THE BOARD OF COMMISSIONERS
TONI PRECKWINKLE
PRESIDENT

EARLEAN COLLINS	1st Dist.	PETER N. SILVESTRI	9th Dist.
ROBERT STEELE	2nd Dist.	BRIDGET GAINER	10th Dist.
JERRY BUTLER	3rd Dist.	JOHN P. DALEY	11th Dist.
WILLIAM M. BEAVERS	4th Dist.	JOHN A. FRITCHEY	12th Dist.
DEBORAH SIMS	5th Dist.	LARRY SUFFREDIN	13th Dist.
JOAN PATRICIA MURPHY	6th Dist.	GREGG GOSLIN	14th Dist.
JESUS G. GARCIA	7th Dist.	TIMOTHY O. SCHNEIDER	15th Dist.
EDWIN REYES	8th Dist.	JEFFREY R. TOBOLSKI	16th Dist.
		ELIZABETH ANN DOODY GORMAN	17th Dist.

OFFICE OF THE INDEPENDENT INSPECTOR GENERAL
PATRICK M. BLANCHARD
INSPECTOR GENERAL

69 West Washington
Suite 1160
Chicago, Illinois 60602
TEL (312) 603-0350
FAX (312) 603-9948

January 17, 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 (4th Qtr. 2011)

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 October 1, 2011 through December 31, 2011.[1]

In connection with the number of complaints received during the subject reporting period, please be advised that this office has received a total of 101 complaints.[2] Please be aware that during the subject reporting period, 21 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, 20 OIIG case inquiries have been initiated during this reporting period while a total of 91 OIIG case inquiries remain pending at the present time. Two matters have been referred to other enforcement or prosecutorial agencies for further consideration and four cases have been opened as joint investigations with the Complaint

[1] The OIIG began operations in October 2008 with my appointment by the Board of Commissioners.

[2] 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.

Printed on Recycled Paper

Administrator pursuant to the *Supplemental Relief Order* entered in *Shakman v. Cook County, et al.*, 69 C 2145 (N.D. Ill.).

Please be aware that in addition to conducting joint investigations with the Complaint Administrator in anticipation of the transfer of those duties to the OIIG, this office has also increased *Shakman* compliance and monitoring activities involving both Cook County government and the Forest Preserve District this quarter. These duties require OIIG personnel to review employment related activities, such as the imposition of discipline, layoffs, transfers, upgrades and reclassifications, to ensure that political considerations do not enter into the process. The OIIG also conducts training seminars in connection with the prohibitions of unlawful political discrimination.

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

Falsification of employment records;
Unlawful political discrimination;
Hostile Work Environment/Gender Discrimination
Highway Department Drug Testing Protocol
Salvaging protocols
Maintenance and disposal of valuable property – Medical Examiner's Office
Abuse of process by law enforcement
Worker's Compensation Fraud
Theft of government property
Medical Benefits fraud
Obstruction of the Office of the Compliance Administrator (*Shakman*)
Violation of fiduciary duty
HHS Physician dual employment compliance review.

The OIIG currently has a total of 138 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 121 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

During the 4th quarter of 2011, the OIIG issued 16 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.

IIG11-0033. The subject of this investigation, a Forest Preserve District employee, was alleged to have failed to disclose a criminal history on his employment application. This investigation confirmed the criminal history (attempted murder) of the subject individual and the failure of the employee to fully disclose the required conviction information on application

materials. The OIIG recommended discipline and the District has terminated the individual's employment.

The following four investigations involve a similar fact pattern. In order to address the concerns raised by these findings, the OIIG is developing a protocol for consideration by Cook County and the District to require a close review by Human Resources when an applicant for employment has been the subject of an OIIG investigation and terminated following the conclusion of the investigation or resigned during its pendency.

IIG11-0049. Following an OIIG investigation in 2008, the subject was terminated as a result of his falsification of a conditional employment affidavit submitted as part of the application process. Section 44-54(e) of the Cook County Code makes any person ineligible for reemployment for a period of 5 years when it is determined that he/she falsified a government record such as a conditional employment affidavit. The OIIG has determined that the subject employee was rehired by the District in October 2009 in violation of Section 44-54(e). Accordingly, the OIIG recommended the termination of the subject's employment. The District terminated the employee in November 2011.

IIG11-0050. This investigation also involved an employee of the Forest Preserve District who was terminated from his employment in 2008 following an IG investigation due to the falsification of a conditional employment record. The employee was rehired in 2008 in violation of Section 44-54(e). This investigation has similarly resulted in a recommendation to terminate the subject's employment in recognition of the prohibitions contained in Section 44-54(e). The District terminated the individual's employment in November 2011.

IIG11-0051. The subject District employee was terminated following the IG investigation in September 2008 and rehired in April 2009 in violation of Section 44-54(e). The subject's employment was again terminated in December 2011 following this investigation.

IIG11-0052. This investigation involved a District employee who was terminated from his employment in 2007 following an IG investigation and rehired in 2008 in violation of Section 44-54(e). This investigation has similarly resulted in a recommendation to terminate the subject's employment in recognition of the prohibitions contained in Section 44-54(e). The District terminated the individual's employment in December 2011.

IIG11-0053. This investigation was initiated following a complaint involving a supervisor in the Highway Department who allegedly was engaged in a pattern of sexual harassment creating a hostile work environment involving his subordinate female employees. It was also alleged that this supervisor regularly viewed pornographic materials on his County computer during County work hours. This office has determined that the supervisor was in violation of the Human Rights Ordinance prohibiting sexual harassment in the workplace in addition to several other unrelated acts of misconduct. During the pendency of the OIIG investigation, the subject employee resigned his employment. This office has recommended that

Cook County carefully consider the findings of this investigation should the employee seek reemployment at any time in the future.

This investigation was expanded to include other male employees of Cook County government who either worked with or frequently interacted with the supervisor who has resigned. Another supervisor assigned to the Bureau of Administration was determined to have engaged in acts of sexual harassment causing an "offensive" work environment under the Human Rights Ordinance. The OIIG recommended the imposition of a significant level of discipline along with additional training and a period of supervision. The recommendation was adopted by the Bureau of Administration and the subject employee was placed on disciplinary suspension for a period of 20 days without pay.

IIG11-0061. This matter was initiated based on allegations provided to this office involving improper hiring practices due to a conflict of interest involving two high-ranking Human Resources employees of the Health and Hospitals System. This investigation determined that improper hiring practices were utilized and a conflict of interest existed. The investigation also revealed the existence of other issues including an obstruction of *Shakman* compliance monitoring amounting to a breach of fiduciary duty, falsification of employment records by a staff member and the provision of false information to OIIG investigators that was material to this investigation. Based on these findings, we have issued a recommendation for the discharge of two employees and a recommendation for significant discipline involving another HR employee. One of the subject employees has resigned from service. Disciplinary action involving the two other employees is pending at this time.

IIG08-0107. This matter involved allegations involving a Highway Department employee falsifying time records that resulted in the employee being paid while serving in the Illinois General Assembly. During the pendency of this investigation, this office received additional allegations involving the same issues and employee occurring in 2010. The allegations were not sustained. In connection with the 2010 allegations, this office identified errors in the timekeeping records involving the subject employee that were attributable to the administrative error of other individuals. In accordance with Section 44-100 of the Cook County Code, department heads are required to implement unique timekeeping practices when an employee of the department serves in the Illinois General Assembly. The Code also requires the Comptroller and Treasurer to audit the payroll of employees also serving in the General Assembly. As such, the OIIG recommendations reflected a strict adherence to existing internal controls when employees also serve in the General Assembly.

IIG11-0021. This investigation involved a determination by this office of whether former *Shakman* exempt employees had been moved into career service positions prior to the change of administration in December 2010 without the appropriate posting and selection process taking place. The concern was that an employee could become protected from removal if the employment status of the individual was changed from exempt to career service or unionized. By tracking the names of individuals who ceased appearing on the *Shakman* exempt list but remained in County service, this office identified a number of individuals whose

employment status changed to reflect either career service protection or union covered positions. Based upon a preponderance of the evidence, this office determined that three *Shakman* exempt employees were placed into positions in anticipation of the unionization of the positions following union certification filings. Two additional exempt employees were placed into union positions after the positions unionized in violation of the applicable collective bargaining agreement. Because the officials we believe were responsible for orchestrating the scheme to secure employment protection for the former exempt employees no longer serve in County government and there is a lack of evidence connecting the beneficiaries of the scheme to misconduct, this office is not recommending disciplinary action. However, in light of evidence that several of the employees do not perform the functions of the position and the failure to post in violation of the applicable collective bargaining agreement, we have recommended that Human Resources update job descriptions and properly post the positions having been unionized prior to the transfer of the exempt employees. Finally, this office has recommended that the new administration standardize the handling the certification process in bargaining that will avoid the type of confusion that was capitalized upon and continue to manage the *Shakman* exempt list in accordance with existing protocols. The OIIG recommendations are pending.

IIG11-0057. This matter was initiated to examine the methods in place to manage the collection, securing and disposal of unclaimed personal property of decedents with a focus on jewelry by the Medical Examiner's Office. No improper conduct was identified by any employee of the Medical Examiner's Office. While the ME's office utilizes procedures to manage the process, this office has issued a number of recommendations in support of that process, such as the enhancement of security practices, the adoption of formal written policies, improving inventory documentation for the protection of both employees and the public, as well as streamlining disposal procedures. The OIIG recommendations are pending.

IIG11-0062. This matter was initiated following receipt of allegations concerning a false arrest for indecent exposure by a Forest Preserve District police officer. This complaint also involved allegations of an unfair hearing process that resulted in the assessment of fees despite a not guilty finding to the charged offense. Our investigation determined that the proffered allegations were not supported by the facts surrounding the circumstances that, contrary to the allegations, resulted in a plea of guilty to the charged offense. The allegations are not sustained and no disciplinary action has been recommended.

IIG11-0023. This investigation involved a storekeeper assigned to the John H. Stroger, Jr. Hospital of Cook County. The allegations indicated that the employee utilized his position as storekeeper to steal hospital supplies and sell them for personal profit. The allegations were sustained by this office and a recommendation issued for the termination of the individual's employment by the System. The OIIG recommendation is pending.

IIG11-0043. This matter involved the OIIG's site inspections of the Highway Department's Field offices that resulted in the issuance of a statement on December 20, 2011 to the Board of Commissioners pursuant to Section 2-289(c)(2) of the OIIG Ordinance. The information that had been compiled was the product of inspections involving each District

facility during October and November of 2011. The following findings were highlighted in the report due to public safety concerns and institutional practice related to the maintenance of government property:

- The Highway Department routinely operates vehicles with expired State of Illinois safety inspection stickers during the performance of County operations suggesting non-compliance with safety certification standards.

- Due to a lack of necessary safety and vehicle equipment, there is a practice within the Highway Department of maintenance staff removing tires from vehicles in service and "swapping" them with tires on vehicles that previously had been inspected at State Safety Inspection sites in order that these subject vehicles would pass such inspections. Highway equipment maintenance staff also stated that there is a shortage of fire extinguishers in County vehicles and that they routinely "swap" fire extinguishers amongst vehicles in order to pass the State of Illinois Vehicle safety inspections.

- The Highway Department engages in a practice of dumping debris from road maintenance operations in large mounds on the grounds of at least two of the facilities visited. This waste and debris poses a potential environmental hazard in that the mounds were created by dumping the waste collected from street and sewer cleaning operations. Such waste includes contaminates associated with roads such as gasoline, oil, antifreeze and other chemicals removed from the roadways and drainage areas. The accumulation of this debris into mounds dumped on the Highway Department maintenance facilities concentrates these compounds and allows runoff from the mounds to potentially contaminate the surrounding soils and ground water.

- The Highway Department does not maintain adequate controls over supplies and equipment inventories. As a result, the Department is unable to effectively safeguard and efficiently utilize equipment and maintenance supplies for the Maintenance Bureau.

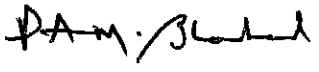
IIG11-0001. This investigation centered upon a former department head who was engaged in an unlawful practice of coercing employees in the department into making political contributions and performing campaign work for former President Todd Stroger prior to the February 2, 2010 primary election. We have determined that the department head solicited the employees to make a campaign donation of $500.00, required others to take personal time to perform campaign work, and utilized a county vehicle for political purposes on election day all in violation of the Code of Ethics, Art. VII, Section 2-583. Several of the employees felt compelled to participate or otherwise indicated that participation "was in their best interest."

The conduct uncovered by this investigation all occurred prior to December 6, 2010 when the present administration took office. Nonetheless, this case underscores the importance of

maintaining an absolute commitment of leadership to the elimination of unlawful political practices in Cook County government and to establishing a culture where such practices are never excused. In this case, a department head openly exploited his position in support of the political candidacy of the President and, reasonably presumed, to have acted with the explicit or implied acquiescence of other high-ranking members of the former administration. Equally problematic is the number of employees, several of whom were senior staff and one attorney, who were subject to the unlawful practices and failed to report the violations contrary to their duty. In this regard, I have recommended the continued commitment by current senior staff to instilling a culture where such misconduct is not accepted. We also recommended that the current efforts by the administration to developing institutional-wide training also be fully supported on a long-term basis. Finally, we have also recommended that the subject former department head not be reemployed by Cook County government if it is sought by the individual.

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,



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, Legal Advisor to the President
Dr. Ramanathan Raju, Chief Executive Officer, Health and Hospitals System
Mr. Arnold Randall, General Superintendent, Forest Preserve District
Ms. Mary Laraia, Deputy Superintendent, Forest Preserve District