

THE BOARD OF COMMISSIONERS

**TONI PRECKWINKLE**  
PRESIDENT



OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

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July 15, 2013

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. 2013)

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, 2013 through June 30, 2013.

**OIIG Complaints**

The Office of the Independent Inspector General received a total of 90 complaints during this reporting period.<sup>1</sup> Please be aware that 22 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, 5 OIIG case inquiries have been initiated during this reporting period while a total of 141 OIIG case inquiries remain pending at the present time. There has been one matter 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:

- Post-SRO matters (7 cases);
- Failure to file mandated Statement of Economic Interest;

<sup>1</sup> Upon receipt of a complaint, an OIIG complaint number is assigned to the contact and a triage/screening process of each complaint is undertaken. 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 opening a formal investigation. When the initial review reveals information warranting the opening of a formal investigation, an "OIIG Investigation" number is assigned. Conversely, if additional information is developed to warrant the closing of the OIIG Inquiry, the matter will be closed.

- Time card fraud;
- Failure to cooperate during an OIIG investigation;
- Official misconduct;
- Ethics violations (accepting vendor gifts and hiring relatives);
- Falsification of contractor reports;
- Negligence in the performance of duties;
- Site inspections (2 cases);
- Misuse of government property;
- Waste of government resources;
- Forest Preserve District - Operational Review;
- Board of Review - Review of Political Contribution Statistics and Standards.

The OIIG currently has a total of 79 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 59 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

### **OIIG Summary Reports**

During the 2nd quarter of 2013, the OIIG issued 34 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.

IIG12-0076 to IIG12-0085, IIG13-0026. These investigations related to allegations of widespread timecard fraud at the Oak Forest Health Center. The investigations involved approximately 3 months of video surveillance of employees swiping ID cards for attendance and payroll purposes. Employees were seen swiping in multiple ID cards, as many as 4 at a time, presumably for co-workers. Comparing the employee clock report with the time entry swipes in the time-stamped video recordings, we were able to determine which ID cards were being swiped, when they were swiped and by whom. This revealed a pattern of employees swiping ID cards of their co-workers to report them as being at work when in fact they were not. When questioned by OIIG investigators, subject employees initially denied engaging in this timecard fraud but confessed after being confronted with the video evidence. The OIIG recommended termination for the 10 employees found to be engaged in time card theft. Their misconduct was compounded by their deceit, denials and lack of cooperation. Other recommendations designed to remedy future occurrences were made as well. Our recommendations are currently pending. This investigation and others reveal the need to address systematic time card issues within the hospital system.

IIG13-0045. This investigation was initiated upon an allegation that the Recorder of Deeds hired a niece to serve in a high ranking position on the staff. The hiring of family members is a violation of the Cook County Ethics Ordinance. The Recorders Office refused to cooperate with our investigation based on its position we lacked jurisdiction over that office. We

proceeded with the investigation because the OIIG enabling ordinance expressly provides for our jurisdiction with respect to the offices of separately elected County officials and, as a matter of law, ordinances are presumed to be valid and constitutional unless and until struck down by a court of law. Even without the cooperation of the Recorders Office, the preponderance of the evidence revealed that the newly hired official was in fact the elected official's niece. This office conducted computer based research of public records, media sources and other databases and based its conclusion on the common names, common addresses, common associations, and relative ages of all involved individuals. In order to cure this ethics violation, the OIIG recommended that the elected official's niece be terminated from employment with the Recorder's Office. The Recorder's Office has rejected our recommendation.

IIG12-0065. This matter involved a high ranking official in the Department of Risk Management who allegedly accepted gifts and entertainment at sporting events from a large vendor for whom she had oversight in violation of the Cook County Ethics Ordinance. When initially interviewed by our office, the official stated that she did attend a Bears game in the skybox suite of the vendor but was invited as a guest of a friend who had no affiliation with the vendor and she did not know how the friend obtained the tickets. During a subsequent interview, the official admitted that she was in fact invited to the Bears game by an account executive of the vendor. The account executive invited her so she could pursue networking opportunities. The official only knew the account executive through her work with Cook County. The Chicago Bears advertise skybox suites at a cost of \$17,000 per suite, each holding a capacity of 20 seats or \$850 per person, not including the charges for food and beverage customarily offered in skybox suites. Thus, the investigation confirmed that the official violated the Ethics Ordinance by accepting the gifts from the vendor and also violated the OIIG Ordinance by supplying materially false information to the OIIG. Because of the serious and flagrant nature of the violations, we recommended termination of the official's employment. As she resigned before the imposition of such discipline, we further recommended that any future application for employment with Cook County by her be denied. The President's Office has indicated that our findings will be considered if the official were to seek re-employment with the County.

IIG13-0054. This investigation was initiated by the OIIG as part of its ongoing monitoring of the operations of the Cook County Medical Examiner's Office (MEO). This site inspection was designed to assess the level of diligence to duty by the employees assigned to the Investigations and Intake Sections of the office on the 11:00 p.m. to 7:00 a.m. shift. In order to evaluate the effective utilization of the overnight staff and the appropriateness of their diligence, the OIIG made an unannounced visit to the MEO at approximately 3:10 a.m. on May 8, 2013. Immediately upon entry to the Investigations Section, we observed one employee, subsequently identified as a supervisor, sitting in a windowed office at the front of the suite, and two investigators in cubicles. The room was darkened. The two investigators at the cubicles were asleep at their stations. We stood and observed one investigator who was only awakened when a cell phone began ringing. He had a Sun Times newspaper opened to internal pages and no work related reports in front of him or on his computer screen. The other investigator was reclined in his cubicle in his chair with his feet elevated and resting on another chair with his eyes closed. We recommended appropriate disciplinary action be taken as to the sleeping investigators. One

of the subject employees received at 3-day suspension and the other's disciplinary disposition will be determined when he returns from medical leave.

IIG13-0037. This case was initiated in response to a complaint that a Forest Preserve District employee was viewing pornography on a work computer during working hours. In an effort to explore the allegations, this office conducted a workplace search, performed computer forensic analysis of seized work place computers assigned to the subject employee, reviewed personnel files, time sheets, work e-mails, and interviewed relevant witnesses and the subject of the investigation. The OIIG worked with the FPD computer consultant and area federal law enforcement for the purpose of performing a forensic analysis of the subject's work computers. The investigation confirmed the allegations against the employee and revealed a pattern of such activity by him. The employee resigned after disciplinary action was recommended.

IIG13-0060. This investigation was initiated based on information that a newly hired employee in the Health and Hospitals System's Human Resources Department was facing felony charges of Identity Theft and concerns that the underlying conduct could create a conflict with her assignment in Human Resources where confidential information is maintained. Specifically, her position gave her direct access to the names, social security numbers, dates of birth, addresses and other personal and confidential information of both patients and employees of the Health and Hospitals System. In addition, it was alleged the subject employee provided false information in connection with a request for unpaid leave. During our investigation, we obtained a Certified Statement of Grand Jury Indictment stating that the subject employee committed the offense of identity theft, possession of a stolen motor vehicle and theft. In order to further develop the circumstances surrounding the indictment, this office issued a subpoena to the Chicago Police Department and obtained records related to the subject charges. Unrelated to the underlying circumstances supporting her indictment, we were informed that the subject employee notified her Senior HR Coordinator that she needed three hours off to attend a Child Support Court Hearing on a particular date. This office determined that the employee was actually scheduled to appear in the George N. Leighton Cook County Criminal Court Building on that date in connection with her criminal case. Subsequently, the employee was observed by an OIIG Investigator appearing for her criminal matter on the date in question. Our office scheduled an interview with the subject employee to address the above-referenced issues, but the subject employee refused to be interviewed. Thus, the investigation revealed that the subject employee not only provided false information to her supervisor in support of her request for leave of absence, but also refused to cooperate with on OIIG investigation in violation of her duties under the OIIG Ordinance. Based on our recommendation, the subject employee's employment with HHS was terminated.

IIG12-0009. This matter involves the OIIG's ongoing monitoring of the operations of the Cook County Medical Examiner's Office (MEO) and specifically relates to the MEO maintenance of the cooler. The deficiencies that were identified included the manner in which fetus and/or infant cases were being stored together in large bins in the cooler. This practice was unacceptable, and MEO officials acknowledged the need to change this condition. The MEO has

obtained adequate shelving to maintain separate storage spaces for fetus cases and the MEO has begun to follow that practice.

IIG12-0068. This investigation was opened based on newspaper article that revealed a current Forest Preserve District (FPD) Police Officer has been collecting a permanent disability check of \$14,500 a year from a municipality since 1982 for an injury suffered as a paramedic in 1981. In 1991, he was hired by the FPD as a police officer. The focus of the OIIG investigation was whether the subject officer falsified his employment application or otherwise deceived the FPD regarding his condition. The investigation did not reveal any such falsification.

IIG12-0090. This investigation involved a Post-SRO complaint filed pursuant to the *Supplemental Relief Order for Cook County* ("SRO") entered in connection with the *Shakman v. Cook County*, 69 C 2145 (N.D. Ill.) litigation. The complainant alleged that she was the victim of political discrimination when she was terminated from her position within the Health and Hospitals System. The OIIG determined through its investigation that impermissible political factors were not considered in connection with her termination and that the complainant was not entitled to relief under the *Shakman* SRO.

IIG12-0065. In this matter, OIIG investigators discovered that Stroger Hospital's receiving dock area lacked adequate security related to hospital supplies and pharmaceuticals, including controlled substances. We subsequently conducted site inspections of the hospital's receiving dock area and confirmed that security practices and procedures were lax to nonexistent. We subsequently consulted with the U.S. Drug Enforcement Administration (DEA) regarding our security concerns, and the DEA agreed to conduct an unannounced comprehensive accountability audit of the hospital's six pharmacies through its Office of Diversion Control. As a result of the DEA audit, it was determined that the pharmacy's inventory records were lacking and possibly inaccurate. Consequently, the DEA Audit Team concluded that the hospital was not in compliance with the DEA's reporting requirements for controlled substances. In addition, the DEA found that the hospital was not in compliance with federal regulations for certain practices, such as inadequate recordkeeping, failure to conduct regular inventories, and failure to satisfy reporting requirements related to controlled substances. As a result of our investigation and the DEA audit, several recommendations were made which are currently pending.

IIG12-0070. This investigation was initiated based on a complaint which alleged that a doctor at the Health and Hospitals System (HHS) and others violated the Cook County Ethics Ordinance by operating a private enterprise during work time using HHS property. This investigation consisted of reviewing employee personnel files, time records, public records and websites, as well as interviewing relevant HHS employees. The initial allegations of an ethics violation were not sustained, but the investigation did reveal a violation of the HHS dual employment policy by the subject doctor. Recommendations were made with respect to the subject doctor and to address systemic issues with the HHS dual employment policy in general.

IIG13-0031. This investigation relates to a complaint that a surgeon in the Health and Hospitals System had left the hospital's employ but was still getting paid. This allegation raised

the possibility that time records had been falsified. After a thorough investigation, it was determined that no fraud had occurred, but the surgeon had been over paid in the amount of \$20,344.24 due to a time keeping error by an inexperienced staff member. Recommendations were made and the overpayment in salary was recovered.

IIG13-0038. This investigation originated from a Political Contact Log advising that a political individual had contacted a high ranking Cook County employee regarding a hiring action in the Department of Homeland Security and Emergency Management. The OIIG began interviewing the subjects of the Political Contact Log in order to determine whether political factors were being considered for any positions which were not *Shakman* exempt. A relevant subject assigned to the Public Defender's Office was interviewed by the OIIG during the investigation and was advised of his duty to cooperate and maintain the confidentiality of his OIIG interview. Despite acknowledging this duty and being represented by counsel, the subject employee discussed details of his OIIG interview with others and thereby compromised the OIIG investigation and violated the OIIG Ordinance. As a result, disciplinary action in the form of a 10-day suspension without pay was recommended. Also, pursuant to the penalties provision of the OIIG Ordinance, a \$300 fine was recommended. The Public Defender's Office imposed a 2-day suspension and \$400 fine.

IIG13-0041. This investigation relates to an allegation that a doctor at the Health and Hospitals System was not working his assigned hours at the hospital and may have been attending to his private practice during assigned hospital hours. In order to evaluate the allegations concerning the subject doctor, we reviewed his time and attendance records, patient schedule for his private practice, and parking garage records. We also conducted interviews of pertinent personnel, including the subject doctor. The information obtained during the investigation did not support the allegations against the subject doctor. However, our investigation did reveal certain institutional problems with timekeeping for doctors that should be addressed. These problems include (i) the lack of written policies as to whether doctors are permitted to do administrative work at home, (ii) the inability to verify and quantify the amount of work done by doctors during their assigned shifts at the hospital, (iii) the inability to verify and quantify the amount of administrative work done by doctors at home, (iv) the lack of transparency regarding whether certain doctors are part-time or full-time employees, and (v) lack of policies as to the accrual of benefits for part-time doctors. Accordingly, our office made several recommendations to address those issues that are pending.

IIG13-0019. In this case, the OIIG received information that Cook County Highway officials disposed of an estimated 58 Bankers Boxes of personnel files at some time between 2004 and 2009 without following State procedures. After a thorough investigation and site inspection, the allegation was not sustained.

IIG13-0009 to IIG13-0011; IIG13-0013 to IIG13-0018. These nine cases involved a reporting duty under the Illinois Governmental Ethics Act, 5 ILCS 420/1-101, which requires certain Cook County employees to file a Statement of Economic Interest ("SEI") with the County Clerk's Office for each calendar year. Our Office conducted a compliance review to

identify Cook County employees who failed to comply with the SEI filing requirement. The OIIG obtained information from the Cook County Clerk's Ethics and Campaign Disclosure Division indicating that certain employees in various County offices (including the Health and Hospitals System, the Sheriff's Department, and the Forest Preserve District) failed to file an SEI despite the fact that several notifications had been sent to them. Our investigation revealed violations in 8 of the 9 cases and discipline was recommended as to those in violation. Additional recommendations were made to remedy such occurrences in the future.

### **Activities Relating to Unlawful Political Discrimination**

#### **Political Contact Logs**

In April of 2011, 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. The OIIG acts within his authority with respect to each Political Contact Log filed. From April 1, 2013 to June 30, 2013, the Office of the Independent Inspector General received 30 Political Contact Logs and opened an inquiry regarding each.

#### **Post-SRO Claims – Cook County**

In the last quarter, the OIIG has received no additional *Shakman* Post-SRO Complaints and has issued Summary Reports in one previously pending Post-SRO Complaint. Four such Post-SRO Complaints remain pending.

#### **Training**

OIIG personnel have been conducting UPD training given alongside mandatory Cook County annual Employment Plan Training being offered at County job sites where employees do not have access to the online training modules in use by the BHR. In the last quarter, the OIIG has conducted eight such training sessions throughout the Department of Facilities Management. Additionally, during the last quarter the OIIG has proposed and is implementing UPD training for Commissioners and their respective staffs as part of an ongoing effort to ensure County-wide awareness of *Shakman* principles, the Political Contact Log, ordinances regarding UPD and the Cook County Employment Plan.<sup>2</sup>

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<sup>2</sup> Please note that I also had the opportunity to address the Illinois Association of Inspectors General during a recent conference on the topic of Workplace Searches under the Fourth Amendment and to the City of Chicago Office of Inspector General on current issues involving the OIIG.

### Post-SRO Recorder Activity

The OIIG has been in negotiations with the Recorder, *Shakman* class counsel and the Recorder Compliance Administrator regarding the nature of the Recorder's cooperation during investigations conducted pursuant to the SRO. The parties to the *Shakman* matter, along with the OIIG, have been negotiating draft language to establish a protocol to guide the cooperation of the Recorder during investigations of UPD undertaken pursuant to the SRO. Additionally, the OIIG has been involved in reviewing draft language associated with the prospective Employment Plan of the Recorder. The OIIG, among other UPD investigations relating to the Recorder, is investigating two Post-SRO Complaints arising under the Recorder SRO.

### New UPD Investigations – Cook County

Apart from the above PCL and Post-SRO activity, the OIIG has opened one additional UPD inquiry during the last reporting period.

## **OIIG Enabling Ordinance Jurisdictional Issues**

### Office of the Cook County Assessor

As previously reported, a matter under OIIG investigation involved the issuance of a subpoena to the Office of the Cook County Assessor. The subpoena sought information maintained by the Assessor's office relating to the misuse of the Homeowner's Exemption by a manager within the office along with other issues. The Assessor's office has failed to comply with the subpoena and asserted that the OIIG lacks jurisdiction over that office.

The OIIG enabling ordinance specifically provides that the OIIG has the authority to "investigate corruption, fraud... under the Offices of the President as well as the separately elected County officials..." See Section 2-284(2) of the Independent Inspector General Ordinance, Cook County, Ill. Ordinances 07-O-52 (2007). On June 7, 2013, this office filed a two count *Verified Complaint for Declaratory and Injunctive Relief* in the Circuit Court of Cook County against the Assessor, in his official capacity, seeking both enforcement of the subpoena and a declaration from the court confirming the jurisdictional scope of the OIIG to include "separately elected County officials," including the Assessor.

### Office of the Cook County Treasurer

On June 17, 2013, this office issued a subpoena to the Cook County Treasurer seeking various files in connection with an on-going OIIG corruption investigation involving a high ranking official within the Treasurer's Office. On June 17, 2013, General Counsel for the Treasurer's Office issued a written objection to the subpoena asserting that "Cook County lacks the home rule authority to subject the Office [of the Cook County Treasurer] to the jurisdiction of Cook County's Independent Inspector General." Of particular concern to the OIIG is that the Cook County Treasurer has previously cooperated with the OIIG in the conduct of prior OIIG

inquiries involving the Treasurer's Office. Notwithstanding the Cook County Treasurer's failure to cooperate in this investigation, we will endeavor to complete this and all other matters involving the Cook County Treasurer.

#### Office of the Cook County Recorder of Deeds

On May 21, 2013, the OIIG issued a subpoena to the Recorder of Deeds seeking various records concerning the utilization of overtime and compensatory time by *Shakman*-exempt staff in the Recorder's Office. On June 7, 2013, this office received written notification of the Recorder of Deeds' position that it will not comply with the subject subpoena asserting the same objection as noted above. Notwithstanding the Recorder of Deeds' failure to comply, this office will continue to uphold the mandate of the OIIG enabling ordinance by continuing this inquiry.

#### Legislative Activity Relating to OIIG Matters

In 2012, the OIIG issued a public report relative to its investigation of the Northfield Woods Sanitary District and the activities of its appointed Board of Trustees. As outlined in that report, the jurisdiction of the OIIG over District matters and the ability to conduct OIIG investigations was unclear because the Board of Trustees, while appointed by the President of the Cook County Board of Commissioners and confirmed by the Board, are not County employees and do not operate by County funding. Similarly, the applicability of the Ethics Ordinance was also in question. In June 2012, the OIIG submitted proposed legislation to various officials in State government seeking to clarify this issue. Rep. Laura Fine subsequently sponsored this legislation known as the Illinois Local Government Appointee Ethics Act (House Bill 2925)(5 ILCS 430/70-20 New).

On May 30, 2013 this legislation passed both Houses and was sent to the Governor on June 19, 2013 for consideration.

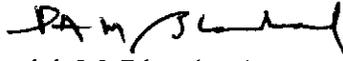
#### OIIG Employment Plan and Hiring

On May 30, 2013, the U.S. District Court approved the OIIG Employment Plan. An amendment to the Plan was also approved by the District Court on June 19, 2013. Upon approval of the Employment Plan, this office initiated posting for five vacant Investigator positions within the OIIG. The postings have been closed and the selection process is now underway in accordance with the provisions of the OIIG Employment Plan. This staffing effort is also important to support the OIIG's monitoring and investigative responsibilities related to the *Shakman* litigation.

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.

Hon. Toni Preckwinkle and  
Members of the Board of Commissioners  
July 15, 2013  
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Very truly yours,



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

cc: Mr. G.A. Finch, Chief of Staff, Office of the President  
Mr. Carlos Ponce, Deputy Chief of Staff for Operations  
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