

THE BOARD OF COMMISSIONERS

TONI PRECKWINKLE

PRESIDENT



OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

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July 16, 2012

Honorable Toni Preckwinkle
and Members of the Board of Commissioners
of Cook County, Illinois
118 North Clark Street
Chicago, Illinois 60602

Re: Independent Inspector General Quarterly Report (2nd Qtr. 2012)

Dear President Preckwinkle and Members of the Board of Commissioners:

This report is written in accordance with Section 2-287 of the Independent Inspector General (OIIG) Ordinance, Cook County, Ill., Ordinances 07-O-52 (2007), to apprise you of the activities of this office during the time period beginning April 1, 2012 through June 30, 2012.

In connection with the number of complaints received during the subject reporting period, please be advised that this office has received a total of 102 complaints.¹ Please be aware that during the subject reporting period, 24 OIIG investigations have been initiated. This number also includes those investigations resulting from the exercise of my own initiative (OIIG Ordinance, Sec. 2-284(2)). Additionally, 16 OIIG case inquiries have been initiated during this reporting period while a total of 80 OIIG case inquiries remain pending at the present time. Three matters have been referred to other enforcement or prosecutorial agencies for further consideration.

In connection with the recently opened investigations by the OIIG, the following is a general description of the issues under review:

¹ Upon receipt of a complaint, an OIIG complaint number is assigned to the contact and a triage/screening process of each complaint is undertaken. We will initiate a formal investigation when appropriate by assigning an OIIG case number and investigator to the matter. In order to streamline the OIIG process and maximize the number of complaints that will be subject to review, if a complaint is not initially opened as a formal investigation it may also be reviewed as an "OIIG inquiry." This level of review involves a determination of corroborating evidence before assigning an OIIG case number to the complaint. When the initial review reveals information warranting the opening of a formal investigation, an OIIG case number is assigned. Conversely, if additional information is developed to warrant the closing of the OIIG Inquiry, the matter will be closed.



Theft/official misconduct;
Disclosure of bidding information by public official (2 cases);
Bribery/official misconduct;
Falsification of government record;
Sleeping or inattention to duty during work hours (3 cases);
Sex harassment by supervisory staff;
Illegal hiring practices;
Misuse of government property (2 cases);
Post-SRO Claim Investigations (12 cases).

The OIIG currently has a total of 120 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 124 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

Summary Reports

During the 2nd quarter of 2012, the OIIG issued 12 summary reports. The following is a general description of each matter and whether an OIIG recommendation for remediation/discipline has been adopted, if applicable, due to the time permitted for corrective action. Specific identifying information is being withheld in accordance with the OIIG Ordinance where appropriate.

IIG10-0008. This investigation was initiated in response to a package sent the Medical Examiner's Office by a private law firm. The package contained a box of chocolate candies and a note to a person thanking her for her help and seeking referrals for personal injury and wrongful death cases. The OIIG sought to determine whether an employee at the Medical Examiner's Office was being paid to improperly refer matters to private attorneys (a situation that had occurred in the past at the Medical Examiner's Office). However, the name on the note did not match any employees of the Medical Examiner's Office during the relevant time period, and it could not otherwise be determined through various interviews of Medical Examiner employees and the private attorney involved to whom the note was intended. As a result, no disciplinary action was recommended.

IIG10-0043. This investigation involved allegations that an employee at the Medical Examiner's Office violated the County's dual employment policy by working more than 20 hours per week for another employer. The evidence obtained in the investigation, including payroll records subpoenaed from the other employer, confirmed that the subject employee had in fact violated the County's policy over a substantial period of time. In addition, the investigation revealed that the employee had falsified the dual employment forms that she submitted to the County. Based on the OIIG's recommendation, discipline was imposed on the subject employee.

IIG10-0079. This investigation relates to allegations of unlawful political discrimination in connection with a job posting for a position of Assistant Division Superintendent at the Forest Preserve District. The evidence obtained in the investigation revealed that the interview panelists were approached by a high ranking manager within the Forest Preserve's Maintenance Department who indicated that one of the candidates was a member of his political organization and would be a good candidate. As a result, that candidate was selected for the position despite the fact that she did not meet the minimum qualifications listed for the position and that there was a demonstrably superior candidate who had applied. Because the evidence showed that Forest Preserve employees had rigged the hiring process in favor of a politically connected candidate, the OIIG recommended that discipline be imposed on those involved with the hiring and that the candidate selected be removed from her position because she was not minimally qualified. The OIIG's recommendations are currently pending.

IIG11-0024. The OIIG initiated this investigation based on allegations that an employee at the Medical Examiner's Office was reporting his time as sick leave when he was actually taking a vacation. After analyzing various County documents and interviewing witnesses, it was determined that the subject employee did not violate the County's sick leave policy.

IIG11-0047. This investigation began as a management review relating to the trustees appointed to the Northfield Woods Sanitary District. The investigation revealed that the trustees exceeded their statutory authority and breached their fiduciary duties by, among other things, paying themselves approximately \$263,863 in salary above the amount permitted by statute over a three and a half year period. The OIIG made recommendations concerning the future appointment of trustees and also proposed legislation to hold future appointees accountable under the Cook County Ethics Ordinance and Cook County Independent Inspector General Ordinance.

IIG12-0015. The subject of this investigation, an employee at the Animal & Rabies Control Department, was alleged to have engaged in various forms of misconduct and violations of County policies and procedures. The evidence obtained during the investigation did not support the allegations of misconduct.

IIG12-0016. This investigation relates to allegations of sexual harassment against a former Forest Preserve District employee. The evidence obtained during the investigation supports the conclusion that the former employee made unwelcome sexual advances toward and physical contact with another Forest Preserve District employee. As the conduct took place several years ago and the person responsible for the sexual harassment is no longer employed by the Forest Preserve District, no disciplinary action was recommended as to that individual committing the infractions. However, the investigation also revealed a pattern of erratic behavior by the victim of the sexual harassment such that the OIIG has recommended a fitness for duty examination and a heightened level of supervision for that individual.

IIG12-0025. The OIIG opened this investigation in response to a complaint that an employee in the Highway Department had engaged in improper communications with

individuals involved in the bidding process after bids were opened for an asphalt cold patch contract. Although the evidence did not support a finding that the subject employee violated County rules or state law, it did reveal conduct that was questionable and that could give the appearance of impropriety. As a result, recommendations were made for remedial action and training for the subject employee which are currently pending.

IIG12-0027. The subject of this investigation, an employee in the Highway Department, was alleged to have repeatedly falsified his date of birth on various County employment documents during his approximately 30 years of employment. The investigation confirmed that such falsification did occur. In addition, the investigation also revealed that the subject employee violated the County's dual employment policy by failing to disclose all of his secondary employment and that he failed to report an arrest for aggravated assault as required by County personnel rules. As a result, the OIIG made recommendations for imposition of disciplinary action which are currently pending.

IIG12-0038. This investigation relates to allegations that a high ranking official at the Medical Examiner's Office engaged in a pattern of harassment of a subordinate employee. Although the evidence did not support the allegations of harassment, it did reveal that the official engaged in an unreasonable manner of supervision and failed to work in accordance with County practices. In response to the OIIG report, disciplinary action was imposed on the official and supervision of the subordinate employee was transferred to another manager.

IIG12-0041. This investigation involved a complaint that an employee in the Forest Preserve District did not possess the minimal qualifications for her position as required in the job posting. The investigation confirmed that the employee in fact lacked one of the major qualifications required for her position such that she should not have been hired for that position. Although there was no evidence of specific wrongful conduct on the part of the subject employee, the OIIG recommended that the employee be separated from her current position in order to correct the improper hiring although not as a disciplinary measure. The OIIG recommendation is currently pending.

IIG12-0044. This investigation relates to three used double stack commercial ovens that were reported missing from the Juvenile Temporary Detention Center. The investigation revealed that the subject ovens had recently been replaced and were being temporarily stored pending research on potential disposal value by an employee in the Bureau of Administration. During this period, an employee in the Department of Facilities Management arranged for a friend to remove and dispose of the ovens. No evidence was developed to indicate the employee received any remuneration for making this arrangement. The employee believed the ovens had no market value. During the investigation, it was determined that the ovens had a value ranging from scrap metal value to possibly as high as \$15,000 (if sold to a refurbishing company for resale). Remedial action was recommended regarding policies and procedures for disposing of government property in coordination with the Bureau of Administration's Salvage Unit consistent with the County's Procurement Code. As a result of the investigation, the employees involved with the disposal of the ovens received discipline.

Proposed Legislation

Based on the results of the OIIG investigation of the Trustees of the Northfield Woods Sanitary District, the OIIG submitted proposed legislation at both the County and State levels designed to eliminate the abuses observed and hold members of boards or commissions appointed by the County to the same ethical standards and oversight as County officials and employees.

The OIIG also submitted proposed legislation that would require County contractors to report corruption, political discrimination and other criminal activity just as County employees are currently required to do.

In addition, the OIIG submitted a recommendation for the enactment of legislation or a policy to require employees to report instances in which they are contacted by a politically-related person or organization if that contact involves an attempt to inquire about or affect a procurement action. Procurement action would be defined to include not only the awarding of contracts, but also extending contracts, changing terms in contracts, requiring the hiring of certain subcontractors and any other activity involving the procurement process. This new law/policy would require employees to report, for example, any instance in which they are contacted by an elected official seeking to have a contract awarded to a particular contractor. Employees are already required to report such political contacts relating to employment actions. The goal is to prevent politics from entering not only the employment process but also the procurement process.

OIIG Activities Relating to Unlawful Political Discrimination

It has been one year since the County implemented the requirement to file Political Contact Logs with the Office of the Independent Inspector General. The Logs must be filed by any County employee who receives contact from a political person or organization or any person representing any political person or organization where the contact relates to an employment action regarding any applicant or County employee. From March 8, 2011 to December 31, 2011, the Office of the Independent Inspector General received 23 Political Contact Logs. The Logs resulted in four OIIG Investigations. From April 16, 2012 to July 15, 2012, the Office of the Independent Inspector General received seven Political Contact Logs.

On February 22, 2012 Judge Sidney I. Schenkier signed the order transitioning to the Office of the Independent Inspector General the duty to investigate all complaints filed pursuant to the *Supplemental Relief Order* in the *Shakman* litigation which involve either Cook County or the Forest Preserve District. Previously all Complaints were referred to the Post-SRO Complaint Administrator for handling. In the last quarter, the OIIG has received an additional 12 Complaints. Also during the last quarter, the OIIG completed investigations and issued findings relating to two Post-SRO Complaints.

Hon. Toni Preckwinkle and
Members of the Board of Commissioners
July 16, 2012
Page | 6

Thank you for your time and attention to these issues. Should you have any questions or wish to discuss this report further, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick M. Blanchard". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patrick M. Blanchard
Independent Inspector General
(312) 603-0364

cc: Mr. Kurt Summers, Jr., Chief of Staff, Office of the President
Ms. Laura Lechowicz Felicione, Special Legal Counsel
Dr. Ramanathan Raju, Chief Executive Officer, Health and Hospitals System
Ms. Elizabeth Reidy, General Counsel, Health and Hospitals System
Mr. Arnold Randall, General Superintendent, Forest Preserve District
Ms. Mary Laraia, Deputy Superintendent, Forest Preserve District