency	FY2019 totals
Gaming Board	10
General Assembly	3
Governor's Office	7
Governors State University	1
Guardianship & Advocacy Commission	8
Harper College	7
Healthcare and Family Services, Child Support	26
Healthcare and Family Services, Department of	47
Healthcare and Family Services Inspector General, Department of	7
Human Rights, Department of	31
Human Services, Department of	701
Human Services, Department of (Division of Mental Health)	9
Human Services Inspector General, Department of	4
Housing Development Authority	2
Illinois Central College	1
Illinois National Guard	1
Illinois State University	7
Innovation and Technology, Department of	18
Insurance, Department of	31
Judicial Inquiry Board	4
Juvenile Justice, Department of	28
Labor, Department of	9
Law Enforcement Training and Standards Board	1
Liquor Control Commission	2
Local Police Department/Sheriff's Office	4
Lottery	7
Metra	36
Morton College	1
Natural Resources, Department of	34
None Given	7
Non State Agency	228
Northeastern Illinois University	4
Northern Illinois University	6
Office of Executive Inspector General	19
Office of the State Fire Marshal	7

Number of Complaints Received by Agency	FY2019 totals
Other	16
Pace	31
Parkland College	1
Pollution Control Board	3
Prisoner Review Board	5
Property Tax Appeal Board	4
Public Health, Department of	30
Regional Transportation Authority	2
Rehabilitation Services, Department of	2
Revenue, Department of	25
Secretary of State	13
Southern Illinois University - Carbondale	21
Southern Illinois University - Edwardsville	18
Southern Illinois University - School of Medicine	2
Southern Illinois University	3
State and University Employees Combined Appeal	1
State Board of Education	15
State Board of Elections	5
State Employees Retirement System	1
State Police	32
State's Attorney (various)	2
State Treasurer	1
Teachers Retirement System	1
Toll Highway Authority	16
Toll Highway Authority Inspector General	2
Transportation, Department of	149
Universities Retirement System	1
University of Illinois	31
Unknown	14
Various State Agencies	4
Vendor	33
Veterans' Affairs, Department of	21
Western Illinois University	19
Workers Compensation Commission	7
Total	2,546

ALLEGATIONS RECEIVED BY TYPE OF MISCONDUCT

Allegations Received by Type of Misconduct	FY2019
Abuse	23
Breach of Confidentiality	17
Bribery	3
Child Support	5
Conflict of Interest	49
Customer Service	303
Discrimination	57
Document Falsification	20
Ethics/Sexual Harassment training	1
Ex Parte Communications	1
Extortion	2
Failure to cooperate	6
Failure to follow department policy	55
False Employment Application	5
Fraud	76
Gift Ban Violation	6
Grant Fraud	6
Harassment	94
Hiring/Promotional improprieties	170
Misappropriation/Misuse of Funds	41
Misconduct	448
Mismanagement	631
Misuse of property	71
None	9
Other	159
Other Ethics Act	1
Prisoner Complaint	66
Procurement Improprieties	14
Prohibited Political Activity	20

Allegations Received by Type of Misconduct	FY2019
Retaliation	135
Revolving Door Violation	14
Sexual Harassment	52
Theft	27
Time abuse	208
Unethical Behavior/Practices	51
Unlawful Disclosure - OEIG Records	1
Violence in the workplace	16
Waste	4
Wrongful termination	24
Wrongfully convicted	1
Total Allegations	2,892

FOUNDED REPORTS BY AGENCY

Number of Founded Reports by Agency	FY2019
Abraham Lincoln Presidential Library and Museum	1
Corrections, Department of	1
Employment Security, Department of	2
Gaming Board	1
Governors State University	1
Human Services, Department of	5
Human Services Office of the Inspector General	1
Innovation & Technology, Department of	1
Metra	1
Natural Resources, Department of	1
Office of the State Fire Marshal	1
Pace	1
Property Tax Appeal Board	1
Public Health, Department of	1
Southern Illinois University - Carbondale	1
State Police Merit Board	1
Transportation, Department of	3
University of Illinois	1
Veterans' Affairs, Department of	1
Workers Compensation Commission	1
Total	27

EXEMPT LIST ADDITIONS APPROVED BY EIG

Number of Exempt List Additions Approved by EIG	FY2019
Commerce and Economic Opportunity, Department of	1
Employment Security, Department of	1
Environmental Protection Agency	1
Financial and Professional Regulation, Department of	1
Healthcare and Family Services, Department of	1
Human Services, Department of	5
Innovation & Technology, Department of	1
Juvenile Justice, Department of	1
Liquor Control Commission	2
Office of the State Fire Marshal	1
State Police	2
Total	17

EXEMPT APPOINTMENTS REVIEWED BY HEM

Number of Exempt Appointments Reviewed by HEM	FY2019
Abraham Lincoln Presidential Library and Museum	1
Aging, Department on	9
Agriculture, Department of	8
Capital Development Board	1
Central Management Services, Department of	13
Children and Family Services, Department of	14
Commerce and Economic Opportunity, Department of	21
Corrections, Department of	7
Emergency Management Agency	6
Employment Security, Department of	9
Environmental Protection Agency	4
Financial and Professional Regulation, Department of	19
Gaming Board	1
Healthcare and Family Services, Department of	11
Human Rights, Department of	3
Human Services, Department of	38
Innovation and Technology, Department of	18
Insurance, Department of	8
Juvenile Justice, Department of	5
Labor, Department of	5
Liquor Control Commission	1
Natural Resources, Department of	12
Office of the State Fire Marshal	2
Property Tax Appeal Board	1
Public Health, Department of	6
Revenue, Department of	12
State Police	1
Transportation, Department of	10
Veterans' Affairs, Department of	5
Total	251

FREEDOM OF INFORMATION ACT

Information about the OEIG pursuant to 5 ILCS 140/4.

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, misconduct, and violations of laws or policies, and recommends corrective action. In addition, the OEIG oversees ethics and sexual harassment training for employees and officials within its jurisdiction.

OEIG Offices:

69 W. Washington
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Chicago, IL 60602-9703

607 E. Adams
14th Floor
Springfield, IL 62701-1634

Number of OEIG Employees:

Approximately 72 full-time equivalent employees

State Agency with Limited Oversight Role over the OEIG:

Illinois Executive Ethics Commission

OEIG FOIA Officer:

Neil P. Olson, General Counsel
Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 E. Adams
14th Floor
Springfield, IL 62701-1634
OEIG.FOIA@illinois.gov

Photocopy costs for FOIA requests:

First 50 black-and-white copies are at no charge; \$.15 per page for each additional page.

ONLINE REFERENCES

State Officials and Employees Ethics Act (5 ILCS 430)

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=2&ActID=2529>

OEIG Monthly Reports

https://www2.illinois.gov/oeig/publications/Pages/monthly_reports.aspx

OEIG Revolving Door Decisions

<https://www2.illinois.gov/oeig/RevolvingDoor/Pages/RevolvingDoorDecisions.aspx>

Publicly Disclosed OEIG Founded Reports

<https://www2.illinois.gov/oeig/investigations/Pages/PublishedOEIGCases.aspx>

OEIG Investigations Policy and Procedures Manual

https://www2.illinois.gov/oeig/Documents/OEIG_Investigation_Policy_Procedures_Manual_11_09_2012.pdf

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12/2019

In an effort to conserve resources and be green, the FY2019 Annual Report will be distributed electronically.

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

REPORT MISCONDUCT



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