



OEIG Investigation No.: 24-00231
Subject(s) Name(s): David Brinkley

Investigative Summary Report Publication

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

Investigation Case No. 24-00231



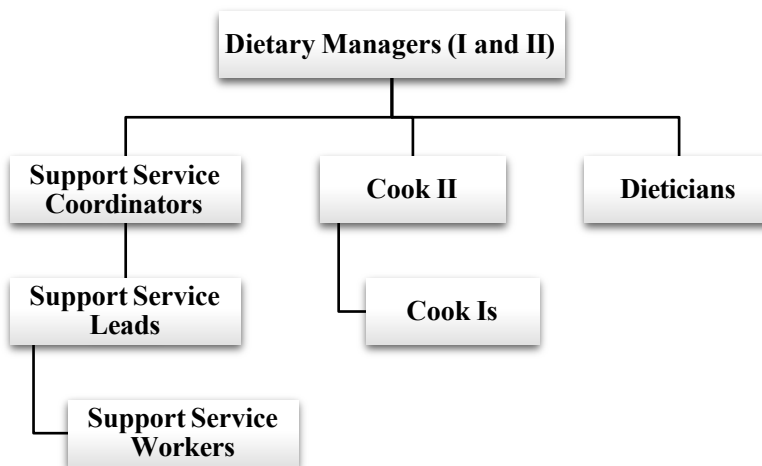
I. ALLEGATION

On January 26, 2024, the OEIG received a complaint alleging that David Brinkley, a Support Service Coordinator at the Illinois Department of Veterans' Affairs (IDVA), was earning overtime pay on an almost daily basis but spent the time on social media rather than duties for which overtime was approved.

II. BACKGROUND

The Illinois Veterans' Home at Quincy ("Quincy") provides domiciliary and skilled nursing care to Illinois veterans and their spouses.¹ Personnel documents show Mr. Brinkley has worked at Quincy since 2010 and became a Support Service Coordinator ("Coordinator") in the Dietary department in May 2022. Per the position description, Coordinator duties primarily include supervising food preparation, serving, and sanitation; scheduling and directing support service staff; assigning overtime in the absence of a Dietary Manager; and translating medical orders into diet plans for residents.

The Quincy Dietary department has a "day" shift and a "night" shift, each staffed by one Coordinator and at least one Support Service Lead ("Lead"). Day shift staff primarily work from 5:00 a.m. – 1:00 p.m., and night shift from 11:30 a.m. – 7:30 p.m. Mr. Brinkley's regular shift as a Coordinator is the night shift. An organizational chart reflects the following structure:



Quincy Dietary employees interviewed in this investigation said each shift is staffed with a Coordinator and one to two Leads, but in the absence of a Coordinator, a Lead would fill the Coordinator role. The Coordinators and Leads supervise Support Service Workers, who may also work as "Cook's Help," and their duties can include working the tray line, washing dishes, pots and pans, helping with "prep," getting meals out, stocking, and cleaning. At times relevant to this investigation, the Quincy dining facility was the Nielson Dining Hall, but some Dietary employees were also assigned duties in the Fifer building, Markword building, or Hammond Hall.

¹ <https://veterans.illinois.gov/services-benefits/homes/quincy.html> (last accessed Aug. 23, 2024).

III. INVESTIGATION

A. Overtime Policies And Procedures

Mr. Brinkley's position is subject to a Collective Bargaining Agreement (CBA) that states normal work days shall be eight hours, normal week 40 hours, and full-time employees "shall be paid at the rate of one and one-half times the employee's straight time hourly rate for all time worked outside of their normal work hours and/or work days up to sixteen (16) hours in a twenty-four (24) hour period."² Applicable policies state that Dietary employees can volunteer for overtime by signing up for a specified day and shift, and may volunteer for a full or half shift (front or back half) and split shift where applicable.³ When an emergency need for overtime coverage arises, the Coordinator (or Lead, in the Coordinator's absence), shall first offer it to those who signed up, then to staff presently on shift, and after that, if no voluntary overtime can be found, it shall be mandated.⁴ Overtime is to be tracked in the Time and Attendance System and requires prior supervisory approval.⁵

Quincy Dietary employees interviewed said there is an overtime sign-up sheet maintained in the Dietary tray line area that lists the date, shift, position, and number of people needed. A week of sign-up sheets are posted at a time, and after employees sign up, there is a space provided to indicate it is approved. Staff told the OEIG the Dietary Manager is responsible to approve overtime, but when there were Dietary Manager vacancies at Quincy, a Coordinator or Lead had done so.⁶ Supervisory staff interviewed confirmed that employees are not permitted to approve their own overtime. If there are call-ins before a shift, volunteers may be sought even if not listed on the sign-up sheet, and those are recorded on a call-in sheet maintained in the tray line office and later turned into the Dietary Manager. Some employees told the OEIG that an employee who is not signed up could still ask whether help is needed before a shift starts, and if it is, they could work the overtime.

B. Review of Timekeeping and Overtime Records

The OEIG obtained Mr. Brinkley's IDVA timekeeping records through April 2024, which included daily punch in/out times and monthly attendance records showing his total regular and overtime hours.⁷ The OEIG also obtained daily Quincy Dietary Voluntary Overtime sign-up sheets and daily Dietary Daily Call-In/Overtime Reports covering the same period.

² See Agreements between State of Illinois Department of Central Management Services and American Federation of State, County & Municipal Employees (AFSCME), Council 31, AFL-CIO (2015-2023 & 2023-2027), Article XII. The CBA also provides for shift differential pay and inconvenience pay under certain circumstances.

³ AFSCME/IDVA Mandatory Memorandum of Understanding (Dec. 30, 2019).

⁴ *Id.*; Quincy Dietary Policy No. D 1.050, "Emergency Overtime Assignments by Support Service Coordinators or Support Service Leads" (rev. July 2016).

⁵ IDVA Policy No. 5.23 "Comp Time and/or Overtime" (rev. Feb. 2023)

⁶ Dietary employees told the OEIG that the Dietary Manager left around the beginning of 2024, and in late March 2024, two other individuals became Dietary Managers on 75-day contracts that ended in late June 2024. After that, a Quincy Dietician was temporarily assigned in June 2024 while a hiring process is conducted to fill the position.

⁷ The records also included some Report of Special Wage Adjustment forms (IL 497-0566), which listed the date, overtime hours, reason, and had an "approval" section, but there were none for calendar year 2023 or January 2024. There were forms for most dates starting in mid-February 2024. The IDVA handbook says that form should be used to obtain prior approval for overtime, but it may also be used after the overtime is worked, to receive compensation.

Overview of Mr. Brinkley's Overtime Hours

In total, timekeeping and overtime records show that **in calendar year 2023, Mr. Brinkley worked 1,387 total hours of overtime**, and **from January through April 2024, he worked a total of 567 hours of overtime**. In some months, he worked overtime every single workday and most of his scheduled days off; for example, in December 2023, he worked overtime on 19 of 19 workdays and 10 off days, had a cumulative 172.5 hours of overtime, and took only two full days off. The following is a monthly breakdown of the overtime hours:

2023 total overtime hours	
January 2023	172.25 hours
February 2023	118 hours
March 2023	105 hours
April 2023	100.75 hours
May 2023	103.25 hours
June 2023	93.25 hours
July 2023	121 hours
August 2023	92.75 hours
September 2023	110.5 hours
October 2023	108 hours
November 2023	90 hours
December 2023	172.5 hours
TOTAL	1,387.25 hours

2024 total overtime hours	
January 2024	135.25 hours
February 2024	128.75 hours
March 2024	146.25 hours
April 2024	156.75 hours
TOTAL	567 hours

Salary records reflect that Mr. Brinkley earned \$120,600 in 2023, but he had a base salary between approximately \$56,400 to \$61,200 in that year (he received two raises throughout the year). And multiplying his total overtime hours by an approximate time and a half calculation shows that he made over \$58,000 from overtime alone in 2023, which is consistent with that differential in his base and actual salary.⁸ Pursuant to the AFSCME CBA, employees assigned to work in a lower pay grade position are still paid at their permanent position pay rate, and the

⁸ The OEIG calculation used an approximate pay rate of \$28/hour, and a resulting overtime rate of \$42/hour. Mr. Brinkley received multiple raises over the timeframe examined, and the OEIG did not account for possible shift differentials or other such pay he might have received; therefore, these calculations are an estimation.

[DVA Employee 1] confirmed in her OEIG interview that overtime in a lower-level position was still paid at the Coordinator rate. [DVA Employee 1] said she occasionally worked overtime, and records show she earned a total of \$71,200 in 2023, with the same base salary as Mr. Brinkley at the end of the year.

Mr. Brinkley's Overtime Positions and Approvals

A more detailed review of documents showed that between October 2023 through April 2024, Mr. Brinkley worked a total of 188 days and clocked overtime on 181 days. The overtime occurred mostly on the day shift, but Mr. Brinkley also frequently worked parts of both the day and night shift on his scheduled off days. The following was further observed for that period:

- When signed up for overtime, Mr. Brinkley most often filled a Support Service Worker or Cook's Help position.
- On 30 dates, either no approvals were reflected next to Mr. Brinkley's name on the Voluntary Overtime sign-up sheets, or his own initials appeared. On 84 dates, Mr. Brinkley clocked day shift overtime but was not signed up at all (he was also usually not signed up for night shift overtime clocked on his off days).
- On 124 dates, Mr. Brinkley clocked in for day shift overtime more than 1.5 hours after the shift started (for some days, times were listed by his name on the sign-up sheet; e.g., 7:30-11:30 a.m.). On 50 dates, Mr. Brinkley worked less than half a shift (less than four hours), though that was not generally observed after February 2024.

C. Interview of [DVA Employee 1]

The OEIG interviewed [DVA Employee 1] on March 27, 2024. [DVA Employee 1] said she has been in her current position for two years and has every other Monday and Thursday off. [DVA Employee 1] described her working relationship with Mr. Brinkley as "co-workers," and explained that Mr. Brinkley's job responsibilities are the same as hers on the night shift, he supervises about the same number of people, and they have the same days off. [DVA Employee 1] said Mr. Brinkley also works voluntary overtime almost every day, coming in around 7:30 a.m. on his regular workdays, as well as his days off. [DVA Employee 1] said Support Service Worker positions are needed every day, and Mr. Brinkley typically signs up for that or Cook's Help. [DVA Employee 1] said that in those roles, Mr. Brinkley is supposed to report to her when he is on day shift overtime, or to one of the two Leads to assign him tasks in her absence. [DVA Employee 1] said there have been day shifts when she and both Leads have been absent, but not often.

[DVA Employee 1] said that until recently, Mr. Brinkley would come in for overtime without signing up and sit in the office for four hours, the entire overtime shift. [DVA Employee 1] said Mr. Brinkley would sit at the desk and was on his personal phone, or had his phone out. [DVA Employee 1] said Support Service Workers do not normally sit in the office during duty time. [DVA Employee 1] said that when she was in the office at the same time as Mr. Brinkley, she could see him on his phone, and she could also hear when he was on his phone. [DVA Employee 1] said she has witnessed or heard Mr. Brinkley watching Facebook videos or car videos, scrolling Facebook, and having conversations of a minute or less.

[DVA Employee 1] said she had observed Mr. Brinkley using his cell phone for non-work purposes while on duty every day.⁹

[DVA Employee 1] said she was not sure why Mr. Brinkley volunteered for so much overtime, but that he often said things like, “Gotta get that paycheck in,” and, “Man, I’m tired, but I gotta get this overtime in.” [DVA Employee 1] said Mr. Brinkley told her his overtime was recently questioned in a meeting about a month prior to [DVA Employee 1]’s March 2024 OEIG interview, and after that he had been signing up for overtime, but she thinks the amount has stayed the same or increased.

[DVA Employee 1] said she has told Mr. Brinkley to stop using his phone, saying something like, “It’s not break time,” or “It’s not phone time, Dave.” [DVA Employee 1] said she or a Lead would also tell Mr. Brinkley to get back to work when he was sitting in the office, after which he would go and work for “a little bit,” but then would “venture back to the office.”

D. Interview of [DVA Employee 2]

The OEIG interviewed [DVA Employee 2] on March 27, 2024. [DVA Employee 2] said she had been in that role since January 2023, alternating Sunday and Friday off one week and Tuesday and Saturday the next.¹⁰ [DVA Employee 2] said Mr. Brinkley “does a lot of overtime” and would come in “just whenever.” [DVA Employee 2] said Mr. Brinkley’s overtime is voluntary, and sometimes he would ask if they needed him to come in or let them know he was not coming in. [DVA Employee 2] said she wrote down Mr. Brinkley’s overtime on the call-in sheet in the office. [DVA Employee 2] said Mr. Brinkley normally tries to be in the kitchen filling a Support Service Worker, Cook, or Cook’s Helper position, but she has not assigned work to him because normally they have already moved people around to fill positions before he shows up, and he came in after people have been placed in those positions. [DVA Employee 2] said some days, Mr. Brinkley would ask if there was something they wanted him to do, and she has seen [DVA Employee 2] assign work to him. [DVA Employee 2] said Mr. Brinkley’s subordinates are the night shift Support Service Workers, Leads, and cooks, but when Mr. Brinkley is working overtime on the day shift, the Support Service Workers listen to him, even if he is not there as a supervisor.

[DVA Employee 2] said she observed Mr. Brinkley sitting in the office when he came in for day shift overtime. [DVA Employee 2] said as a Lead, her duties include using the computer to enter diet orders and print out certain documents, but that it is not typical for employees filling Support Service Worker and Cook’s Helper positions to hang out in the office while on shift. [DVA Employee 2] said Mr. Brinkley would sit in the office, get on the computer and look at job postings, and get on his phone. [DVA Employee 2] said sometimes around 9:30 a.m. or 10:00 a.m., Mr.

⁹ IDVA policy No. 5.10 prohibits use of personal phones unless on break or authorized by a supervisor; states cell phones are to be stored in a locker, purse, or other designated area; and states designated supervisory and ancillary staff may be authorized by the Administrator to use their personal phones for work-related purposes. Several Quincy employees told the OEIG that approval to answer personal phones may be granted by supervisory personnel in cases of emergency, such as a sick child, but that it was not uncommon for staff to have their phones on their person while on shift, even without such an emergency exception. Multiple staff also said they had either used a personal phone to text or call staff in other areas for work-related purposes, or had observed that being done, though it was unclear if prior approval was granted in all such scenarios. The OEIG recommends that IDVA either enforce the policy as written, or amend it to clarify appropriate personal phone use on duty.

¹⁰ [Redacted].

Brinkley would come out and ask if they needed help. [DVA Employee 2] said people would complain to her about Mr. Brinkley sitting in the office on his phone, and that she has glanced at Mr. Brinkley's cell phone when passing by and sees him using it for non-work purposes while on duty every day. [DVA Employee 2] said Mr. Brinkley looks at TikTok and tells her and [DVA Employee 2] about things he sees, and he sometimes watches podcasts. [DVA Employee 2] said she has witnessed Mr. Brinkley have phone conversations while on duty and recalled one that lasted an hour or longer about his phone bill in December 2023 or January 2024. [DVA Employee 2] said "yesterday" (March 26, 2024), Mr. Brinkley said he was messaging someone on Facebook Marketplace about selling his motorcycle. [DVA Employee 2] said she also observed Mr. Brinkley on the office computer looking at State of Illinois job postings.

[DVA Employee 2] said people would complain to her about Mr. Brinkley sitting in the office on his phone, and she told them they should report it to Human Resources. [DVA Employee 2] said in January or February 2024, the IDVA Senior Home Administrator had a meeting with Quincy Dietary, and [DVA Employee 2] said she suggested that the Senior Home Administrator should look into Mr. Brinkley's overtime pay. [DVA Employee 2] said that led to an early February 2024 meeting involving the Quincy Administration and Mr. Brinkley, and since then, he had been signing up for overtime and coming in for the job he signed up for.¹¹ [DVA Employee 2] said she overheard Mr. Brinkley "venting" after the meeting and saying "they" cannot tell him how much overtime to work, and if they will not let him work overtime in Dietary, he would get his Certified Nursing Assistant (CNA) license and work overtime in the Nursing department.

E. Interviews of [DVA Employees]

The OEIG interviewed [DVA Employee 3] on February 23, 2024. [DVA Employee 3] told the OEIG that Mr. Brinkley was the night shift Coordinator for Dietary, but that he came in three or four hours before his shift started and was "always in there." [DVA Employee 3] said he personally observed Mr. Brinkley on overtime about 30 or 40 times, almost every day for three to four months. [DVA Employee 3] said Mr. Brinkley would come in during the day shift when [DVA Employee 1] was also there, and he never really saw Mr. Brinkley do anything, other than occasionally, such as unpacking a pallet of items in the storeroom. [DVA Employee 3] said people would question why Mr. Brinkley was there when [DVA Employee 1] also was. [DVA Employee 3] said supervisors were responsible to assign jobs for the day, but Mr. Brinkley did not do that for the day shift. [DVA Employee 3] said he only saw Mr. Brinkley check the trays on the line three or four times, after the supervisor who was supposed to do so left early. [DVA Employee 3] said Mr. Brinkley answered work-related questions when asked, but [DVA Employee 3] said he only asked if his supervisor was elsewhere. [DVA Employee 3] said after about three months into his tenure at Quincy, he started working on the Fifer unit.

¹¹ The OEIG sought IDVA disciplinary documents for Mr. Brinkley and received nothing within the past several years, but a February 14, 2024 email from a union representative, addressed to Quincy's Administrator and the temporarily assigned Adjutant over Dietary and other departments, stated:

Just wanted to revisit our conversation we had last week As discussed, Mr. Brinkley is signing up, and working overtime under the MOU rules.... If there is a directive that Mr. Brinkley is only to sign up and work the entire posted overtime slot, I have advised him to not sign up for overtime or if he chooses, he can work the entire overtime slot.

[DVA Employee 3] said that when Mr. Brinkley came in on the day shift, he usually sat in the office, adding that he could see Mr. Brinkley in there while he ([DVA Employee 3]) was in the line area doing preparations. [DVA Employee 3] said he regularly saw Mr. Brinkley on his phone, and he could hear Mr. Brinkley watching videos through the open office doorway, when he walked by to get bread or go to the back where food was prepared. [DVA Employee 3] said Mr. Brinkley would be on his phone, then walk around playing pranks and making jokes, and then go back in the office and sit.¹² [DVA Employee 3] said when he overheard the videos, it was mostly speeches by national politicians whose voices he recognized, and he said Mr. Brinkley would make comments about the videos, such as “You’re not going to believe what I just saw” on YouTube or TikTok. [DVA Employee 3] said he could also hear Mr. Brinkley talking on the phone while he was in the office, and Mr. Brinkley once showed him pictures on Facebook of a motorcycle he had for sale. [DVA Employee 3] said day shift Coordinator [DVA Employee 1] was not frequently in the office or on the computer in the course of performing her duties. [DVA Employee 3] said he wanted to say to Mr. Brinkley, “How ‘bout maybe you do something when you’re here for these four hours,” but he was not going to say that aloud.

The OEIG interviewed [DVA Employee 4] on March 27, 2024. [DVA Employee 4] said he saw Mr. Brinkley almost every day, because Mr. Brinkley did “quite a bit of overtime.” [DVA Employee 4] said he has seen Mr. Brinkley’s name on the voluntary overtime sign-up list for a Support Service Worker or Cook/Cook’s Help position. [DVA Employee 4] said he has seen Mr. Brinkley in the office through a window while working on the floor, but that he does not know whether Mr. Brinkley is just sitting there or doing work, or what role he was signed up for at those times. [DVA Employee 4] said that as a Support Service Worker, he does not hang out in the office unless someone wants something changed on their tray, he needs supplies, he needs help to take out trash, or he is filling out paperwork. [DVA Employee 4] said he has seen Mr. Brinkley pick up his cell phone, but he ([DVA Employee 4]) is usually around the office for a few seconds, so he does not know what Mr. Brinkley is doing on his phone. [DVA Employee 4] said he only witnessed Mr. Brinkley watch videos during break time, and he heard him talking on the phone but did not know what it was about. [DVA Employee 4] said he has seen Mr. Brinkley sitting at a computer in the office, and sitting at another desk that does not have a computer to work on scheduling, trying to shuffle people around while on day shift to figure out how he was going to make the night work.

The OEIG interviewed [DVA Employee 5] on April 18, 2024. [DVA Employee 4] said she used to see Mr. Brinkley almost every day, but she does not see him as often now that he is signing up to work overtime. [DVA Employee 4] said Mr. Brinkley came in at 7:00 a.m. on her first day of work at Quincy (around May 2023), and for a while he came in every day, and she did not initially realize it was overtime and not his regular hours. [DVA Employee 4] said she observed Mr. Brinkley when he came in for overtime, and he would come talk to everybody, sit in the office and get on the computer, pick up his phone and scroll it, then come out and talk to everybody again. [DVA Employee 4] said she could see into the office from her position on the tray line. [DVA Employee 4] said Mr. Brinkley would walk to the kitchen while others were on the line, be gone for a little while, go back in the office and get on the computer, and then come out and say something to [DVA Employee 1] and comment on the work of other staff. [DVA Employee 4] said Mr. Brinkley talking to them would make the line go slower, which irritated other staff because residents are scheduled to eat at a certain time. [DVA Employee 4] also said Mr. Brinkley

¹² [Redacted].

did not come out of the office to help when it was needed, and there were times when [DVA Employee 2] and [DVA Employee 1] were both out on the floor and the phone would ring in the office, Mr. Brinkley would not answer it, and [DVA Employee 1] asked him to do so.

[DVA Employee 4] said before a new contractual Dietary Manager arrived (in late March 2024), Mr. Brinkley was in the office a lot, and he might have been doing tasks, but [DVA Employee 4] said she does not know what those might have been. [DVA Employee 4] said Mr. Brinkley would log on to the computer, but for the day shift, [DVA Employee 1] and [DVA Employee 2] were already doing “office work” after they finished working on the line, such as getting cards ready for the next run or getting on the computer to change the cards. [DVA Employee 4] said she could see into the office from her position on the tray line and would see Mr. Brinkley pick up his phone and look at it for a little while and put the phone down. [DVA Employee 4] characterized Mr. Brinkley’s phone use as “significant.” [DVA Employee 4] described a time she went in the office while working on snack bags and Mr. Brinkley was watching some kind of “conspiracy theorist” video. [DVA Employee 4] said before the new Dietary Manager arrived, Mr. Brinkley was on his phone “frequently,” but she did not look at the phone and only heard the video. [DVA Employee 4] said she asked [DVA Employee 1] and [DVA Employee 2], when they needed someone to do something, if Mr. Brinkley should be coming in for overtime to work a position that needed to be filled, rather than just coming in to come in. [DVA Employee 4] said [DVA Employee 1] and [DVA Employee 2] would say, “that’s a problem here.” [DVA Employee 4] said she has not had any conversations with Mr. Brinkley about his overtime hours and would not feel comfortable doing so.

[DVA Employee 4] said that after the arrival of the new Dietary Manager, Mr. Brinkley started performing required work tasks on days she sees him. [DVA Employee 4] said the new Dietary Manager is an “enforcer,” adding that she has noticed a difference in how well the night shift cleans. [DVA Employee 4] said Mr. Brinkley signs up as Cook or Support Service Worker, and most of the time as a Support Service Worker he ends up washing pots and pans or working as Cook’s Help doing the “prep.” [DVA Employee 4] said she previously saw Mr. Brinkley in the office at times other than authorized break periods, but since the new Dietary Manager arrived, she has not, though he often takes his breaks in the office. [DVA Employee 4] added that Mr. Brinkley also seemed to be aware of an ongoing investigation, having made a comment about “rats in the building” around the same time employees were saying things like, “the investigators are here.”¹³

F. Review of Mr. Brinkley’s State Computer Activity

The OEIG obtained Mr. Brinkley’s State computer login activity and computer browser activity covering certain months between June 2023 through April 2024, which showed times of computer logins and websites visited, but did not show total time on a given website or when the computer became inactive. Given the volume of data, the OEIG primarily focused on login activity in January 2024 through March 2024, as well as websites most frequently visited.

¹³ The OEIG traveled to Quincy to interview employees starting on March 27, 2024. The OEIG also interviewed two [DVA Employees] on April 29, 2024. One employee said she had not interacted with Mr. Brinkley much in person. The other said she was temporarily assigned as a Lead and reports to Mr. Brinkley, that he also volunteered as a Support Service Worker on the night shift and “sometimes fills in where I need him to,” and that she had not observed him use his personal cell phone or watch videos while not on break.

Data reviewed showed that Mr. Brinkley accessed Nurse Aide websites on 7 days during that period, and took multiple practice exams/trainings (February 5, February 10, February 11, February 20, February 22, February 23, and February 26, 2024). The data further showed the following of note:

January 2024

- Worked 28 of 31 days and overtime on all 28 days
- Logged in during overtime shift on 23 of 28 days (usually more than once per shift)
- Accessed job search and associated websites on 28 days (on overtime and regular shift)
- Accessed State of Illinois employee salary website on 15 days (on overtime and regular shift), close in time to job searches

February 2024

- Worked 25 of 29 days and overtime on all 25 days
- Logged in during overtime shift on 24 of 25 days (usually more than once per shift)
- Accessed job search websites on 24 days
- Accessed State of Illinois employee salary website on 8 days

March 2024

- Worked 29 of 31 days and overtime on 26 of the 29 days
- Logged in during overtime shift on 21 of 26 days (usually more than once per shift)
- Accessed job search and associated websites on 25 days
- Accessed State of Illinois employee salary website on 6 days
- Accessed State retirement-related sites on 3 days while on overtime as Cook's Help or Support Service Worker

The following is a sampling of several days in the timeframe reviewed, detailing Mr. Brinkley's login and browser activity during overtime hours.

Tuesday, January 30, 2024 (regular work day)

Mr. Brinkley was signed up to work overtime as Cook's Help on part of the day shift, which was approved. He also worked his regularly scheduled Coordinator night shift.

Overtime hours	Time of computer activity	Description
7:00 am – 11:30 am ¹⁴	7:02 am	Logged on
	7:49 am	Accessed Illinois jobs website
	7:51 am	Accessed Illinois retirement benefits website
	7:54 am	Accessed Illinois jobs website
	7:55 am-8:21am	Accessed Illinois retirement benefits website
	10:05 am	Logged on

¹⁴ Mr. Brinkley had additional logins and browser activity on his regular night shift, which included accessing the Illinois jobs website several times.

Monday, February 5, 2024 (scheduled off day)

Mr. Brinkley was signed up to work overtime as a Coordinator/Lead from 8:30 a.m. – 1:00 p.m., and initials reflect he approved his own overtime. He was not signed up to work past 1:00 p.m., but records showed he worked through 6:30 p.m. A Voluntary Overtime sign-up sheet showed a Coordinator/Lead was needed on the night shift, with [DVA Employee 2] signed up through 5:30 p.m.

Overtime hours	Time of computer activity	Description
8:27 am – 6:30 pm	8:35 am	Logged on
	9:03 am	Accessed Illinois jobs website
	9:06 am	Accessed Illinois Nurse Aide Testing website
	9:13 am	Accessed training/practice exam from Illinois Nurse Aide Testing website
	9:53 am	Unlocked computer
	9:53 am	Accessed Illinois jobs website
	10:18 am	Accessed Illinois jobs website
	10:19 am	Accessed Illinois Nurse Aide Testing website
	11:29 am	Unlocked computer
	12:36 pm	Accessed Illinois jobs website
	12:49 pm	Accessed Illinois jobs website
	12:50 pm	Accessed Illinois Nurse Aide Testing website
	1:25 pm	Unlocked computer
	1:25 pm	Accessed Illinois Nurse Aide Testing website
	1:31 pm	Accessed Illinois jobs website
	1:31 pm	Accessed Illinois Nurse Aide Testing website
	2:02 pm	Unlocked computer
	2:30 pm	Unlocked computer
	2:50 pm	Unlocked computer
	3:24 pm	Accessed Illinois jobs website
	5:39 pm	Unlocked computer
	5:42 pm	Accessed Illinois jobs website
	6:28 pm	Accessed Illinois jobs website
	6:28 pm	Accessed Illinois employee salary website

Saturday, February 10, 2024 (scheduled off day)

Mr. Brinkley was signed up to work overtime as a Support Service Worker from 7:30 a.m. – 1:00 p.m., which was approved, and as Cook's Help from 6:00 a.m. – 12:00 p.m., which was not reflected as approved. He was not signed up to work past 1:00 p.m., though Voluntary Overtime sign-up sheets showed those two positions were needed on the night shift.

Overtime hours	Time of computer activity	Description
6:00 am – 2:00 pm	7:35 am	Unlocked computer
	7:35 am	Accessed Illinois jobs website
	9:18 am	Unlocked computer
	9:43 am	Accessed Illinois jobs website
	9:46 am	Accessed Illinois Department of Public Health website
	9:49 am	Accessed Illinois Nurse Aide Testing website
	9:50 am-11:42 am	Accessed training/practice exam from Illinois Nurse Aide Testing website
	12:16 pm	Unlocked computer
	12:36 pm	Accessed training/practice exam
	12:52 pm	Logged on

Wednesday, March 6, 2024 (regular work day)

Mr. Brinkley was signed up to work overtime as Cook's Help on part of the day shift, and initials reflect he approved his own overtime. He also worked his regularly scheduled night shift.

Overtime hours	Time of computer activity	Description
6:30 am – 11:30 am ¹⁵	6:31 am	Logged on
	6:34 am	Accessed Illinois jobs website
	7:55 am	Logged on
	8:40 am	Logged on
	9:33 am	Logged on
	9:46 am	Logged on
	9:58 am	Accessed Illinois jobs website
	10:23 am	Accessed Illinois jobs website

Friday, March 15, 2024 (regular work day)

Mr. Brinkley was signed up to work overtime as Cook's Help on part of the day shift, which was not reflected as approved, but time records reflect he worked five hours of overtime. He also worked his regularly scheduled night shift.

Overtime hours	Time of computer activity	Description
6:30 am – 11:30 am ¹⁶	6:30 am	Logged on
	8:09 am	Unlocked computer
	8:09 am	Accessed Illinois jobs website and related sites
	8:12 am-8:26 am	Accessed Illinois retirement benefits website
	9:38 am	Logged on

¹⁵ Mr. Brinkley had additional logins and browser activity on his regular night shift, which included accessing job search and related websites.

¹⁶ Mr. Brinkley had additional logins and browser activity on his regular night shift, which included accessing job search and related websites.

G. Interview of David Brinkley

The OEIG interviewed Mr. Brinkley on July 31, 2024. Mr. Brinkley confirmed he works “on campus” at Nielson Dining Hall on the night shift from 11:30 a.m. to 7:30 p.m., with every other Monday, every other Thursday, and every other weekend off. Mr. Brinkley said that in addition to his normal schedule, he also works overtime almost every day. When asked why he works so much overtime, Mr. Brinkley said it goes to his retirement. Mr. Brinkley acknowledged he had approved his own overtime for day shift positions on multiple dates, but explained that he would ask the Dietary Manager (who left in February 2024) if he was needed the next day, and that manager would tell him to come in. Mr. Brinkley said after getting that approval, he would inform [DVA Employee 1] he would be in from 7:30 a.m. to 11:30 a.m. Mr. Brinkley said that generally, employees can sign up for a half or full shift,¹⁷ and overtime goes to those who volunteer for full shifts first.

Mr. Brinkley said a day shift Coordinator or Lead is usually present when he works day shift overtime, and he reported to [DVA Employee 1] or [DVA Employee 2], who fill out a sheet for who is going where for the day. Mr. Brinkley said the tasks assigned vary, and he claimed he performs them as assigned. Mr. Brinkley said he sometimes takes breaks at the same time as the rest of day shift if he is not in the middle of something, but added a break is not required if he is going to work his regular shift at 11:30 a.m.

Mr. Brinkley initially said that employees on overtime are to perform duties of the position they volunteered for until their regular shift starts, and when asked if he has performed Coordinator duties while on overtime in a non-Coordinator position, he said he did not recall doing so. Mr. Brinkley then said he has performed Coordinator duties if there is not another Coordinator or Lead on shift, even if he is signed up for something else, and said he had covered for [DVA Employee 1] and [DVA Employee 2] “a lot.”¹⁸ Mr. Brinkley said his job duties do not stop just because he is a Support Service Worker on overtime. For example, Mr. Brinkley said he will start seeking overtime volunteers for the night shift while on day shift overtime in a non-Coordinator position, though he said he would not otherwise come in early just to start seeking volunteers.

Mr. Brinkley denied that he had scrolled social media, watched political videos, watched videos about automobiles or motorcycles, watched videos with the volume on where someone could overhear it, engaged in phone conversations longer than 30 minutes, or conducted other personal business on his cell phone during official time. Mr. Brinkley said his phone is either in his back pocket or in a drawer in the filing cabinet in the office while he is at work.

¹⁷ Mr. Brinkley confirmed he had a meeting with the Quincy Administrator and temporarily assigned Adjutant, along with his union representative, where he was told he could not work overtime unless it was a full eight hours. Mr. Brinkley said he could not recall when that occurred, but that they “recanted” after being shown a Memorandum of Understanding stating overtime can be a half shift, and he said he did not start doing anything differently after that.

¹⁸ The OEIG reviewed Voluntary Overtime sign-up sheets and Dietary call-in logs for October 2023 through April 2024, and out of Mr. Brinkley’s 183 total overtime days, counted 30 he was signed up for overtime as a Coordinator/Lead (though not all reflected written approval, and some days he was signed up for multiple positions); and an additional 17 days that [DVA Employee 1] or [DVA Employee 2] were recorded as call-ins (but parts of the February and March 2024 logs were missing).

Mr. Brinkley also initially denied that he had ever reported for overtime and sat in the office not working or surfing the internet, other than during an authorized meal or break. When asked about office computer use while working overtime as a Support Service Worker/Cook's Help, Mr. Brinkley said if there is only one Lead on a shift, he will help them work out a diet order, or if the Cook needs a recipe, he has gotten on the computer to print a recipe if the Coordinator and Lead are not in the office. Mr. Brinkley said that had occurred maybe a couple or a few times, and he could not recall any other reasons he might have logged into the computer. Mr. Brinkley said that Support Service Workers generally do not have tasks that require them to be on the computer in the office, other than taking mandatory online trainings and periodically checking their State email.

Mr. Brinkley acknowledged that IDVA policy on computer usage is to log on, log off, and not leave it open for someone to gain access to residents' information, and he said he has not shared his login information or logged in for another employee to use the computer. Mr. Brinkley said he switches users every time he moves away from the computer, if it has not already locked itself, so that no one will have access to his credentials.¹⁹

During his interview, Mr. Brinkley was presented with raw data of his computer login activity and browser activity, and a summary of his overtime records and computer activity between January through April 2024. Mr. Brinkley was given the opportunity to review those records in more detail, but he declined the opportunity for further review. Mr. Brinkley was then pointed to a sampling of dates from the records summary, which included computer activity detailed above in this report and several other dates between January and April 2024 where the same or similar websites were visited. When asked about the activity reflected, including visits to Nurse Aide testing websites on February 5 and 10, 2024, Mr. Brinkley admitted he was on the computer related to getting his Veterans Nursing Assistant - Certified (VNAC) certification. Mr. Brinkley said he got that certification in February 2024, which involved a test that took three or four hours. Mr. Brinkley said the certification was not required for his Coordinator position, but he got it so he could attempt to work overtime in the Quincy Nursing department (though he said that had been taken by others, so he has been doing overtime in Housekeeping instead). Mr. Brinkley admitted that visiting the Nurse Aide websites was not authorized activity while he was being paid overtime as either a Coordinator or Support Service Worker, stating, "No, I shouldn't have been doing that," and that doing so was a violation of IDVA policy.

When asked about his visits to State job postings, Mr. Brinkley further admitted that he searched job listings daily. Mr. Brinkley said he wanted to "get out of this campus and get away from these people," adding he did not think it was wrong to do so during work time because he is trying to find a job with the State. Mr. Brinkley said he is not going to dispute "any of this" and he has been on "these websites" at whatever time was shown.

IV. ANALYSIS

IDVA policy states that employees are expected to be on-site, performing required duties as assigned, and employees who fail to perform or neglect their duties may be subject to

¹⁹ The IDVA Handbook (Rules of Conduct – Use of Computers) states employees are to lock workstations when leaving their work area to prevent unauthorized use.

disciplinary action, up to and including discharge.²⁰ The State of Illinois Code of Personal Conduct also requires that a State Employee: “(a) will perform all work duties assigned to him or her, (b) will not perform any work duties in a negligent manner that results in a material delay or material financial loss to the State, and (c) will not engage in willful idleness while on the job.”²¹ In addition, IDVA policy states that employees may use State computers and internet access for State business purposes only and not personal business.²²

The evidence gathered in this investigation revealed that Mr. Brinkley worked an excessive amount of overtime. Records show Mr. Brinkley totaled just over 1,387 hours of overtime in calendar year 2023 and 567 overtime hours for the first four months of 2024. To put this into context by averaging those hours weekly, Mr. Brinkley worked an average of approximately 26 overtime hours every week for the calendar year 2023 ($1387 \div 52$ weeks), and an average of approximately 35 hours every week for the first 4 months of 2024 ($567 \div 16$ weeks). Thus, Mr. Brinkley averaged approximately 66 - 75 hour work weeks for 16 months straight. The sheer volume of such work hours is problematic for acceptable productivity. In this case, not surprisingly, the evidence showed Mr. Brinkley failed to perform expected duties while working overtime.

Documents reflect Mr. Brinkley’s overtime was most often to fill a Support Service Worker or Cook’s Help position, non-supervisory roles, which consistently had the most vacancies due to apparent staffing shortages.²³ These roles included duties such as working the tray line, washing dishes and pots and pans, helping with “prep,” getting meals out, stocking, and cleaning. Both [DVA Employee 1] and [DVA Employee 2], who have been in their respective supervisory roles since at least January 2023, admitted that Mr. Brinkley did not perform overtime duties as expected. [DVA Employee 1] told the OEIG that Mr. Brinkley was frequently in the Dietary office for an entire four-hour overtime shift rather than on the floor performing the appropriate overtime duties. She said she daily observed or heard him use his personal phone while on duty to watch videos, scroll social media, and have short conversations. [DVA Employee 2] similarly said she observed Mr. Brinkley sitting in the office and using his phone to access social media, podcasts, and phone conversations. [DVA Employee 2] said other staff would complain about Mr. Brinkley sitting in the office on his phone. [DVA Employee 2] said on some days, Mr. Brinkley would ask if there was something they wanted him to do, but [DVA Employee 2] said she had normally already moved people to fill positions before Mr. Brinkley arrived. Ultimately, though [DVA Employee 1] said she or a Lead would try to tell Mr. Brinkley to get back to work, she said he would “venture back” to the office.

Mr. Brinkley’s failure to perform assigned overtime duties was corroborated by additional IDVA employees. [DVA Employee 3] said that for three or four months in mid-2023, he observed Mr. Brinkley come in on the day shift around 30 or more times, usually when other supervisors were already there, and he did not observe Mr. Brinkley perform assigned work tasks other than

²⁰ IDVA Employee Handbook, Affirmative Attendance and Rules of Conduct – Performance of Duties.

²¹ State of Illinois Code of Personal Conduct (rev. March 17, 2021).

²² IDVA Employee Handbook, Rules of Conduct – Use of Computers.

²³ Because Mr. Brinkley sometimes did not sign up for overtime in advance, claiming he got verbal approval from a Dietary Manager who left IDVA around February 2024, it was not possible to identify with certainty the position he worked each day. But the majority of positions open on both day and night shift overtime he worked were non-supervisory positions, consistent with employees who stated he worked those positions before his regular shift and on his off days.

occasionally. [DVA Employee 3] said he could see Mr. Brinkley in the Dietary office on his phone, watching videos, which Mr. Brinkley would comment about to other staff with remarks such as “You’re not going to believe what I just saw.” [DVA Employee 4], who started in May 2023, said she also observed Mr. Brinkley when he came in for overtime in the office scrolling on his phone. [DVA Employee 4] said Mr. Brinkley was “frequently” on his personal phone and characterized his use on duty as “significant,” though she said she could not see it, but heard videos when she walked by. [DVA Employee 4] also said that Mr. Brinkley did not come out when help was needed but would instead leave the office to talk to staff when they were on the food line, slowing down the meal service. Both [DVA Employee 3] and [DVA Employee 4] said they were not comfortable confronting Mr. Brinkley directly about his conduct.

The evidence further showed that Mr. Brinkley used IDVA computers for personal business on a regular basis during both overtime and regular shifts. Quincy day shift employees said they saw Mr. Brinkley use the computer while sitting in the office, with [DVA Employee 2] adding she specifically saw him searching State of Illinois job listings. State computer records for Mr. Brinkley’s credentials confirm that over the three-month period of January through March 2024, he logged in to the computer on 68 out of 79 overtime shifts, often multiple times per shift. He accessed job searches and associated sites almost every time, and he spent multiple dates in February taking online trainings and practice exams for a nursing license that was not required for his Dietary Coordinator position.

Mr. Brinkley admitted to visiting those sites when shown evidence during his OEIG interview, stating he did not dispute what the computer data showed. Several Dietary employees said Support Service Workers’ duties did not involve using the computer. Mr. Brinkley admitted that the only reason he could recall accessing the computer in that role was to print a recipe a couple of times when a Coordinator or Lead was not in the office. Even if Mr. Brinkley was sometimes in the office doing Coordinator duties while working overtime, on most days that was not the position he was being paid to fill.

In sum, the evidence shows Mr. Brinkley neglected to perform work duties, engaged in willful idleness on the job, and used State computers for non-State business, in violation of IDVA policy and the State of Illinois Code of Conduct.

V. [REDACTED] AND RECOMMENDATIONS

Based on the evidence detailed above, the OEIG has determined **THERE IS REASONABLE CAUSE TO BELIEVE THE FOLLOWING:**

- **[REDACTED]** – David Brinkley violated IDVA and State of Illinois policies by neglecting to perform required duties and engaging in willful idleness.
- **[REDACTED]** – David Brinkley violated IDVA policy by using State computers for non-State business.

The OEIG recommends Mr. Brinkley be appropriately disciplined up to and including termination. As part of this consideration, it is important to note that Mr. Brinkley clocked an

extensive amount of overtime over a 16-month period, and evidence of non-work activity was significant. Even at a very low estimate of Mr. Brinkley's inactivity, the loss is considerable. For instance, if Mr. Brinkley was off-task only 20% of the time, given his total 1,954 overtime hours from January 2023 through April 2024, the result would be around 390 hours wasted. Multiplied by overtime pay of approximately \$42 per hour (1.5 times his Coordinator rate), that estimation would total over \$16,000 of loss. Furthermore, Mr. Brinkley is in a supervisory position, and part of his job is to manage staff and approve subordinates' overtime requests. This is particularly troubling conduct of someone in such a managerial position. Lastly, Mr. Brinkley indicated that he has sought to sign up for overtime in different Quincy departments, including Housekeeping and Nursing, and has plans to continue to work overtime.

As of the time of this investigation, overtime approval appeared meaningless considering that Mr. Brinkley either received verbal approval or none at all, much of the time. It also appears that the Dietary managers, who were above Mr. Brinkley in the chain of command, either did not acknowledge or know the amount of Mr. Brinkley's overtime, or the roles that he was signing up for. This is particularly concerning when the overtime role poses a problematic reporting dynamic. In this case, Mr. Brinkley worked overtime in non-supervisory roles alongside or under employees that he supervised in his regular position. Several employees expressed frustration with Mr. Brinkley's conduct, as it increased their workload, but some also expressed discomfort challenging him because they fell below him in the regular chain of command. For these reasons, the OEIG requests that IDVA review and consider its overtime policies, procedures, or practices, as well as the role of Dietary Manager, if it has not already done so. IDVA should also consider training to ensure that overtime is being approved appropriately and checked for potential abuse.

Date: October 15, 2024

Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 E. Adams Street, 14th Floor Springfield,
IL 62701

By: Janelle Skaloud
Assistant Inspector General

Patricia McPhillips
Investigator



ILLINOIS DEPARTMENT OF VETERANS AFFAIRS

833 SOUTH SPRING STREET SPRINGFIELD, IL 62704

October 31, 2024

Office of Executive Inspector General
for the Agencies of the Illinois Governor
Attn: Fallon Opperman
69 W. Washington, Suite 3400
Chicago, Illinois 60602

VIA EMAIL

Re: Response for OEIG Complaint No. 24-00231

Dear Ms. Opperman:

This letter is to provide a response to OEIG Complaint No. 24-00231. IDVA has reviewed the report and upon the recommendation of CMS personnel, intend to utilize the findings in the OEIG report to issue discipline to the subject employee of the report. In addition to discipline, IDVA will review its overtime policy and procedure to see what adjustments need to be made as to how overtime is posted and approved at the homes. Once a review is done, IDVA will update its policy and then implement training. IDVA will update the OEIG on the status of discipline as well as the status of the updates to the policy and training.

If you have further questions, please feel free to contact IDVA Ethics Officer, Matt Eddington, at [REDACTED]. Thank you for assistance with this matter.

Sincerely,

Terry Prince
IDVA Director



833 SOUTH SPRING STREET, SPRINGFIELD, IL 62704

February 6, 2025

Office of Executive Inspector General
for the Agencies of the Illinois Governor
Attn: Fallon Opperman
69 W. Washington, Suite 3400
Chicago, Illinois 60602

VIA EMAIL

Re: Response for OEIG Complaint No. 24-00231

Dear Ms. Opperman:

This letter is to provide a response to your follow-up on January 29, 2025, asking for an update on the above numbered complaint. Due to staffing issues in our labor and human resources departments, this has taken longer than expected as other divisions were covering those positions as well as their own job duties. IDVA now has a contractual labor relations manager that started after the holidays. Regarding discipline, the Pre-d packet is prepared, and the labor relations manager is currently working on getting the Pre-d hearing scheduled at the Illinois Veterans Home at Quincy. The Labor Relations Manager also is looking at supervision in the unit.

The OT issue currently is being reviewed. IDVA understands the importance of addressing this matter and is looking at the approval process to prevent this from occurring again.

IDVA will provide a follow up response with additional information as soon as the steps above are completed.

If you have further questions, please feel free to contact IDVA Ethics Officer, Matt Eddington, at [REDACTED]. Thank you for assistance with this matter.

Sincerely,

Matt Eddington

IDVA Ethics Officer

From: [Eddington, Matt](#)
To: [Yang, Debbie](#)
Cc: [Opperman, Fallon](#)
Subject: RE: 24-00231
Date: Tuesday, April 8, 2025 1:04:54 PM
Attachments: [Xerox Scan_04042025142820.pdf](#)
[2024_10_15 Transmittal Letter 24-00231.pdf](#)
[Ltr re OEIG complaint No 24-00231.pdf](#)

Ms. Yang,

As a follow up, please find attached the retirement letter from the named employee in the complaint.

Thank you,

Matt

From: Eddington, Matt
Sent: Monday, November 4, 2024 2:43 PM
To: Yang, Debbie <[REDACTED]@illinois.gov>
Cc: Opperman, Fallon <[REDACTED]@illinois.gov>
Subject: 24-00231

Ms. Yang,

Please find attached IDVA's response letter to case number 24-00231.

Thank you,

Matt Eddington

Matt Eddington

Deputy General Counsel
Ethics Officer
Illinois Department of Veterans' Affairs
[REDACTED] (o)
[REDACTED]@illinois.gov

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4.4.25
8B

April 4, 2025

To Whom It May Concern:

After careful consideration, I have decided to retire from
Illinois Veterans Home in Quincy, Illinois.

Please consider this letter my formal resignation effective
today.

Sincerely,

David W. Brinkley

