

PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES UNDER THE GOVERNOR
INVESTIGATIVE REPORT

Case # 21-00717

Subject(s): Gerald Willman

Below is the redacted version of an investigative summary report issued by the Executive Inspector General for the Agencies of the Illinois Governor. Pursuant to section 20-50 of the State Officials and Employees Ethics Act (Act) (5 ILCS 430/20-50), a summary report of an investigation is required to be issued by an executive inspector general when, and only when, at the conclusion of investigation, the executive inspector general determines reasonable cause exists to believe a violation has occurred. If a complaint is not to be filed with the Commission for adjudication of the alleged violation, the Act further requires the executive inspector general to deliver to the Executive Ethics Commission (Commission) a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report of the investigation and of the response from the ultimate jurisdictional authority or agency head regarding the summary report. 5 ILCS 430/20-50(c-5). The Act requires that some summary reports be made available to the public and authorizes the Commission to make others available. 5 ILCS 430/20-52. Before making them available, however, the Commission is to redact from them information that may reveal the identity of witnesses, complainants, or informants and may redact “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

Some summary reports delivered to the Commission may contain a mix of information relating to allegations with respect to which the executive inspector general did and did not determine reasonable cause existed to believe a violation occurred. In those situations, the Commission may redact information relating to those allegations with respect to which the existence of reasonable cause was not determined.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission has redacted certain information contained in this report and identified where said redactions have taken place and inserted clarifying edits as marked. Publication of a summary report of an investigation, whether redacted or not, is made with the understanding that the subject or subjects of the investigation may not have had the opportunity to rebut the report’s factual allegations or legal conclusions before issuance of the report. Moreover, there has not been, nor will there be, an opportunity for the subject to contest or adjudicate them before the Commission. The subject merely has the opportunity to submit a response for publication with the report.

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Agencies of the Illinois Governor Office of Executive Inspector General (“OEIG”). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG’s final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Illinois Governor, and each subject.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52. By publishing the below redacted summary report, the Commission neither makes nor adopts any determination of fact or conclusions of law for or against any individual or entity referenced therein.

– THE REDACTED VERSION OF THE EIG’S SUMMARY REPORT
BEGINS ON THE NEXT PAGE –

I. ALLEGATIONS

On April 20, 2021, the Office of Executive Inspector General (OEIG) received an anonymous complaint alleging that Illinois Environmental Protection Agency (IEPA) employee Gerald Willman has a conflict of interest due to his secondary employment with [Company] ([Company]). The complaint also alleged that Mr. Willman conducted [Company] business on State time.

II. BACKGROUND

Mr. Willman began working for IEPA on November 16, 1992, as a Life Science Career Trainee. He has been promoted several times, and he currently holds the position of Public Service Administrator – Unit Supervisor in the IEPA Bureau of Land, Office of Site Evaluation. [Company] is an Illinois-registered not-for-profit corporation that provides water system service to residents in and around [Redacted], Illinois.

IEPA’s Employee Handbook specifies what is considered a conflict of interest for agency employees, including financial interests in entities regulated by IEPA.¹ Employees who may have such a conflict of interest, or the appearance of one, are required to report the financial interest or activity in writing to IEPA’s Ethics Officer. The handbook prohibits the misuse or abuse of State time² and outside employment that uses the employee’s working hours.³

III. INVESTIGATION

A. Mr. Willman’s Employment With [Company]

1. History Of [Company]

[Company] formed in [Redacted] and began providing water service in [Redacted].⁴ According to [Company]’s business information on file with IEPA, Mr. Willman is listed as “Manager” for [Company].⁵ IEPA regulates [Company] as a community drinking water supplier, and [Company] is required to conduct periodic self-monitoring (i.e., testing its water using an IEPA-certified laboratory) and to report its monitoring results to IEPA.⁶

2. Interview With [Company] President [Individual 1]

On October 5, 2021, the OEIG interviewed [Individual 1]. [Individual 1] said he has been president of [Company] for about seven years. He said the [company] obtains its water supply from the [Redacted] and distributes the water to customers in the counties of [Redacted],

¹ IEPA Employee Handbook, Ch. 12, §12-4 (rev. May 1, 2018).

² IEPA Employee Handbook, Ch. 11, §11-2(T) (rev. May 1, 2018).

³ IEPA Employee Handbook, Ch. 12, §12-4(C)(3)(a) (rev. May 1, 2018).

⁴ [Redacted]

⁵ [Redacted]

⁶ [Redacted]

[Redacted], and [Redacted]. He said that [Company] charges new customers approximately \$2,000 to set up service (connect the residential water line and install a meter) and charges a monthly \$35 meter-reading fee plus \$6 per one thousand gallons of water.

[Individual 1] explained that IEPA regulates [Company]'s water supply via a process whereby [Company] hand delivers water samples to an IEPA-approved lab for testing. He said IEPA also requires [Company] to have a certified Operator⁷ on staff whose responsibilities include hand delivering the water samples to the testing lab, flushing [Company]'s water system when necessary, obtaining the water from [Redacted], and keeping [Company] up to date on IEPA rules and regulations. [Individual 1] said that Mr. Willman does not handle any of the water testing for [Company] and that a different individual serves as [Company]'s Operator.

[Individual 1] said that Mr. Willman is [Company]'s Manager and started working for them about five years ago. [Individual 1] said that he knew Mr. Willman worked for IEPA and that Mr. Willman said he had obtained permission from his IEPA supervisor prior to accepting the position with [Company].

[Individual 1] said that Mr. Willman's responsibilities include reading water meters, setting up new service connections, paying bills using [Company]'s checkbook, maintaining the customer database on a laptop computer, managing the [company]'s finances, tracking delinquent customer accounts, and handling customer complaints. He said Mr. Willman presents on this information during [Company]'s bi-monthly board meetings. [Individual 1] said that Mr. Willman does not have a set schedule for his [Company] work. He explained that Mr. Willman typically reads water meters on the weekends but added that there have been instances where Mr. Willman took days off from his IEPA job to read meters.

[Individual 1] said that Mr. Willman is paid one dollar for each meter he reads each month and is also paid hourly for the other work he performs for [Company]. He said Mr. Willman submits an invoice each month that lists the number of hours he worked on particular days with descriptions of the work performed. He added that the invoices do not have time stamps showing the specific times of day Mr. Willman performs the work.

[Individual 1] said that Mr. Willman is supposed to be available "24/7" to handle any issues for [Company]. He said Mr. Willman conducts [Company] business primarily via email or on the phone if a customer calls. He explained that there are typically not a lot of customer issues and that the volume of calls can vary from month to month. [Individual 1] said that he is not aware of whether Mr. Willman ever conducts [Company] business during his IEPA working hours, but if Mr. Willman received a customer call during those hours, he thinks Mr. Willman would take care of the call and get back to his IEPA work.

3. Review Of [Company] Board Meeting Minutes

⁷ 35 Ill. Adm. Code 681.215.

The OEIG subpoenaed meeting minutes for [Company]’s board meetings.⁸ A review of the January and August 2021 board meeting minutes shows that Mr. Willman attended the meetings. The minutes state that the System Manager (Mr. Willman) reported to the board regarding new customers, the [company]’s financial status, and audits of [Company]. He also reported to the board regarding storm damage to [Company]’s equipment, potential purchase of water leak insurance, and his request of board members to renew their terms in office. The meeting minutes also show that the board discussed a new IEPA requirement that public water suppliers like [Company] implement a “nitrification action plan” to deal with the presence of nitrogen in the water supply.

4. Mr. Willman’s Invoices To [Company]

[Company] provided several invoices that it received from Mr. Willman for work he performed in 2021. Each invoice shows line items for specific days of the month, followed by descriptions of labor performed by Mr. Willman on those days, including the number of hours. The invoices show an hourly rate of \$18, and a rate of \$1 for each meter read by Mr. Willman. Below is a table showing the total invoiced amount for each of Mr. Willman’s invoices provided by [Company]:

Month of Service	Hours Billed	Meters Read	Invoice Amount
January 2021	40.5	379	\$1,108
February 2021	42	379	\$1,135
March 2021	25	379	\$829
April 2021	15	379	\$649
May 2021	17.5	379	\$694
Total	140	1,895	\$3,835

The OEIG obtained Mr. Willman’s January-May 2021 IEPA timesheets and compared them to his [Company] invoices,⁹ which showed the following:

- On the 28 days where Mr. Willman worked a full IEPA workday and also billed hours for [Company] work, he billed 37.5 total hours to [Company]. His daily [Company] billings on those days ranged from 0.5 to 4.0 hours per day, with most days in the range of 0.5 to 2.0 hours. There were single instances where he billed 3.0 and 4.0 hours.
- On eight days where Mr. Willman took partial days off at IEPA and also billed hours for [Company] work, he billed 30.5 total hours to [Company].

⁸ According to its attorney, [Company] held board meetings in January, March, August, and November 2021 and in January 2022. [Company]’s attorney provided minutes for the January and August 2021 meetings, but not the other months, saying that Mr. Willman was in possession of the March 2021 minutes and that the two most recent months’ minutes had not yet been prepared or circulated as of the time of the response.

⁹ Mr. Willman’s invoices have a billing entry each month for the 379 meters he read. Each monthly entry is associated with one day of the month, but Mr. Willman said in his interview that it often takes him multiple days to read meters, so those entries do not accurately reflect which days meter-reading took place.

- There were 24 days where Mr. Willman billed hours to [Company] that fell on weekends, State holidays, or days where he took a full day off from IEPA – for a total of 72 billed hours.

5. Review Of Mr. Willman’s Phone Records, Emails, And Interview Of IEPA Subordinate

The OEIG obtained telephone records for 2019-2022 from Mr. Willman’s service provider for the personal cell phone number Mr. Willman said he used for [Company] business. An analysis of overall use of that phone showed that Mr. Willman made a number of calls during IEPA working hours.¹⁰ Investigators searched the records to identify the number of calls to and from [Company]’s President and System Operator during Mr. Willman’s work hours at IEPA. The records showed limited calls associated with those individuals during Mr. Willman’s workday: four calls in 2019, five calls in 2020, four calls in 2021, and three calls in 2022. The OEIG also searched Mr. Willman’s State email data and did not identify any instances where he was conducting [Company] business using his State email account.

On June 10, 2021, the OEIG interviewed an IEPA Environmental Protection Specialist III who reports to Mr. Willman. That subordinate said he has never heard Mr. Willman conduct [Company] business while on State time.

B. Mr. Willman’s Employment With IEPA

1. Review Of IEPA Documentation

Mr. Willman’s IEPA position description indicates that the duties and responsibilities for Mr. Willman’s current position, Unit Supervisor in the IEPA Bureau of Land – Office of Site Evaluation, include managing a staff that performs site assessments under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) program and Targeted Brownfield Assessments. The position description does not specify any responsibilities related to the regulation or assessment of water sources.

The OEIG requested from IEPA all secondary employment forms submitted by Mr. Willman, including any approvals (formal or informal) regarding secondary employment. IEPA did not produce any secondary employment documentation for Mr. Willman.

On October 13, 2021, IEPA’s Ethics Officer provided the OEIG with email correspondence dated July 12, 2021, in which Mr. Willman wrote the Ethics Officer:

I completed the C List training this afternoon. I “certified” that I understand the statement in the slide below. I’m not sure what sort of trouble I’m stirring up for myself here but I need to let you know that I am currently self-employed which looks to be “non-state

¹⁰ Based on cell phone records, in 2020, there were 825 instances where a call was made either to or from Mr. Willman’s personal cell phone during his IEPA working hours, with a total call time of approximately 139 hours. In 2021, records show 731 calls made to or from Mr. Willman’s cell phone, with a total call time of approximately 82 hours.

employment”. I have not reported this to OEIG. Please let me know what I need to do to make this right.

The Ethics Officer replied to Mr. Willman, telling him that the revolving door requirements are not at issue while Mr. Willman is still employed by the IEPA. However, the Ethics Officer told Mr. Willman that he should disclose his secondary employment details to determine if there are any potential limitations related to the agency’s conflict of interest provisions in the employee handbook. Mr. Willman replied that he would get the Ethics Officer the “particulars on my weekend side gig soon.” In his correspondence with the OEIG on October 13, 2021, the Ethics Officer said he did not believe Mr. Willman had yet provided the details on his secondary employment.

2. Interview Of Mr. Willman’s [IEPA Employee 1]

On November 1, 2021, the OEIG interviewed [IEPA Employee 1]. [IEPA Employee 1] said he is Mr. Willman’s supervisor. He said that Mr. Willman’s job duties include working on two grant programs involving CERCLA and USEPA Brownfield sites. He said Mr. Willman works to determine which contaminated sites IEPA will investigate. He explained that Mr. Willman assists on sites where there are underground storage tank leaks in order to remediate the sites for future use and development.

[IEPA Employee 1] said that the Bureau of Land sometimes works with the IEPA Bureau of Water and Air when their sites cross over. He said there are instances when BOL, including Mr. Willman and his staff, collects water samples from surface water and ground water sources but that BOL rarely ever collects samples from public water systems. [IEPA Employee 1] said that BOL sends its samples to either an IEPA testing lab or a contracted third-party lab.

When asked about Mr. Willman’s work for [Company], [IEPA Employee 1] said that he became aware in 2020 that Mr. Willman read water meters for his local community, but he did not know specifically which water system. He said that Mr. Willman had called him one time to request the day off from his IEPA job so he could read meters. He added that Mr. Willman had informed him that he had spent a recent weekend reading water meters. [IEPA Employee 1] said that he had never given Mr. Willman permission to work at [Company]. [IEPA Employee 1] said that he had not asked Mr. Willman to complete a secondary employment form but that he would ask him to do so.

[IEPA Employee 1] said that there could be a perceived conflict of interest if Mr. Willman were performing activities for [Company] such as attending board meetings, making decisions for the organization, paying contractors, handling billing, managing customer accounts, or doing contract services for [Company].

C. Interview Of Mr. Willman

On February 18, 2022, the OEIG interviewed Mr. Willman. He said his standard working hours at IEPA are 8:30am to 4:30pm and his job duties are primarily focused on managing his office’s work under two federally funded programs (CERCLA and Brownfields) and the Illinois Leaking Underground Storage Tanks program. Pursuant to those programs, he said that his team

does soil and groundwater sampling and testing from potentially contaminated sites throughout Illinois. In terms of his day-to-day work, Mr. Willman said that his major tasks are listing sites on USEPA's National Priorities List, assigning project managers, coordinating and helping the project managers execute their site investigations, and reporting. He added that because his department is currently short-staffed, he also does investigative field work.

When asked about the types of sampling his team does, Mr. Willman explained that they collect soil, groundwater, sediment, and, occasionally, surface water samples from the program sites and send them to IEPA-certified labs for testing. Mr. Willman said that after his team receives testing results, they often prepare reports that analyze the testing metrics to determine if a site meets the criteria for cleanup. Mr. Willman said that there have been some rare instances when employees from his department and the IEPA Bureau of Water (BOW) have worked on the same site, but said that BOL and BOW do not typically work together and do not collect samples on behalf of each other.

Mr. Willman said that he began working for [Company] in 2013, first by helping read customer water meters, but eventually he took over the full role of System Manager in 2015. Mr. Willman said that his responsibilities at [Company] include the monthly reading of customer water meters, paying [Company]'s bills, responding to customer issues, and reporting to [Company]'s board at the bi-monthly board meetings.

Mr. Willman said that his personal cell phone number is listed on [Company] customer statements, so he receives customer calls when there are issues with their water service. Mr. Willman also confirmed that his address and personal cell phone number are listed on [Company]'s entry on the USEPA's Consumer Confidence Reports website. Mr. Willman said that he typically does not answer [Company] customer calls, letting them go to his voicemail and returning the call after IEPA working hours. He said that in the occasional instances when [Company]'s System Operator or President calls him during the workday, he will typically answer the call. He explained that because they know he works during the day, he assumes they are calling to inform him of something urgent. Mr. Willman said that at most he would take an [Company]-related call during the workday two or three times per week.

Mr. Willman explained that near the end of each month he reads the water meters for each of [Company]'s 379 customers. He said it typically takes him 14 hours to read the meters and that he can accomplish this in one Saturday during the summer months. In the colder months he needs an extra day to read the meters, so he said that he sometimes takes a day off from work at IEPA or does additional meter-reading on Sundays. Regarding [Company]'s bill payments, Mr. Willman said that he typically writes the checks – including checks payable to himself – and brings them to [Company]'s president to be signed.

Mr. Willman said he works for [Company] as an independent contractor and that he usually bills about 20 hours per month for his [Company] work – 30 hours at most for busier months. He said he performs his [Company] work in the evenings and on weekends. He added that when something urgent came up that needed his attention immediately, he took time off work from IEPA to handle those situations.

Mr. Willman said that IEPA regulates [Company]. He said that [Company]'s System Operator is a position licensed by IEPA and is responsible for all of [Company]'s water sample testing and checks the system's master meter each day. Mr. Willman said the System Operator sends the water samples to the same private lab that IEPA sometimes uses. He said that all environmental aspects of [Company]'s operations are handled by the System Operator. Mr. Willman explained that because he is an IEPA employee, he has segregated himself from [Company]'s interaction with the agency, including filling out an annual form stating that [Company] would not send its water samples to an IEPA lab for testing.

When asked if he ever handled [Company] matters not related to meter reading or financials, Mr. Willman said there have been occasions when he would attempt to help customers with simple issues, including helping customers determine if they had a leak in their water system or flushing a hydrant. Mr. Willman said that anything beyond a simple fix would be handled by the System Operator. When asked if he has ever been in contact with IEPA in his role with [Company], Mr. Willman said that the only time there was a possibility of it was when the outgoing System Manager was transitioning the job to Mr. Willman and he asked Mr. Willman to be present for an IEPA inspection. Mr. Willman said he spoke with an IEPA representative regarding the timing of the IEPA inspection, but he was unable to attend the inspection. Mr. Willman said that he does not provide consulting services to [Company] on environmental matters.

Regarding compliance with IEPA regulations, Mr. Willman said that he only gets involved on the financial side of [Company]'s efforts to ensure continued compliance. As a recent example, he described an instance where the System Operator informed him that a new IEPA rule would require [Company] to purchase new equipment in order to comply. In that scenario, Mr. Willman explained that he gets the cost of the equipment from the System Operator, puts in the request for approval from the board, and writes the check for purchase.

Mr. Willman said that he has a State-issued cell phone and uses it primarily to access his IEPA email account and to join IEPA-related conference calls. He added that he rarely uses his State cell phone for personal calls, saying that it may have happened when he was working in the field and his personal cell phone did not have coverage. Mr. Willman said the rare instances when he used his State landline for personal calls have included calls from his wife, his child's school, and a car repair shop. Mr. Willman said that he often uses his personal cell phone for IEPA-related calls.

Mr. Willman said he never provided written notification to IEPA regarding his work for [Company]. He explained that when he started working for [Company] in 2013 he was just reading water meters and that he does not think he really understood at the time what IEPA's policy was regarding secondary employment that may be a conflict of interest.

After reviewing the conflict of interest provisions of the employee handbook during his interview, Mr. Willman said that although he does not think his work for [Company] is an actual conflict, he thinks there is a perceived conflict of interest. He said that he is aware of a State policy to report secondary employment to IEPA's Ethics Officer, saying that he is reminded of it annually during his State ethics training. He said that he failed to provide the written notification through a combination of procrastination and a rationalization that his role at [Company] was simply a

glorified meter-reader and check-writer. Mr. Willman said that while his IEPA supervisors were aware that he had a secondary job, they did not know the extent of his responsibilities.

On February 22, 2022, Mr. Willman sent an email to the OEIG stating that his interview with the OEIG made him aware that his secondary employment was in violation of IEPA policy because it presented an appearance of a conflict of interest, and he intended to resign from his role at [Company].

IV. ANALYSIS

The IEPA Employee Handbook has the following provisions regarding secondary employment:

An employee who holds a financial interest in any covered entity or is engaged in an outside activity should report this to the Agency Ethics Officer in writing if that interest or activity could result in a conflict of interest or the appearance of a conflict of interest. The Ethics Officer will advise the employee in writing as to the course of action the employee must take to ensure that a conflict of interest or the appearance of a conflict of interest does not exist.¹¹

An employee is prohibited from participating in any outside activity, including outside employment, which would: (a) Involve the use of the employee's time during official Agency working hours...¹²

IEPA regulates [Company] by requiring self-monitoring, regular water testing, and the employment of a certified System Operator. Mr. Willman has worked for [Company] since 2013. Interviews with Mr. Willman and [Individual 1] and documents provided by [Company] show that he had a financial interest and performed an outside activity as defined by the Employee Handbook.

Invoices provided by [Company] show that from January to May 2021, Mr. Willman charged [Company] a total of \$3,835 for between 15 and 42 hours per month of billable work, including the monthly reading of 379 water meters. While there is no indication that Mr. Willman performed environmental-related work (e.g., water testing, system maintenance, reporting to IEPA) for [Company] that would have created an actual conflict of interest, he has been the primary individual handling payments, billing, meter-reading, and customer issues. Mr. Willman has also been identified as one of the primary contacts at [Company] for both customers and regulatory agencies, and he has been an active participant in [Company] board meetings. His contact information is on customers' monthly billing statements and [Company]'s entries on IEPA and USEPA websites.

¹¹ IEPA Employee Handbook, Ch. 12, §12-4 (rev. May 1, 2018). The handbook defines "Covered entity" as an entity that...is regulated by the Agency," and "Conflict of interest" as a circumstance where "an employee's financial interests or outside activities interfere with or compromise the employee's public duties and responsibilities."

¹² IEPA Employee Handbook, Ch. 12 §12-4(C)(3)(a) (rev. May 1, 2018).

The IEPA Employee Handbook makes clear that the Ethics Officer should make a determination on the course of action to take based on the details of the employee's secondary employment when it presents a conflict of interest or the appearance of one. Although Mr. Willman's July 12, 2021, email to IEPA's Ethics Officer generally referenced "non-state employment," the email did not contain any information about the identity of his employer or the type of work he did for and financial interest he had in [Company]. Accordingly, the Ethics Officer informed Mr. Willman that he should provide details of his secondary employment. During his interview with the OEIG, Mr. Willman confirmed that he has never submitted the sufficient written notification to the IEPA Ethics Officer regarding the details of his secondary employment. A review of documents provided by IEPA confirmed that no such written notification was present in Mr. Willman's personnel file. He also failed to comply with the Ethics Officer's directive to provide details of his secondary employment. For these reasons, the allegation that Mr. Willman violated IEPA policies by failing to provide adequate written notification of his secondary employment with [Company] when an appearance of a conflict of interest existed is [REDACTED].¹³

IEPA's secondary employment disclosure is important because it provides the agency with an opportunity to assess whether an employee's outside activity or financial interest creates an actual conflict of interest or the appearance of one. While the OEIG did not find sufficient evidence to conclude that Mr. Willman's work for [Company] presented an actual conflict of interest, his role at [Company] did create an appearance of a conflict, which Mr. Willman acknowledged during his interview.

V. [REDACTED] AND RECOMMENDATIONS

As a result of its investigation, the OEIG finds that **THERE IS REASONABLE CAUSE TO ISSUE THE FOLLOWING [REDACTED]:**

- **[REDACTED]** – IEPA employee Gerald Willman violated the provisions of the agency's employee handbook when he failed to provide the IEPA Ethics Officer with sufficient written notification with the details of his secondary employment that presented a potential conflict of interest relating to his work for [Company], an IEPA-regulated entity.

Based on this [redacted], the OEIG recommends that IEPA take whatever action it deems appropriate regarding Mr. Willman. The OEIG also recommends that IEPA consider reminding employees of their obligation to report secondary employment to the Ethics Officer and ensure those submitted are vetted for potential conflicts.

¹³ The OEIG concludes that an allegation is "[REDACTED]" when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

No further investigative action is needed and this case is considered closed.

Date: June 13, 2022

Office of Executive Inspector General
for the Agencies of the Illinois Governor
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By: **Joseph Loscudo**
Assistant Inspector General

Christopher Heuerman
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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

June 30, 2022

Office of the Executive Inspector General
Attn: Susan M. Haling, Executive Inspector General
69 West Washington Street
Suite 3400
Chicago, IL 60602

Re: Office of Executive Inspector General (OEIG) Case #21-00717 - RESPONSE TO RECOMMENDATIONS IN FINAL SUMMARY REPORT

Dear Ms. Haling,

This letter is in response to the Final Summary Report (the "Report") issued by the Office of Executive Inspector General ("OEIG"), which was sent to the Illinois Environmental Protection Agency (the "Illinois EPA" or "Agency") on June 13, 2022, concerning OEIG Case #21-00717. This response provides information concerning the actions the Illinois EPA has taken to address the recommendations in the Report.

I. OEIG Report [REDACTED] and Recommendations

The Report contains a single [REDACTED], through which the OEIG determined that Illinois EPA employee Gerald Willman "violated the provisions of the agency's employee handbook when he failed to provide the IEPA Ethics Officer with sufficient written notification with the details of his secondary employment that presented a potential conflict of interest relating to his work for [REDACTED], an IEPA-regulated entity."

Based on this [REDACTED], the Report recommended that the Illinois EPA take whatever action it deems appropriate regarding Mr. Willman. The Report further recommended that the Illinois EPA consider reminding employees of their obligation to report secondary employment to the Ethics Officer and ensure that those that are submitted are vetted for potential conflicts.

The Illinois EPA has taken steps to implement both recommendations. On June 17, 2022, Mr. Willman was served with a statement of charges that contained allegations of misconduct that could lead to discipline. A pre-disciplinary meeting was held on June 21, 2022 to address the allegations. On June 27, 2022, Mr. Willman submitted a rebuttal to the Illinois EPA in which he acknowledged that his actions violated Agency policy and indicated that his misconduct would not be repeated. After considering Mr. Willman's rebuttal, the Illinois EPA determined that a written reprimand was appropriate, which was issued on June 30, 2022.

Additionally, at the pre-disciplinary meeting that was held on June 21, 2022, Mr. Willman expressed a desire to resign from his employment with [REDACTED] ("[REDACTED]"). On June 27, 2022, he submitted his written resignation to the [REDACTED] Board of Directors, effective September 1, 2022. A copy of the June 27, 2022 resignation letter is attached.

Lastly, on June 22, 2022, the Illinois EPA sent an email to all staff to remind them of the Agency's conflict of interest policy, including the underlying basis for the policy and a reminder concerning when guidance should be sought from the Agency's Ethics Officer concerning potential conflicts of interest or the appearance of such conflicts. A copy of the June 22, 2022 email to all Illinois EPA staff is attached to this response.

If you have any questions or need any additional information, please let me know.

Sincerely,

[REDACTED]

John J. Kim,
Illinois EPA, Director

[REDACTED]

From: Jerry Willman <[REDACTED]>
Sent: Monday, June 27, 2022 2:03 PM
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: [External] Resignation

Follow Up Flag: Follow up
Flag Status: Flagged

[REDACTED] Board of Directors:

Recently I was made aware that my service to [REDACTED] as System Manager violated Illinois EPA's policy forbidding secondary employment if there could even be an "apparent conflict of interest". As many of you know, I have been very careful not to involve myself in any of [REDACTED]'s activities that were directly regulated by Illinois EPA or could be construed as using my association with Illinois EPA to the benefit of the [REDACTED]. As System Operator, [REDACTED] and now [REDACTED] has been in charge of all State compliance issues at risk of losing their operators license. Additionally, as the president of the [REDACTED], [REDACTED] has been administratively in charge of attesting that requirements are being followed. In my heart, I believe this management approach has kept me from any conflict of interest. However, I am sure how you could see that it couldn't keep me from a "perceived" conflict of interest by those outside the "inner workings" of the [REDACTED]

Because my full-time employment with Illinois EPA is my highest professional priority, I need to resign from my position as System Manager for [REDACTED]. I'd like to make this effective as of September 1, 2022. This will allow me time to provide some training to the person the Board chooses as my replacement. Following September 1, I can assist the new manager in an unofficial capacity, as required. As you are aware, the responsibilities of this position cannot be fully understood in two-month's time.

I would ask the Board to consider finding my replacement as soon as possible. If the Board doesn't have anyone in mind, I have a young man in my church, [REDACTED] who I believe may be interested, and would be a good candidate.

Sorry for the long email. I will submit my resignation formally at the next Board Meeting of the [REDACTED] and we can discuss the particulars of the transition of responsibilities.

Thank you for allowing me to serve the [REDACTED] in this capacity and strive to fulfill the mission of providing clean and safe drinking water to our friends and neighbors.

Sincerely,
Jerry

[REDACTED]

From: EPA.Notifications
Sent: Wednesday, June 22, 2022 3:10 PM
To: EPA.Sangamo; EPA.RutledgeLabs; EPA.Regions
Subject: Conflict of Interest Policy Reminders
Attachments: Employee Handbook May 2018 - Conflict Policies.pdf

Good afternoon,

As a regulatory and enforcement agency, avoiding conflicts of interest and the appearance of conflicts is an important aspect of our ability to successfully achieve our agency's mission. Accordingly, the Agency's conflict of interest policy found in Chapter 12-4 of the Employee Handbook states: "The Agency is subject to constant public scrutiny. Its activities have significant impact on economic and social interests in the State. Its decisions are often controversial and create a potential for litigation. To work successfully under these conditions, the Agency must make every effort to maintain a flawless professional reputation and freedom from any real or apparent conflicts of interest."

A conflict of interest occurs when an employee's financial interests or outside activities (including secondary employment) interfere with or compromise the employee's public duties and responsibilities. The appearance of a conflict occurs when, despite the lack of an actual conflict of interest, there may be a perception that an employee's financial interests or outside activities could impact the employee's duties and responsibilities.

To ensure that conflicts of interest, or the appearance of conflicts, do not impact the Agency's work, the Illinois EPA's conflict of interest policy identifies the circumstances in which employees should seek guidance from the Agency's Ethics Officer concerning potential conflicts. Specifically, Chapter 12-4(E) of the Employee Handbook provides that "An employee who holds a financial interest in any covered entity or is engaged in an outside activity should report this to the Agency Ethics Officer in writing if that interest or activity could result in a conflict of interest or the appearance of a conflict of interest. The Ethics Officer will advise the employee in writing as to the course of action the employee must take to ensure that a conflict of interest or the appearance of a conflict of interest does not exist."

All employees must review the attached conflict of interest policy to ensure they understand it, and if you have any questions or concerns about conflicts or the appearance of conflicts, please contact the Agency's Ethics Officer, [REDACTED] at [REDACTED].

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