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TONI PRECKWINKLE

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OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

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January 16, 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 (4th 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 October 1, 2012 through December 31, 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 158 complaints.<sup>1</sup> Please be aware that during the subject reporting period, 27 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, 35 OIIG case inquiries have been initiated during this reporting period while a total of 142 OIIG case inquiries remain pending at the present time. Nine 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:

<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. 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.

Official misconduct (2 cases);  
False statements/fraud (2 cases);  
Illegal hiring practices/unlawful political discrimination;  
Misuse of government property/grant fraud;  
Post-SRO Claim Investigations (9 cases);  
HHS Operational audit;  
Assault;  
Conflict of interest/Ethics Violation;  
Employee time record fraud (9 cases).

The OIIG currently has a total of 87 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 4th quarter of 2012, the OIIG issued 13 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.

IIG12-0021. 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 complaint relates to an employment position in the Department of Revenue. The complainant alleged that she was the victim of political discrimination when she was not hired for the subject position. The OIIG investigation revealed that impermissible political factors were not considered in the employment decisions made with respect to the complainant. Rather, the employment decision was based on legitimate, non-political reasons. Accordingly, the claim was denied.

IIG12-0024. This investigation relates to an employee in a supervisory position who had acquired a disproportionate amount of vacation time (nearly 8 weeks) in relation to his relatively short service with the County (less than 6 months). The investigation revealed that prior to starting employment with County the employee had worked for another unit of local government (Forest Preserve District of Cook County), retired from that position in 2009 and received a payout for unused vacation time. Upon starting employment with the County in 2010, the employee attempted to buy back the 312 hours of unused vacation time that he had earned at the other unit of local government. The employee was initially told by management at his former employer that he could do so by paying the sum of \$14,810.74 to his former employer. The employee paid that amount by a cashier's check and was credited by Cook County with 312 hours of vacation time. Months later, the employee was informed by his former employer that for legal reasons he could not buy back his vacation time and the cashier's check was returned to

him. The employee asked a senior officer at his former employer and at the Cook County Bureau of Human Resources (neither of whom is still employed by those agencies) what would happen to his vacation time and both improperly indicated that he could keep it. The employee then redeemed the cashier's check and deposited it in his account. Thus, the employee was able to keep both the \$14,810.74 and nearly 8 weeks of vacation time to which he was not entitled. The employee, who had not used most of the additional vacation time, stated at his interview with our office that he knew he should have done more to correct the situation but was just planning to leave the unused vacation time when he retired and never intended to steal any time. Although there was no evidence that any time was or would be stolen, the evidence did support a finding that the employee, who was in a supervisory position, breached his fiduciary duty to the County by not taking further action to return the 312 hours of vacation time (worth approximately \$14,810.74) that properly belonged to the County. Our office recommended discipline in the form of a suspension which was adopted by the County.

IIG12-0029. This investigation involved a Post-SRO complaint filed pursuant to the *Supplemental Relief Order for the Cook County Recorder of Deeds* ("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 within the Office of the Recorder of Deeds. The OIIG investigation revealed that the complainant was not entitled to relief under the *Shakman* SRO.

IIG12-0030. 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 with respect to certain employment decisions made at Cook County Works (formerly the President's Office of Employment Training or POET). The OIIG determined through its investigation that the complainant was not entitled to relief under the *Shakman* SRO.

IIG12-0032. 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 wrongly demoted from a hospital position and subjected to discrimination based on political factors. The OIIG determined that impermissible political factors were not considered with respect to the complainant and that her claim should not be sustained.

IIG12-0042. This investigation relates to a Post-SRO complaint filed by a former Purchasing Department employee 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 political motivations led to her being laid off from the department. The investigation revealed that the complainant was not entitled to relief under the *Shakman* SRO and her claim was denied.

IIG12-0043. This investigation involved a Post-SRO complaint filed pursuant to the *Supplemental Relief Order for the Cook County Recorder of Deeds* ("SRO") entered in connection with the *Shakman v. Cook County*, 69 C 2145 (N.D. Ill.) litigation. The complaint concerned alleged political discrimination within the Office of the Recorder of Deeds. The OIIG determined that impermissible political factors were not considered with respect to the complainant and her claim was denied.

IIG12-0045. 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 with respect to certain employment decisions made at Cook County Works (formerly the President's Office of Employment Training or POET). The OIIG determined through its investigation that the complainant was not entitled to relief under the *Shakman* SRO.

IIG12-0050. This investigation relates to allegations that an employee in the Department of Environmental Control engaged in sexual harassment and failed to report an arrest to his department head as required by County personnel rules. The allegations were not sustained, but recommendations were made regarding the implementation of policies and procedures for reporting arrests in writing. Those recommendations are currently pending.

IIG12-0051. This investigation involved a Post-SRO complaint filed pursuant to the *Supplemental Relief Order for the Cook County Recorder of Deeds* ("SRO") entered in connection with the *Shakman v. Cook County*, 69 C 2145 (N.D. Ill.) litigation. The complainant, an employee with the Recorder of Deeds, alleged that she was not receiving the proper wage rate. The evidence obtained during the OIIG investigation failed to demonstrate that impermissible political factors were considered with respect to the employment decisions at issue.

IIG12-0053. 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 with respect to certain employment decisions made at Cook County Works (formerly the President's Office of Employment Training or POET). The OIIG determined through its investigation that the complainant was not entitled to relief under the *Shakman* SRO and her claim was denied.

IIG12-0069. In this case, it was alleged that the Office of the Purchasing Agent committed unlawful political discrimination for hiring a *Shakman*-exempt individual into a non-exempt position. Based upon the preponderance of evidence developed in the course of the investigation, the OIIG determined that impermissible political factors were not considered in the employment decisions made with respect to the subject position.

IIG12-0026. This office received information implicating an Environmental Control inspector with attempting to “shake-down” a business owner during the course of the inspector’s official duties. After conducting a thorough investigation into this matter, we determined that insufficient evidence exists to sustain the charge. However, our investigation revealed facts to support our recommendation that a fitness for duty examination be performed with regard to the subject environmental control inspector.

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

#### **Political Contact Logs**

It has been nearly two years since the County implemented the requirement to file Political Contact Logs (PCL) 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 October 15, 2012 to January 15, 2013, the Office of the Independent Inspector General received six Political Contact Logs and opened an inquiry with respect to each.

#### **Post-SRO Claims**

On February 22, 2012 Judge 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. Previously all Complaints were referred to the Post-SRO Complaint Administrator. In the last quarter, the OIIG has received an additional nine *Shakman* Post-SRO Complaints and has opened an OIIG investigation with respect to each. Concurrently, the OIIG concluded investigations and issued final reports in nine preexisting investigations of Post-SRO Complaints.

#### **New UPD Investigations**

Apart from the above PCL and Post-SRO activity, the OIIG has opened five additional unlawful political discrimination (UPD) inquiries during the last reporting period.

### **OIIG Enabling Ordinance Jurisdictional Issues**

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 an employee within the office and other issues. The Assessor’s office has failed to comply with the subpoena and asserted that the OIIG lacks jurisdiction over that office.

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The OIG enabling ordinance specifically provides that the OIG 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). Pursuant to our request, the State’s Attorney has filed a motion for the appointment of a Special State’s Attorney to represent this office in litigation to enforce the subject subpoena. We have requested that the Business and Professional People for the Public Interest (BPI) be appointed to serve as the Special State’s Attorneys to represent the OIG. The appointment of a Special Assistant State’s Attorney is necessary because the State’s Attorney has chosen to represent the Assessor’s office in regard to this subpoena. Therefore, it would be a conflict for the State’s Attorney to also represent the OIG in the same legal matter. This motion is scheduled to be heard in the Circuit Court of Cook County on January 18, 2013.

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. G.A. Finch, 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