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OFFICE OF THE INDEPENDENT INSPECTOR GENERAL

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January 15, 2016

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. 2015)

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 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, 2015 through December 31, 2015.

### OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 79 complaints during this reporting period.<sup>1</sup> Please be aware that 10 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, 21 OIIG case inquiries have been initiated during this reporting period while a total of 159 OIIG case inquiries remain pending at the present time. There have been 5 matters referred to management or 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 and allegations under review:

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<sup>1</sup> Upon receipt of a complaint, 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, the matter is upgraded to an "OIIG Investigation." Conversely, if additional information is developed to warrant the closing of the OIIG Inquiry, the matter will be closed.

- Post-SRO complaint (2 cases);
- Procurement fraud;
- Falsification of time records;
- Breach of fiduciary duty;
- Conflict of interest;
- Mismanagement in the administration of hiring protocols;
- Unlawful release of mental health records;
- Worker's compensation fraud; and
- Open Meetings Act violations.

The OIIG currently has a total of 59 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 52 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

### **OIIG Summary Reports**

During the 4th Quarter of 2015, 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.

IIG14-0438. The Cook County Ethics Ordinance imposes certain restrictions and limitations on campaign contributions for vendors that provide certain professional services in connection with bonds. Specifically, Section 2-585(i) of the Ethics Ordinance states that “[a]ny firm, or its officers, directors or partners, contracted by the County to act as financial counsel, bond counsel, underwriter’s counsel, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any County official or candidate for County office.” The OIIG initiated this review and public statement regarding whether bond vendors generally were in compliance with this section of the Ethics Ordinance.

We identified eight law firms that served as bond counsel or underwriter’s counsel which made campaign contributions to Cook County public officials totaling \$19,520 in violation of the Ethics Ordinance. We identified another 18 attorneys employed by the County’s bond counsel or underwriter’s counsel who made campaign contributions to Cook County public officials totaling \$42,116.66, but these attorneys did not indicate whether they are officers, directors or partners of bond counsel or underwriter’s counsel in the data they submitted to the Illinois State Board of Elections so it was not clear whether they were subject to the provision at issue in the Ethics Ordinance. We also found that two financial advisors and two employees of financial advisors made campaign contributions to County public officials totaling \$500 and \$14,500 respectively. However, financial advisors and underwriters that provide financial services for bonds are not included in Section 2-585(i) of the Ethics Ordinance.

We recommended that Section 2-585(i) of the Ethics Ordinance should be amended so that it includes the terms “financial advisers,” “underwriters,” and “any vendor offering professional services related to bonds” to ensure that all bond vendors are subject to the same campaign contribution restrictions and limitations. We also recommended that the County implement internal controls to ensure that bond vendors comply with the campaign contribution restrictions in the Ethics Ordinance. Because this was an institutional review for purposes of issuing a public statement pursuant to Section 2-289(c)(2) of the OIG Ordinance, individual instances of misconduct were not the focus of this report nor were recommendations of discipline for individuals made. Such action in that regard can be made during follow-up investigations.

IIG15-0031. The OIG opened this investigation after receiving a complaint that an employee at the Cook County Health and Hospitals System (CCHHS) filed a fraudulent Worker’s Compensation claim with the County. According to the complaint, the subject employee also failed to report the accident to any of his supervisors as required by CCHHS policy. Instead, the employee called in sick for approximately a month before going to Employee Health Services to report the accident.

In order to evaluate the allegations of the complaint, this office interviewed the subject employee, his supervisor, his manager, and the claims adjuster who handled his case. Investigators also reviewed the employee’s personnel file, medical records, and various employment reports. The subject employee denied filing a false claim. The employee however admitted that he was required to notify his supervisors immediately following a work related accident and further admitted that he intentionally failed to do so because he did not respect them because of the “grief” they give him.

The preponderance of the evidence did not support a finding that the subject employee filed a false Worker’s Compensation claim. The employee’s version of the accident could not be refuted because of the lack of eye witnesses. Moreover, it was not clear from the medical records whether the employee has a predisposition to this type of injury. The evidence does, however, support a finding that the subject employee violated CCHHS policy by not immediately reporting his injury and that the subject employee was guilty of gross insubordination. Based on the deliberate nature of the sustained violations, we recommended that a significant level of discipline be imposed upon subject employee.

IIG15-0103. 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 her name was mistakenly withdrawn from a posting for an Administrative Assistant in the Cook County Health and Hospitals System (CCHHS) after she had interviewed and as a result another candidate was offered the position. Our investigation revealed that the complainant was the second ranked candidate after the interview process but that both she and the first ranked candidate were removed from consideration based on the mistaken belief that they had accepted other offers of employment. Once the mistakes were discovered, the offer of employment to the third ranked candidate was rescinded and the offer was given to the first ranked candidate.

The facts developed during the course of this investigation support the conclusion that impermissible political factors were not considered in the employment decisions made with respect to the complainant. Even if there had been no error in the process, the complainant would not have been offered the position given that the panelists decided to recommend a competing candidate who had the highest overall score. The complainant even conceded that she did not believe the actions surrounding her being removed from a job posting involved unlawful political discrimination. Accordingly, based upon the preponderance of the evidence, we determined that political reasons or factors were not involved in the decision to hire someone other than the complainant.

IIG15-0104. This case involved the direct appointment of a Director of Hospitality Services for CCHHS. The direct appointment process was established as part of the CCHHS Employment Plan and was negotiated in connection with the *Shakman v. Cook County* litigation in an effort to achieve the flexibility necessary to attract and retain high level healthcare management personnel who are in demand within the industry. The position of Director of Hospitality Services was added to the HHS Direct Appointment List as part of its global restructuring effort. In preparing for the implementation of the position, CCHHS relied on a market study of salaries for budgetary purposes that resulted in the position being budgeted for an annual salary of \$125,000. A high ranking official at Stroger Hospital was selected for the new position. When the subject official was selected for the position, the annual salary was increased to \$210,000 per year. This office opened an inquiry to determine why the selected person was hired for the new position and what circumstances caused the salary for the position to be increased to \$210,000 upon his selection despite the existence of a market study suggesting the appropriate salary for the position was \$125,000.

The preponderance of the evidence developed during this investigation established that the increase to the salary occurred improperly and without a valid justification and constituted wasteful management of CCHHS resources. The decision to increase the salary from the market rate was solely to accommodate the subject official and keep his salary the same as it was for his former position at Stroger Hospital. We also believe that the appointment of the new Director of Hospitality Services should have occurred as a result of a careful search for the best available candidate. In this appointment, no other candidates were considered for this position, a fact that is a concern in light of the history of performance deficiencies of the selected official that were known by management. The subject official has since resigned his employment with CCHHS.

IIG15-0138. This investigation was initiated by the OIIG following the receipt of information from an anonymous source alleging that a Cook County Sheriff's Department employee released sensitive and protected information to a local newspaper regarding a Cermak patient suffering from apparent psychiatric issues. The newspaper subsequently published a story about the patient. During the course of this investigation, the OIIG interviewed the subject Cook County Sheriff's employee and the attorney of the referenced Cermak Health Services' patient.

The Cook County Sheriff's Department employee indicated that she submitted to an interview with a newspaper reporter and that the primary focus of the story concentrated on a

Cermak patient who was displaying severe signs of abnormal psychological behavior. As a result of the patient's behavior and due to the harm that the patient was causing to himself, Cermak staff were required to place the patient in a specially designed room. This room required extensive modifications to ensure the patient's safety as well as the safety of Cermak staff. The Sheriff's Department employee stated that she is aware of confidentiality laws regarding the release of sensitive medical information relating to patients. For that reason, she sought the approval and assistance of the patient's attorney before agreeing to meet with the newspaper reporter. She obtained the permission of the patient's attorney to speak publically of the patient's unique situation in hope that by publicizing the patient's plight, other Cermak patients suffering from psychological symptoms can receive proper medical and psychiatric care that is currently not being provided to them.

The attorney for the Cermak patient confirmed that officials from the Department of Corrections had conferred with him on the subject of the newspaper article which discussed his client's criminal and psychological problems. The attorney stated that he was completely supportive of the Cook County jail official's efforts to shed light on the challenges that the jail and Cermak face in marshaling the necessary resources to support patients who are exhibiting acute psychological problems while in a custodial setting. The attorney indicated that it has long been his position that his client should be receiving intensive psychiatric treatment for his underlying psychiatric problems and that the Cook County jail is not equipped to provide the level of care that is required. The attorney expressed appreciation towards the Department of Corrections' efforts to publicize his client's circumstances in an effort to bring attention to the lack of resources that the jail currently is experiencing to treat not only his client, but other Cermak patients having similar needs. The attorney stated that patients such as his client are not being helped by simply warehousing them at the jail, but would be better served by providing the necessary resources to Cermak so that similarly situated individuals could be treated for their underlying conditions. The attorney believes that the newspaper article in question was written in his client's best interests and he is of the opinion that none of information contained in the story was inappropriate or done with any malice directed towards his client. The attorney indicated that he authorized the release of the information that was later published in the newspaper.

The preponderance of the evidence does not support the allegations of this inquiry. Specifically, the investigation revealed that the Cook County Sheriff's Department employee obtained the consent of the patient's attorney prior to being interviewed by the newspaper reporter.

IIG15-0184. The OIIG initiated this investigation after receiving an anonymous letter alleging that a doctor at CCHHS "is lucky to spend 50% of his time at the hospital during the normal work week" and that the majority of his time is spent at his private practice office. Included with the letter was a USB flash drive containing surveillance video of the subject doctor. The OIIG reviewed the surveillance videos and the subject doctor's time records and interviewed both the subject doctor and his supervisor. The evidence from the investigation revealed that the timesheets for the subject doctor contained false information and that the subject doctor has been negligent in the performance of his duties as they relate to maintaining

accurate and contemporaneous records of his CCHHS work hours. The OIIG recommended that management should impose discipline on the subject doctor.

IIG15-0195. 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, an employee in the Department of Transportation and Highways (DTH), alleged retaliation for filing a previous Post-SRO Complaint which was sustained by the Special Complaint Administrator. Specifically, the complainant alleged that management retaliated by not providing him a new chair and business cards and moving him to a smaller office.

As an initial matter, we found that under applicable case law, the activities of which the complainant alleged did not constitute material employment actions such as, for example, hiring, firing, failing to promote, etc. such that they would be covered by the SRO. However, even if they could be viewed as material employment actions the preponderance of the evidence developed in this investigation demonstrates that impermissible political factors were not involved in any decisions relating to the complainant. Rather, the evidence demonstrates that management had legitimate nondiscriminatory reasons for the actions it took. Management has offered a reasonable basis for not ordering new business cards or providing the complainant a new chair at this time. Management did not take away complainant’s office as a retaliatory measure, but rather as a cost-savings measure for DTH that was the result of a collaborative effort by DTH, the real estate department, and the space committee. The investigation did not reveal any evidence to substantiate the allegation that these actions were either influenced by political factors or motivated by the complainant’s settlement of a past Post-SRO complaint.

IIG15-0197. The OIIG opened this case after receiving information that an employee with CCHHS may have falsified information in his online application for employment with Cook County and CCHHS.

The evidence developed by the investigation confirmed that the subject employee violated Cook County Personnel Rule 8.03(b)(14) and CCHHS Personnel Rule 8.03(c)(26) by submitting false information on multiple online application submissions by asserting that he was a Patient Access Representative for Advocate Health Care and by asserting that he was a Human Resource Analyst for Chicago Public Schools. The subject employee admitted to investigators that he listed job duties on his resume that he did not actually perform as a Patient Access Representative at Advocate Health Care. The subject employee also admitted to investigators that he listed job duties that he did not actually perform as a Human Resource Analyst for Chicago Public Schools. The subject employee represented in at least one Taleo application submission that he was bilingual in Spanish and English, in at least one application that he was bilingual in Polish and English and in another application that he was bilingual in Mandarin and English. The subject employee admitted to investigators that he did not speak Polish, Spanish or Mandarin. On at least 15 online job application submissions, the subject employee misrepresented his qualifications to the County and CCHHS.

Article II, Section 44-54(b) of the Human Resource Ordinance, along with the Personnel Rules established by Cook County and CCHHS, prohibit the provision of false statements by applicants seeking employment. Section 44-54 requires that, where an employee makes such a false statement, the employee shall forfeit his position and be ineligible for County employment for a period of five years. Based on Section 44-54, we recommended that the subject employee's employment be terminated and that he be ineligible for County government employment for a period of five years.

IIG15-0218. This investigation was initiated by this office after developing information concerning a high ranking County official's failure to adhere to the Cook County Personnel Rules and the Cook County Ethics Ordinance regarding dual employment. The investigation further revealed that in addition to violating the dual employment and leaves of absence provisions of the Personnel Rules, the subject official violated the fiduciary duty, dual employment, and county-owned property sections of the Ethics Ordinance. The dual employment and other issues arose while the subject County official was also an elected official for a municipality.

The review period for this investigation was May 2013 through August 2015 and consisted of interviews with Cook County employees as well as review of various documents including Cook County Personnel Rules, the Cook County Ethics Ordinance, the Cook County Comptroller Historical Payroll Register and Leave History Report, the Cook County Human Resources Personnel File, and the Code of Ordinances of the municipality where the subject official also served. Also reviewed were various subpoenaed records from the subject municipality including its Personnel Door Admittance Report that reflects data of badge swipe activity in the municipal offices of the village, village meeting schedules, and the calendar for the office held by the subject official reflecting daily scheduled events related to his official duties, such as staff meetings, meetings with the village officials and other employees of the village, meetings with village residents and other public officials, union officials and local business owners, tours, ribbon cuttings and other ceremonial events and guest appearances at various schools.

The preponderance of evidence developed during the course of this investigation supports the conclusion that the subject official violated the dual employment and leaves of absence provisions of the Cook County Personnel Rules and the Cook County Ethics Ordinance. The calendar of events from the Village where the official served as an elected official, card swipe data and witness observations of staff members establish that the subject official was excessively absent from work and absent without justification or proper notification and left his assigned work area during work hours without permission of his supervisor. County staff estimated that the subject official was in his County office one to two hours per day. The subject official admitted to investigators that he did not work 40 hours per week in his office but stated that when he left the County offices he did so in furtherance of County related business. We found this to be untrue. The evidence obtained from the Village he served confirms that the subject official was routinely present at the Village at various hours throughout the County work day and maintained scheduled office hours and conducted a broad range of village related business all

during County work hours during the review period of May 2013 through August 2015. That is, the evidence established that the subject official misappropriated and converted hundreds of County work hours toward his role as an elected official for a local village.

The Cook County Personnel Rules prohibit employees from working in excess of 20 hours per week in outside employment. Notwithstanding this limitation, outside employment cannot conflict with the normal duty hours of an employee's County employment. Absence from work without approval or proper notification is prohibited, as well as misuse of sick leave. These rules of employee conduct were violated. However, this case is far more egregious than the technical violations related to the failure to obtain approval for outside employment. The Ethics Ordinance also restricts dual employment and the use of Cook County property, in this case compensated time, for non-County related purposes. The core misconduct of the subject official is his long established practice of putting his role as a municipal elected official above his role as a high ranking County official during County work hours and converting his County compensated time in support of his official duties as a municipal elected official.

Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the County. The fiduciary duty established by Section 2-571 of the Ethics Ordinance is grounded in trust and requires that no action be undertaken in such a way as to benefit the fiduciary to the prejudice of the County. The subject elected official breached his duty to Cook County by engaging in his long standing practice of misappropriating and converting County compensated time in furtherance of his role as an elected official of a local village. (The Cook County Board of Ethics' interpretation of an employee's fiduciary duty has included the appropriate use of Cook County property and assets. County property has been interpreted under the Ethics Ordinance to include County time. *See* Cook County Board of Ethics Advisory Opinion No. 11 A 0030, December 6, 2011.)

Finally, as a separate and independent act of misconduct, the subject County official violated the OIIG ordinance when he provided false information during his OIIG interview when he stated that he left the County offices only for County related business meetings, seminars and occasional site visits. This false and misleading statement was willfully designed to misrepresent factual information and stands in direct violation of the Independent Inspector General Ordinance.

Based on all of the foregoing and in consideration of the pattern and frequency of the subject official's misconduct, the years of willful disregard to his fiduciary duty to Cook County government and his decision to provide false information during the course of this investigation, we recommended that the subject official's employment be terminated and also placement of the subject official on Cook County's *Ineligible for Rehire List* (Policy No. 2014-2.13). The County has requested and received the subject official's resignation from his position. Cook County has rejected our recommendation to place the official on its *Ineligible for Rehire List*.

IIG15-0226. The OIIG received an anonymous complaint regarding the Printing and Graphic Services (known as the "Print Shop") which is located at two sites, the Rockwell

Warehouse and 69 West Washington Street. The allegation concerned a contract with Konica Minolta in which the Print Shop's Xerox digital copier was replaced with a new Minolta digital copier. It was alleged that there may have been a conflict of interest involving the awarding of the contract to Konica Minolta.

The investigation revealed that the allegations originated from disgruntled employees who did not support a Print Shop manager. In part they complained that he did not include them in the process of selecting new equipment. The hiring of the new manager along with the selection of new printing equipment seemed to be common denominators among the complaints. The print shop employees were accustomed to using Xerox print copier equipment for many years, but when it was decided that new equipment was needed, the contract was awarded to Konica Minolta. Allegations then surfaced that there must have been a conflict of interest in the awarding of the contract. However, interviews with the Print Shop employees revealed they were unable to provide any evidence to support the allegations. Additional interviews and the review of the contract and bidding process and related records searches failed to produce any evidence to support the allegations.

IIG15-0278. This office received information indicating that a former employee in the Cook County Bureau of Human Resources (BHR) made various false statements in the course of applying for particular positions within Cook County government by using both factually misleading resumes and false information uploaded to the County's online job application system.

The evidence developed during the course of this investigation confirmed that the subject former employee applied for various County positions using false employment information. Electronic records indicate that the subject's totality of County employment was at the County BHR from March 30, 2015 until August 25, 2015. During that time (and subsequently), the subject applied for several County positions, misrepresented her length of employment with the County, fraudulently listed County employment with the Cook County Recorder of Deeds (CCRD) and the County Department of Adoption and Child Advocacy and misrepresented that she was an internal candidate. Additionally, the subject falsely represented that she was an Illinois-licensed attorney.

We recommended that the County, CCHHS, and the FPD find the subject ineligible for hire for a period of five years pursuant to provisions in their respective employment plans. We made recommendations to the Recorder of Deeds and Sheriff to consider amending their respective employment plans so as to allow further action for violations of this type. We also recommended that all of the involved agencies seek to modify their respective employment plans so as to honor the ineligibility lists of the respective entities. Finally, Article II, Section 44-54(e) of the Cook County Code of Ordinances provides that any person who willfully violates this section shall be fined not less than \$100.00 nor more than \$500.00 or be imprisoned for not more than six months, or both. We recommended that any department seeking to prosecute the subject for violation of Section 44-54 contact the Cook County States' Attorney's Office.

IIG15-0345. 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 Recorder of Deeds*, 69 C 2145 (N.D. Ill.) litigation. The complainant, a former supervisor with the Recorder of Deeds, submitted a complaint on October 30, 2015 regarding the former Deputy Recorder’s June 13, 2012 decision to discipline her for refusing to follow a directive changing her shift from 9:00 a.m. to 5:00 p.m. to 9:30 a.m. to 5:30 p.m. The complainant retired on November 29, 2013 as a result of the pressure she felt from management following her refusal to follow such directive. The complainant submitted a previous complaint regarding, *inter alia*, this same allegation on June 18, 2012. That complaint was the subject of OIIG Post-SRO Complaint Summary Report number IIG12-0043 issued December 20, 2012. In that report, the OIIG concluded that the Office of the Recorder had legitimate non-discriminatory reasons for acting as it did with respect to the complainant.

Pursuant to the *Supplemental Relief Order for the Cook County Recorder of Deeds*, we determined that the complainant’s complaint is both outside the limitations period specified under the Recorder SRO and was previously the subject of an OIIG Post-SRO investigation in which it was determined that the allegations of the June 18, 2012 complaint were not sustained.

### **Outstanding OIIG Recommendations**

In addition to the new cases being reported in this quarter, the OIIG has followed up on outstanding recommendations for which no adequate response was received at the time of our last quarterly report. Under the OIIG Ordinance, responses from management are required within 30 days of an OIIG recommendation or after the grant of a 30-day extension to respond. Below is an update on these outstanding recommendations.

IIG10-0038. This matter involved a follow-up to a prior case and recommendation involving several county officials directing third party contractors to hire favored individuals in an effort to circumvent the scrutiny that would prevent the hiring of such individuals into Cook County positions. We recommended amending the County’s Employment Plan or Human Resources Ordinance to prevent such circumstances from recurring. This recommendation was made on November 7, 2014, and the OIIG had not yet received a response from the County.

IIG13-0015. The OIIG recommended that the Letter of Intent in County contracts be amended to require specific information to support the commercially useful function that will be performed under the contract including, but not limited to, the deliverables and time table for performance. We also strongly recommended that protocols should be established to include user agencies in monitoring and reporting Minority and Women Owned Business enterprises (M/WBE) participation as part of their project management responsibilities. In addition, the OIIG restated its previous recommendation that Cook County government implement a policy, resolution or enactment to the Code of Ordinances to require County employees involved in the contracting process to report to this office instances in which contact is made by a politically-related person or organization that involves an attempt to influence a procurement action. This

recommendation was made on December 12, 2014, and the County has not yet provided a response.

IIG13-0417. Although this investigation did not reveal evidence of procurement fraud as originally alleged by the complainant, it did reveal some invoicing errors for vehicle maintenance for the Sheriff's Office. Based on these results, the Sheriff's Office stated it will perform additional audits on vendor invoices and conduct random spot-checks on completed services. We recommended that the Sheriff's Office continue to conduct intermittent audits on vendor invoices and perform random checks on work performed, and it has adopted that recommendation.

IIG14-0053. The OIIG recommended that the Cook County Health and Hospitals System (CCHHS) pursue contract cancellation and disqualification and possibly pursue the imposition of fines in accordance with Section 6.7 of the CCHHS Supply Chain Management Procurement Policy (False Statements) for a prime contractor who violated the Minority and Women Owned Business Enterprises (M/WBE) provisions of the Cook County Code and CCHHS Procurement Policy. This recommendation was made on August 28, 2014, and CCHHS has not yet provided a response. On January 12, 2016, CCHHS stated that it will look into the matter and respond to our recommendation although no date was given.

IIG14-0186. After finding material deficiencies in connection with the inventory of patient valuables at Provident and Stroger Hospitals and the program protocols to properly manage the collection, maintenance and return/disposal of patient property, the OIIG made several recommendations for hospital officials to establish a uniform policy designed to properly manage patient property including the implementation of verification procedures, the installation of surveillance cameras, and updating the current inventory tracking system. As of the last quarterly report, CCHHS had requested an extension of time to respond to pending recommendations and indicated that amended policy was forthcoming. On September 28, 2015, CCHHS responded to the OIIG recommendations and outlined the creation of a comprehensive policy establishing procedures for the maintenance of patient valuables. Several OIIG recommendations were not addressed at that time although CCHHS has followed-up with this office with its plan to address each OIIG recommendation.

IIG14-0349. In this case, the OIIG recommended termination of employment and placement on the CCHHS Do Not Rehire List of a Storekeeper at Stroger Hospital who had allegedly stolen items belonging to CCHHS and had refused to cooperate with the OIIG during its investigation of his alleged misconduct. The subject had also recently been arrested for domestic battery. The OIIG also recommended that CCHHS amend its personnel rules to require its employees to report arrests as is required under the County's personnel rules. CCHHS responded by noting that the subject employee was no longer employed by CCHHS. CCHHS rejected our recommendation to place the subject employee on its Do Not Hire List because the subject was no longer employed and expressed concerns over due process violations. CCHHS stated that in the future it would consider amending its personnel rules as recommended by the OIIG, but as of this date it has not adopted the OIIG recommendation. On September 16, 2015,

the OIIG requested that CCHHS reconsider its decision not to place the subject employee on its Do Not Hire List, noting that the CCHHS Employment Plan affords the subject employee with requisite due process protections. On November 24, 2015, CCHHS indicated that it has reconsidered its position and has adopted the OIIG recommendation.

IIG14-0465. On February 2, 2015, the OIIG recommended that the County, the Forest Preserve District (FPD), the Health and Hospitals System (HHS), and the Recorder of Deeds place on their respective Do Not Hire Lists an applicant for employment who routinely and admittedly falsifies her employment applications. We also recommended that each affected County entity seek to modify its respective Employment Plan so as to mutually honor the ineligibility lists of the other Cook County government entities. The Recorder of Deeds timely responded that it could not act on our recommendation at the present time as the parameters of its Do Not Hire List under its Employment Plan are currently under negotiation with the Recorder's Compliance Administrator. The FPD timely responded by adopting the recommendation to place the subject on its Do Not Hire List and agreed to further explore the concept of amending its Employment Plan as recommended. On July 27, 2015, HHS responded that it will place the subject applicant on its Do Not Hire List and will contact the County to determine what action HHS needs to take to make its Do Not Hire List policy consistent with any recent changes made by the County. By letter dated, January 4, 2016, the County has likewise adopted the OIIG recommendations.

IIG14-0501. After finding the existence of recurring incidents of time card fraud at the Cook County Health and Hospitals System (CCHHS) directly related to both the lack of supervisory oversight and corresponding efforts to detect misconduct and impose disciplinary action, we made a number of recommendations to address this problem including training and better enforcement policies and techniques. CCHHS responded on February 11, 2015 that it has convened a committee of representatives to address the issues raised by the OIIG and that a supplemental response regarding new policies and training and enforcement will be forthcoming at a later date. To date, we have not received an update since the initial response.

IIG15-0041A. This investigation involved two supervisors in the Department of Highways and Transportation who submitted reports relating to a Seasonal Driver who was involved in a vehicular accident while operating a snowplow which resulted in damage to another motorist's vehicle. The OIIG investigation revealed that the two supervisors failed to include material information in their reports of the incident. Specifically, the supervisors failed to include information that the Seasonal Driver offered money to the other motorist in an attempt to avoid reporting the incident to his supervisors within the department. Such conduct violates Cook County Personnel Rules relating to negligence in the performance of duties. Based on our findings, we recommended the imposition of discipline upon the subject supervisors. To date, the County has not responded to our recommendation, which was originally made on May 15, 2015.

IIG14-0398. This case was initiated based on a complaint alleging that the Cook County Department of Transportation and Highways (DTH) used Motor Fuel Tax (MFT) funds

to pay for projects that had been deemed ineligible for such use by the Illinois Department of Transportation (IDOT). Our investigation confirmed that this was the case, and the allegations were sustained. Because the pattern of expending MFT funds in this manner is likely a violation of the Illinois Highway Code and could place the County at risk, we recommended that DTH cease and desist from using the MFT fund for such uses until the objections asserted by IDOT have been formally lifted. We also recommended that DTH reimburse the MFT fund for previous expenditures related to ineligible projects and ensure full compliance with IDOT rules and regulations. On October 16, 2015, DTH indicated that although it disagrees with some of the OIIG conclusions, it will adopt the recommendations made.

IIG14-0408. In this case, the OIIG conducted an investigation regarding a potential violation of the 1992 Consent Decree and Supplemental Relief Order (SRO) entered in *Shakman v. Cook County Recorder of Deeds*, 69 C 2145 (N.D. Ill.). Specifically, the OIIG sought to determine whether impermissible political reasons or factors informed the decisions of the Office of the Cook County Recorder of Deeds (Recorder's Office) to continue to retain a high ranking official in the Recorder's Human Resources Department (HR) and to refrain from disciplining him in a manner consistent with the disciplinary action imposed upon other non-exempt employees within the office. The preponderance of the evidence developed during the investigation established that the Recorder's Office has an established custom and practice of treating the subject HR official differently than other non-exempt employees. For example, other non-exempt employees had their employment with the Recorder's Office terminated for failing to cooperate with the OIIG during an SRO investigation, whereas the subject HR official was allowed continued employment in the Recorder's Office despite a finding by the OIIG that the individual willfully provided false information during an SRO investigation and the existence of substantial evidence of poor performance by the subject HR official. The evidence also established that the subject HR official has a strong political affiliation with a prominent state representative, which affiliation was known to management within the Recorder's Office and considered when making employment decisions relating to the subject HR official. Accordingly, the allegations that the Recorder's Office violated the Federal Consent Decree and SRO were sustained, and it was recommended that the Recorder's Office cease and desist from further actions which constitute a violation of the 1992 Consent Judgment and *Supplemental Relief Order*. The Recorder responded to the OIIG recommendations on November 18, 2015 but did not address all of the issues raised. On December 18, 2015, the OIIG requested a more specific response regarding those outstanding issues.

IIG14-0412. The OIIG opened this investigation after receiving a complaint asserting that a doctor within the Cook County Health and Hospitals System (CCHHS) was selling hearing aids to patients and benefitting financially from the sales. The evidence developed during the course of this investigation supports the conclusion that the subject doctor used CCHHS facilities and resources for personal purposes, engaged in non-CCHHS business and sales without prior authorization on CCHHS premises, violated the CCHHS Dual Employment policy, and committed theft through deception by falsifying his timekeeping records. We recommended that CCHHS place the subject doctor, who resigned during our investigation, on its Do Not Hire List and consider an action to recoup the \$9,989.64 in vacation and personal time that was paid out to

him as a result of his efforts to disguise the nature of his leaves during employment. We also recommended that CCHHS create policies regarding the registration and payment of vendors, maintaining accurate payroll records, standardized pricing of sales to the public, and the prohibition of individuals approving their own time records and leave requests. These recommendations were made on September 2, 2015. By letter dated January 14, 2016, CCHHS adopted the OIIG recommendations.

IIG15-0027. In this operational review, the OIIG analyzed the administration, operations, budget, programs, office practices and policies of the Cook County Department of Animal and Rabies Control. We also conducted interviews of current and former employees and interested third parties, desk audits and a review of best practices adopted by other jurisdictions in the United States. The findings, conclusions and recommendations resulting from this operational review are contained in a public statement issued by this office on August 21, 2015 which is available on our office's website. The Department of Animal and Rabies Control has been granted a 30-day extension to respond to the recommendations in the report. The extension period has expired though the Department of Animal and Rabies Control notified this office on January 11, 2016 with its plan to address the OIIG recommendations.

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

#### **Political Contact Logs (PCLs)**

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 non-Exempt position. The OIIG acts within its authority with respect to each Political Contact Log filed. From October 1, 2015 to January 1, 2016, the Office of the Independent Inspector General received 7 Political Contact Logs.

#### **Post-SRO Complaint Investigations**

In the last quarter, the OIIG received one additional Cook County *Shakman* Post-SRO Complaint. Four such Complaints are currently under investigation.

#### **Training**

The OIIG continues to collaborate with the Bureau of Human Resources ("BHR") and the Board of Ethics ("Ethics") in a joint project to provide both online and in-person annual training for Cook County employees regarding the Ethics Ordinance, the Employment Plan and Unlawful Political Discrimination. The OIIG has been both monitoring and participating in the implementation of the training, including compliance therewith. Currently, the OIIG is engaged with the above departments in the planning of such training for the coming year.

### New UPD Investigations not the result of PCLs or Post-SRO Complaints

Apart from the above PCL and PSRO activity, the OIIG has opened 10 additional UPD inquiries during the last reporting period.

The OIIG continues to assist and work closely with the embedded compliance personnel in the FPD, CCHHS, the Cook County Bureau of Human Resources and the Cook County Recorder of Deeds, conducting joint investigations where appropriate.

### Employment Plan – Do Not Hire Lists

Since the last report, the OIIG has finalized its recommendations to the Bureau of Human Resources regarding a final working Do Not Hire List. The OIIG continues to collaborate with the Bureau and the Cook County Compliance Administrator to ensure the List is being applied in a manner consistent with the County's goal of achieving substantial compliance.

The OIIG has also continued to work with Cook County, the Forest Preserve District and CCHHS regarding a recommendation made by this office in February of 2015.<sup>2</sup> In that case, the OIIG noted that although each of the County entities' Employment Plans contained Do Not Hire provisions, none of these provisions addressed the other respective lists. The OIIG, believing that mutual honoring of the respective lists constitutes a best practice, recommended that each of the above entities amend their respective Employment Plans so as to honor the lists of all County entities. The County, CCHHS and the Forest Preserve District have all agreed to explore moving toward the creation of what would, in effect, be a County-wide Do Not Hire List. We continue to believe that such a measure would be most effective in removing the possibility for employees placed on a Do Not Hire List to be rehired in another section of County government.

### OIIG Employment Plan Oversight

Per the Employment Plans of Cook County, CCHHS and the Forest Preserve District, the OIIG reviews, *inter alia*, (1) the hire of *Shakman* Exempt employees, (2) proposed changes to Exempt Lists, Actively Recruited lists, Employment Plans and Direct Appointment lists, (3) FPD employment postings limited to internal candidates and (4) Supplemental Policy activities. In the last quarter, the OIIG has reviewed and acted within its authority regarding:

1. Six changes to the Cook County Actively Recruited List;
2. The hiring of twenty *Shakman* Exempt employees;
3. The hire of one Executive Assistant;
4. The Direct Appointment of five CCHHS employees;
5. Fifty changes to the CCHHS Actively Recruited List;
6. Two changes to the CCHHS Direct Appointment List;

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<sup>2</sup> See IIG14-0465

7. Four actions under the Employment Plan Supplemental Policies.

Monitoring

The OIIG currently tracks all disciplinary activities in the FPD and UTP. In this last quarter, the OIIG tracked (and selectively monitored) 54 disciplinary hearings and related grievances. Further, pursuant to an agreement with the Bureau of Human Resources and with the collaboration of the Cook County Compliance Officer, the OIIG tracks all hiring activity in the Offices under the President, conducting selective monitoring of certain hiring sequences therein.

**Appellate Court Decision Addressing OIIG Jurisdiction**

As you recall, in 2012, the Cook County Office of the Independent Inspector General (“OIIG”) initiated an investigation into allegations that an employee in the Cook County Assessor’s Office (“Assessor”) had improperly received a homeowner’s exemption to which he was not entitled. As part of that investigation, the OIIG requested documents from the Assessor pursuant to the OIIG Ordinance. When the Assessor refused, the OIIG issued a subpoena for the records. The Assessor objected to the subpoena on the grounds that the OIIG only has authority to investigate County government under the Offices of the Cook County Board President and does not have such authority regarding separately elected Cook County officials like the Assessor.

On June 7, 2013, the OIIG filed a two-count complaint against the Assessor seeking (i) a declaration that the Cook County Assessor must cooperate with the OIIG’s investigation, and (ii) a finding that the Assessor must comply with the subpoena issued by the OIIG. On August 21, 2014, the Cook County Circuit Court entered an order upholding the jurisdictional scope of the OIIG Ordinance.

The Assessor appealed the decision of the Circuit Court on September 11, 2014 arguing that the authority vested in the OIIG by the Board of Commissioners to issue subpoenas and require officials to cooperate in OIIG investigations was unconstitutional. On December 8, 2015, the Appellate Court unanimously upheld the OIIG’s authority to investigate allegations of corruption in both the Assessor’s office as well as the offices of other county officials. Specifically, the Appellate Court held that Cook County Board of Commissioners “validly exercised its home rule powers when it created the OIIG and gave it the power to issue subpoenas to aid in its investigations of allegations that county officers, including the Assessor, have acted corruptly.” *See Blanchard v. Berrios*, 2015 Il App (1<sup>st</sup>) 142857, para. 18 (December 8, 2015)(opinion attached).

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  
January 15, 2016  
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Very truly yours,



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