Office of the Independent Inspector General

"[T]o detect, deter and prevent corruption, fraud, waste, mismanagement, unlawful political discrimination or misconduct in the operation of County government."

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Quarterly Report
4th Quarter 2022

January 5, 2023

Table of Contents

OFFICE OF THE INDEPENDENT INSPECTOR GENERAL
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January 5, 2022

Transmittal via electronic mail

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

Re: Independent Inspector General Quarterly Report (4th Qtr. 2022)

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, 2022 through December 31, 2022.

OIIG Complaints

The Office of the Independent Inspector General (OIIG) received a total of 269 complaints during this reporting period.[1] Please be aware that 14 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, 110 OIIG case inquiries have been initiated during this reporting period while a total of 206 OIIG case inquiries remain pending at the present time. There have been 81 matters referred to management or other enforcement or prosecutorial agencies for further consideration. The OIIG currently has a total of 26 matters under investigation. The number of open investigations beyond 180 days of the issuance of this report is 11 due to various issues including the nature of the investigation, availability of resources and prosecutorial considerations.

OIIG Summary Reports

During the 4th Quarter of 2022, the OIIG issued 9 summary reports. The following provides a general description of each matter and states whether OIIG recommendations for

[1] 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 without further inquiry.

remediation or discipline have been adopted. Specific identifying information is being withheld in accordance with the OIIG Ordinance where appropriate.[2]

IIG21-0671 – Human Resources. This investigation was initiated after receiving a complaint that multiple Department of Facilities Management (DFM) employees who failed to return to work at the expiration of their approved Family and Medical Leave Act (FMLA) Leaves or, absent an approved leave, continued to receive Cook County Health Benefits. Decisions as to whether the employees in question should have been terminated from their employment for their failure to return to work were not made in a timely manner, costing the County tens of thousands of dollars in Health Benefits. During its investigation, this office reviewed correspondence between the Bureau of Human Resources (BHR) and DFM management, BHR FMLA documents, Cook County Time (CCT) time and attendance records, and Risk Management Healthcare Benefits documents relating to Employee A, Employee B and Employee C. This office also conducted interviews with BHR and DFM employees.

Cook County Employment Plan – Supplemental Policy 2013-2.8 – Disciplinary Action, Documentation, Documentation of Disciplinary Action provides, in pertinent part: "All terminations . . . of non-probationary employees must be reviewed in advance by the Chief of BHR or his or her designee. Department Heads must complete and send Disciplinary Notice and Request for Approval Form, along with the proposed Disciplinary Action Form, to the Chief of BHR or his or her designee and receive his or her approval in advance of the discipline. The policy further states: "The Chief of BHR or his or her designee shall review and approve or deny the proposed Discipline and send written notice of his or her determination to the Department Head, with a copy to the Compliance Officer. The Chief of BHR may consult with the Department Head and request additional information regarding the request prior to making his or her determination."

The preponderance of the evidence developed during the course of the investigation supports the conclusion that BHR violated Cook County Personnel Rule 8.2(b)(13) – Negligence in Performance of Duties.

Over two years elapsed from the time of Employee A's pre-disciplinary hearing to the time of a final termination determination. During this time period, the County spent over $40,000.00 in health insurance benefits for Employee A. DFM made multiple requests for updates during the time it took to receive a final disposition. Nearly 22 months after DFM requested Employee A's termination, BHR Official A responded to an update request by stating, "[Employee A] [is in] no man's land right now" when in fact the delay was caused by BHR. It was through BHR's neglect to act in a timely manner that approximately two years passed before Employee A was terminated, costing the County thousands of dollars.

[2] Please note that OIIG Quarterly Reports pertaining to the Metropolitan Water Reclamation District of Greater Chicago (MWRD) are reported separately. Those reports can be found at: https://www.cookcountyil.gov/service/metropolitan-water-reclamation-district-greater-chicago.

Employee B was in an unauthorized pay status from the end of May 2021. From DFM's first request in July 2021 to when a hearing was held in September 2021, approximately two and half months passed. Following the hearing officer's recommendation, DFM submitted a termination request to BHR. Five months passed from September 2021 to February 2022 until BHR made a final determination as to Employee B's termination. From June 2021 through February 2022, it cost the County over $10,000.00 in insurance benefits for Employee B. BHR gave no reasonable explanation for the delay.

Employee C was in an unapproved status when she stopped reporting to work at the end of July 2020. Employee C used accrued paid time off which she exhausted by August 26, 2020. Employee C applied for Ordinary Disability (OD) in November 2020 which was retroactively approved to September 2020. Subsequently, Employee C applied for additional OD and is eligible to receive OD until 2024. However, there were month long gaps where DFM and Employee C sought updates on Employee C's employment status. Even after BHR and the Compliance Officer both signed off on the denial for Employee C's termination, DFM was not made aware of the decision or the reasoning until the Compliance Officer had a conversation with DFM management in March 2022. Although the Compliance Officer did indicate that BHR needed additional information before making a final determination for Employee C's termination, months had passed without any progress being made.

Employee A, Employee B and Employee C's cases demonstrate BHR's inattention to duties and responsibilities. It is BHR's responsibility to follow up and make timely determinations. According to BHR Official B, it is unusual for decisions to exceed seven days. Allowing months and years to pass by before making determinations was negligent.

Based on all of the foregoing, we recommended BHR develop a consistent and more meaningful oversight to the termination process. BHR should institute a policy that delineates time frames and protocols for more timely determinations in termination requests and for communicating more efficiently with Department Heads on a timely basis so that instances such as those discussed above do not continue to happen, costing the County thousands of dollars.

This recommendation is currently pending.

IIG22-0117 – Bureau of Technology. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan")[3] to determine whether information submitted by

[3] The CARES Act is a federal law enacted on March 29, 2020, to provide emergency financial assistance in connection with economic effects of the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of up to $349 billion in forgivable loans to small businesses for job retention and certain other expenses, through the PPP. The PPP allows qualifying small businesses and other organizations to receive loans with a maturity of two years and an interest rate of 1%. PPP loan proceeds must be used by businesses on payroll costs, interest on mortgages, rent, and utilities. The PPP allows the interest and principal on the PPP loan to be forgiven if the business

County employees for the PPP loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Bureau of Technology (BOT) employee obtained a PPP loan of $19,852 for which he disclosed being the "Sole Proprietor" of a business. The OIIG conducted an investigation to determine if the BOT employee was in compliance with Cook County Personnel Rules.

This investigation consisted of a review of the BOT employee's County personnel file, public and subpoenaed federal Small Business Administration PPP loan records, bank statements, two public LinkedIn profiles, Illinois Secretary of State Corporation/LLC records, and the City of Chicago's Public Chauffeurs License database. The OIIG also interviewed the BOT employee and representatives of a tax service and limousine company. Additionally, the OIIG issued a subpoena to the limousine company. Finally, the OIIG submitted a document request to the BOT employee with which he failed to comply.

The preponderance of evidence developed in this investigation supports the conclusion that the BOT employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. The records obtained in this investigation and the BOT employee's own admissions during his OIIG interviews prove that he provided false and misleading information about his stated business and the amount of revenue the business generated in order to obtain a federal PPP loan. After fraudulently obtaining the loan funds, the BOT employee then improperly spent them on personal expenses such as his home mortgage and credit debts that were not related to a business as required by the terms of the PPP loan. Participating in financial fraud directed at the federal government tarnishes the BOT employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Bureau of Technology, and their employees.

The preponderance of evidence in this investigation also supports the conclusion that the BOT employee violated Cook County Code Section 2-285(a) for failing to cooperate with an official OIIG investigation. Section 2-285(a) states in part, "It shall be unlawful for any person subject to this Section to refuse to cooperate with the Independent Inspector General as required." The BOT employee was advised in writing of this duty and the consequences for failing to comply with it but still refused to provide documents in response to the OIIG's official request.[4] The most reasonable presumption to be drawn from his refusal to produce the tax returns requested is that they either did not exist and he created a false Schedule C to submit with his PPP loan application or that the tax returns would contradict information he provided to the OIIG and the federal government. In addition, the preponderance of the evidence shows that the BOT employee tried to

spends the loan proceeds on these expense items within a designated period of time after receiving the proceeds and uses at least a certain percentage of the PPP loan proceeds on payroll expenses.

[4] In refusing to produce the requested documents, the BOT employee made two frivolous objections. First, he claimed that the request was unduly burdensome which is obviously not true considering that one of the documents requested was simply a single document, the tax return he used to support his PPP loan. Second, he claimed he need not cooperate without being issued a subpoena, which as noted above and explained to him in the letter was not the case as his employment with Cook County requires him by ordinance to cooperate with the OIIG. The OIIG does have subpoena power but uses that authority when seeking documents from banks and other individuals not employed by Cook County.

undermine and obstruct the OIIG's investigation by lying in response to several questions at his OIIG interview such as who prepared his PPP loan application.

The BOT employee's violation of the County Code Section 2-285(a) (which is part of the County's Office of the Independent Inspector General Ordinance), also constitutes a violation of Cook County Personnel Rule 8.2(b)(33). That Personnel Rule prohibits violating any ordinance enacted by the Cook County Board.

The preponderance of evidence developed in this investigation also supports the conclusion that the BOT employee violated Cook County Personnel Rule 13.2(b) – Report of Dual Employment. This rule states that any employee engaged in any gainful employment must execute a dual employment form. Evidence obtained during this investigation and statements made by the BOT employee during his OIIG interview show that while the BOT employee does not own or operate a taxi and limousine service, he does provide IT and other services for compensation as an independent contractor, which should have been reported to the County.

Based on the serious nature of the misconduct at issue and the BOT employee's sensitive placement in government, we recommended that the BOT employee's employment be terminated and that he be placed on the *Ineligible for Rehire List* both for engaging in conduct unbecoming a County employee and separately and independently for refusing to cooperate with an OIIG investigation.

BOT adopted these recommendations and is currently seeking termination of the subject BOT employee through the disciplinary process.

IIG22-0118 – Secretary to the Board of Commissioners. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Secretary to the Board of Commissioners employee sought a PPP loan totaling $20,833 in which she disclosed being a "Single Member LLC" business. The OIIG conducted an investigation to determine if the subject employee informed her County employer that she was engaging in secondary employment as required by Cook County Personnel Rules.

This investigation consisted of a review of the subject employee's County personnel file, public and subpoenaed federal Small Business Administration PPP loan records, bank records, credit union records, and Illinois Secretary of State Corporation/LLC records and two interviews of the subject employee.

The preponderance of evidence developed in this investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. The subject employee falsely stated on her PPP loan application that her business earned gross

receipts in the amount of $126,400 in 2020. In her OIIG interview, the employee admitted, and evidence shows, that her business received significantly less in gross receipts from her business in 2020 than what she represented on her PPP loan application. She further admitted to signing the PPP loan application which she knew contained materially false representations about her business. The evidence suggests that the employee may have been eligible for some PPP support based on her verbal description of her business. However, the employee greatly overstated her business activities and supplied false loan information in order to maximize the federal dollars available to her. Committing financial fraud directed at the federal government tarnishes the employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Secretary to the Board of Commissioners Office, and its employees. This is especially true in this case, considering that the subject employee is employed by an office of County government that works with the County's elected officials.

The preponderance of evidence developed in this investigation also supports the conclusion that the subject employee violated Cook County Personnel Rule 13.2(b) – Report of Dual Employment. This rule states that any person who becomes engaged in any gainful employment after entering County service as an employee must execute a dual employment form. The OIIG finds that the subject employee failed to disclose her outside work as required by County's personnel rules and the County's Code of Ethics.

The preponderance of evidence developed in this investigation also supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(32) – Unauthorized use of County Technology. During her OIIG interview, though she could not recall how frequently, the employee admitted that she had used her County issued laptop to conduct her real estate management business. An employee's use of any IT or County instrumentality for unauthorized purposes violates County Personnel Rules and further violates Section 2-576 of the Ethics Ordinance related to improper use County Owned Property.

Based on the serious nature of the misconduct and the employee's sensitive placement in government, we recommended that the subject employee's employment be terminated and that she be placed on the *Ineligible for Rehire List*.

This recommendation is currently pending.

IIG22-0124 – Assessor's Office. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Cook County Assessor's Office (CCAO) employee sought a PPP loan totaling $20,833 in which she disclosed being an "Independent Contractor" of a business. The OIIG conducted an investigation to determine if the CCAO employee informed the CCAO that she was engaging in secondary employment as required by the Cook County Assessor's Employee Handbook.

This investigation consisted of a review of dual employment records for the CCAO employee, public and subpoenaed federal Small Business Administration PPP loan records, Illinois Secretary of State Corporation/LLC records, U.S. Bankruptcy Court documents, and Cook County Time (CCT) records. The CCAO employee was also interviewed.

The preponderance of evidence developed in this investigation supports the conclusion that the CCAO employee violated Cook County Assessor's Employee Handbook, Section – 19(o) Conduct Unbecoming an Employee of the Assessor's Office. The records demonstrate that the subject employee sought a PPP loan, executed the loan application and affirmed she was eligible to receive PPP funds in relation to an HR business that she allegedly owned. During her OIIG interview, the CCAO employee admitted that she signed a loan application falsely stating that she owned a business and falsely stating that she had gross receipts from that business in the amount of $105,550. She further admitted that information was submitted for the purpose of obtaining $20,833 in government funds which she then spent on personal expenses. Committing financial fraud directed at the federal government tarnishes the subject employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Cook County Assessor's Office, and its employees. This is especially true in this case considering that the subject employee is a manager employed by an office of County government that handles sensitive taxpayer information. The violation is further aggravated by the fact that some of the subject employee's conduct in obtaining the loan at issue occurred during her working hours at the County.

Based on the serious nature of the misconduct, the subject employee's sensitive placement in government, as well as other aggravating factors present, we recommended that the subject employee's employment be terminated and that she be placed on the *Ineligible for Rehire List*.

This recommendation is currently pending.

IIG22-0129 – Board of Review. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Board of Review (BOR) employee sought a PPP loan totaling $20,832 in which he disclosed being the "Sole Proprietor" of a business. It was further discovered that the BOR employee unsuccessfully attempted to secure another PPP loan in the amount of $20,832 with another lender. The OIIG conducted an investigation to determine whether the subject employee was in compliance with Cook County Personnel Rules.

This investigation consisted of a review of the subject employee's BOR personnel file, public and subpoenaed federal Small Business Administration PPP loan records, Cook County Time (CCT) records, a real estate listing, subpoenaed bank records, suburban police department reports, a Facebook profile, and Illinois Secretary of State Identification & Driver's License

records. It also consisted of searches of records within the Illinois Secretary of State Corporation/LLC database, Illinois Department of Financial and Professional Regulation records, and Indiana Secretary of State Corporation/LLC records, and an interview of the subject employee.

The preponderance of evidence developed in this investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. During his OIIG interview, the subject employee stated that at no point during his employment with the BOR has he held any dual employment. Further, the subject employee contends that he was unaware of any PPP loans issued in his name. The OIIG's investigation uncovered evidence that disproves the subject employee's claim that he was unaware of a PPP loan issued in his name. Moreover, the evidence shows that not only was the subject employee the applicant of two PPP loans but that the subject employee ultimately received $20,832 in government PPP funds that were deposited into his personal bank account and then spent.

During its investigation, the OIIG found that the subject employee submitted a fictitious bank statement he used in securing his PPP loan. Additionally, the evidence shows that those funds were not expended in conjunction with any barber business described in the subject employee's PPP loan applications. Committing financial fraud directed at the federal government tarnishes the subject employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Board of Review, and its employees. This is especially true in this case, considering that the subject employee is employed by an office of County government that handles property tax matters on behalf of Cook County residents. The violation is further aggravated by the fact that some of the subject employee's conduct in obtaining the loan at issue occurred during his working hours at the County.

While the investigation revealed that the BOR employee did not operate a barbershop as represented on his PPP loan application, there was some evidence that he may have operated an automotive restoration shop. However, the preponderance of evidence developed in this investigation does not support the conclusion that he actually did so in violation of Cook County Personnel Rule 13.2(b) – Report of Dual Employment. Although the subject employee admitted that he incorporated the automotive restoration business, he stated that he did not go forward with it because it never got off the ground and that it was more of a hobby. Our investigation, including the review of subpoenaed bank records, did not reveal his statements to be untrue or that he earned any income from his automotive restoration activities. Accordingly, this additional allegation was not sustained.

Based on the serious nature of the misconduct involving loan fraud, the subject employee's sensitive placement in government, as well as other aggravating factors present, we recommended that the subject BOR employee's employment be terminated.

The BOR accepted our recommendation, and the subject BOR employee was terminated on November 15, 2022.

IIG22-0277 – Clerk's Office. This investigation was based on a complaint alleging that a Cook County Clerk's Office (CCCO) attorney (Employee A) intentionally redirected a write-in candidate's mail containing the candidate's electoral filings, which caused the candidate's filings to be tardy and resulted in his exclusion from the ballot for the Primary Election held on June 28, 2022.

This investigation included, among other things, a review of documents provided by the write-in candidate (Candidate), as well as voicemail communications from a Manager at the CCCO (CCCO Manager) to the Candidate, and interviews of the CCCO Manager, Employee A, and the Candidate.

Interview of Candidate

The Candidate stated that he had worked with the CCCO as far back as 2015 and stated that some of the employees at the CCCO knew him and remember his political party affiliation. The Candidate stated that he believed there was a plan to keep him off the primary ballot, which would allow an incumbent State Senator to run unopposed.

The Candidate stated that he decided to run for political office as a write-in candidate in the Cook County Primary Election, which was held on June 28, 2022. The deadline to file the requisite paperwork to run as a candidate in the Primary Election was April 28, 2022. The Candidate stated that he had multiple conversations with the CCCO Manager in the month of April prior to the filing deadline.

The Candidate provided the OIIG with documentation which showed a four-minute call on April 18 to the CCCO Manager at her direct number at the CCCO. The Candidate stated that during the conversation with the CCCO Manager on April 18, she told him that "the walk-in option during the Clerk's regular business hours [was] the preferred method for filing," but that "it is acceptable to mail it in." The Candidate stated that the CCCO Manager specifically told him that the Clerk's Office "goes by the date of the postmark."

The Candidate also provided evidence of three calls placed to the CCCO on April 21. Two of the calls were one minute in length and were made to the CCCO Manager's direct number. The third was placed to a general number for the CCCO. This conversation is documented as being three minutes in length. The Candidate stated that in this conversation, he again spoke with the CCCO Manager because he wanted to verify that it was acceptable to mail in his candidacy paperwork "because of the risk" of putting it in the mail. The Candidate stated that the CCCO Manager reiterated that mailing the paperwork was acceptable and again referred to the postmark date on the mailing. Candidate stated that due to the CCCO Manager's position in the CCCO, he relied on her advice. The Candidate placed his write-in candidacy filings in the mail via certified mail on April 23 – five days before the deadline.

The Candidate also provided the OIIG with two voicemail recordings left on his phone from the CCCO Manager, one prior to the filing deadline and one after the filing deadline. In the voicemail prior to the filing deadline, the CCCO Manager states:

> Hi, this is [CCCO Manager], Cook County Clerk's Office. We will be watching for it. You have until tomorrow, if not, we'll figure something out. We'll have to see the postmark and everything. Like I said, it may be able to come in today or tomorrow. I'll give you a call back when it does come in. And I also talked to our mailroom to go make sure they check all the boxes for it.

The Candidate stated this message was in response to a message he left the CCCO Manager inquiring as to whether his filings had arrived.

The Candidate stated that he spoke with Employee A over the phone after the filing deadline passed. The Candidate stated that Employee A informed him that the CCCO was not accepting his paperwork because it was received by the CCCO the day after the filing deadline. The Candidate stated that he informed Employee A that the CCCO Manager instructed him that the CCCO looks at the postmark date and stated that his candidacy paperwork was postmarked before the deadline. Employee A responded by stating "What part of no don't you understand." The Candidate stated that then Employee A hung up on him.

The Candidate stated that he made a complaint with the United States Postal Service regarding the delivery of his filings. The Candidate stated that he eventually spoke with the Regional Manager for the United States Postal Service. The Candidate stated that the Regional Manager informed him that he had visited the Chicago processing center, conducted interviews, and accessed internal documents, and determined that human error was to blame for his write-in filings arriving late. The Candidate further stated that the Regional Manager informed him that he determined that there was no ill will or malintent, rather simply human error to blame. The Candidate stated that after this in-depth conversation, he felt there was an adequate quality control investigation conducted by the United States Postal Service and admitted that there is "no evidence of a plot to refuse to accept his letters."

Interview of the CCCO Manager

Investigators asked the CCCO Manager what the Clerk's policy is regarding when electoral filings were considered filed: Was it when the filing was postmarked or when the filing was received by the Office? The CCCO Manager stated that it is when the filing is postmarked. Upon further questioning by Investigators, she changed her answer and stated that a filing is considered filed when "it is in our custody." When asked if the CCCO has ever accepted electoral filings based on the date it was postmarked, the CCCO Manager stated that she "takes those to their attorney." When asked who the attorney is, she responded by stating it was Employee A.

Investigators asked if the CCCO Manager took phone calls from individuals wanting to know the process of filing for candidacy for office. When asked if she gives advice on how to file, the CCCO Manager stated that she "does not answer legal questions" and simply tells people when the deadline to file is. Investigators then asked the CCCO Manager if she remembered talking to the subject Candidate. The CCCO Manager stated that she talks to a lot of people. Investigators began to play one of the voicemails from the CCCO Manager which was provided by the Candidate, but before Investigators could play the voicemail, the CCCO Manager asked if "he was a write-in candidate." Investigators responded in the affirmative. The CCCO Manager then stated that she did remember him. When asked how she remembered the Candidate, the CCCO Manager stated that reporters were calling about him and she had to let "their media person" know about it.

Investigators then played one of the CCCO Manager's voicemails to the Candidate. The CCCO Manager confirmed that the voice on the message was hers. Investigators then asked the CCCO Manager what she meant in her voicemail when she said "you have until tomorrow, if not, we'll figure something out. We'll have to see the postmark and everything." The CCCO Manager stated that she "never makes that decision" regarding whether a filing is timely filed or not. The CCCO Manager stated she takes filings received after the deadline to Employee A. When Investigators again asked her what she meant in the message when she referenced looking at the postmark and informing the Candidate that they would "figure something out," The CCCO Manager stated again that she talks to a lot of people and does not know what she was thinking that day.

Investigators showed the CCCO Manager a copy of the Candidate's certified mail receipt. The CCCO Manager verified that it was properly addressed to her office. Investigators also showed The CCCO Manager the letter she wrote to the Candidate informing him that his filing was late, and he would not be on the ballot. The CCCO Manager stated that she wrote the letter after having a conversation with Employee A. However, she could not remember the contents of that conversation. Investigators asked how many times she spoke with the Candidate prior to the deadline, and she stated that she could not remember but admitted that she may have spoken with him one to two times. Investigators asked the CCCO Manager if she spoke with Employee A about the subject Candidate's intention to file as a write-in candidate prior to receiving his filings. The CCCO Manager said she may have, but if she did, she does not remember the contents of the conversation.

The CCCO Manager was asked about the procedure for handling electoral filings. The CCCO Manager stated that when filings come in, she makes sure they are time stamped. When asked why a filing may not be time stamped upon receipt by the Office, she explained that if it is sent directly to her, it may not be time stamped because the mailroom staff will not have opened it. The CCCO Manager stated that "most people know to file in person." The CCCO Manager stated that she and her staff receive training on receiving candidate petitions every campaign filing period but admitted that she has never received training on write-in filings. The CCCO Manager stated that if a filing comes in after the deadline, she gives it to Employee A and asks if she needs to "write a letter" (referring to the one she wrote the Candidate). When asked if a late filing had

ever made the ballot, she said she could not recall, but that she does not make those decisions; Employee A does. The CCCO Manager stated that Employee A has never asked her to do anything that she felt was wrong or inappropriate.

Interview with Employee A

Employee A stated that almost all County electoral filings are filed in-person at the CCCO located at 69 West Washington. Employee A acknowledged that the statute allows for submissions by mail, provided those submissions meet the filing deadline, but reiterated that most people choose to file in person. Employee A stated that the statute requires submissions to be filed and "filed" means when the CCCO receives it. Employee A acknowledged that this was a bright line rule, which means that the postmark date on the mailed submission is irrelevant for filing purposes.[5] Employee A stated that whether a filing is received before the filing deadline is a factual decision, not a legal one. Investigators asked Employee A if he was ever asked to look at a mailed submission to determine if it was timely filed. Employee A responded by stating "not usually."

Investigators asked Employee A if the CCCO held trainings for employees regarding election law, such as filing deadlines and rules, including the statutory requirement that mailed submissions are only timely filed if received before the deadline, regardless of the postmark date. Employee A stated that the employees have "general discussions," but admitted that the CCCO does not have a formal training regarding these issues. Employee A stated that the employees know the deadline date and are generally familiar with election law as part of their job. Employee A stated that the employees do not give legal advice and added that if someone calls requesting information, the employees simply direct the individual to where they can find the information.

Employee A stated that the subject Candidate tried to run as a write-in candidate, but stated he was unsure for what office the Candidate was attempting to run. Employee A denied ever knowing the Candidate prior to his attempt at running for office in the 2022 June Primary Election. Employee A stated that the CCCO Manager brought the Candidate's electoral filings to his attention because the CCCO received his mailed filings after the deadline. Employee A was not sure if he looked at the Candidate's filings but denied that the CCCO Manager requested that he look at it to determine if the submission was timely filed. Employee A stated that the CCCO Manager sent the Candidate a letter informing him that his mailed electoral filings were not accepted since they were received after the deadline and, therefore, not timely filed.

Employee A stated that the Candidate called him after he received the letter informing him that his filings were not accepted. Employee A stated that the Candidate was trying to assert that his electoral filings were timely filed based on the postmark date. Employee A stated that he spoke with the Candidate on more than one occasion but stated that he believed that the Candidate reached out to the CCCO Manager first.

[5] Employee A's statements on this topic are consistent with the Illinois Election Code which addresses the issue of filing date in terms of "actual receipt" with no mention of a postmark date.

Employee A denied that the CCCO Manager informed the Candidate that his electoral submissions were considered "filed" on the day they are postmarked, stating "she wouldn't give that advice" and "she did not give that information." Investigators then played the voicemail the CCCO Manager left for the Candidate prior to the deadline. Employee A responded that the postmark "has no meaning."

OIIG Findings and Conclusion

Employee A

CCCO Policy (D)(2)(t): Conduct unbecoming of CCCO Employee (Violation of Law – 720 ILCS 5/33-3: Official Misconduct; Violation of County Ethics Ordinance)

The preponderance of the evidence gathered in the course of this investigation does not support the conclusion that Employee A violated the Cook County Clerk's Office's Policy Manual sections (D)(2)(t): Conduct unbecoming of CCCO Employee or Cook County Code of Ethics Section 2-751(b)(2): Breach of Fiduciary Duty to comply with laws and regulations by avoiding both the violation of any applicable law or regulation and the creation of a strong risk of a violation of any other law or regulation. The evidence gathered shows that the Candidate's electoral filings were placed in the mail on April 23 but did not reach the CCCO until April 28 – the day after the filing deadline. There is no evidence to suggest this tardiness was due to interference with the mail delivery by Employee A or any other CCCO employee. To the contrary, the Candidate stated he spoke with a Regional Manager for the United States Postal Service who conducted a thorough review of the tardy delivery of the Candidate's filings and admitted the fault was due to human error on the part of the United States Postal Service.

CCCO Manager

CCCO Policy (D)(1)(e): Incompetency or Inefficiency in the performance of duties of the position

The preponderance of the evidence gathered during this investigation supports the conclusion that the CCCO Manager violated CCCO Policy (D)(1)(e): Incompetency or Inefficiency in the performance of duties of the position. This policy provides in pertinent part that the section applies to "performance [which] does not meet the expectation of the CCCO or is not commensurate with performance of other Employees in similar positions, due to either lack of ability, knowledge or fitness, lack of effort or motivation, carelessness or neglect." The CCCO Manager displayed a clear lack of knowledge of the applicable law, as well as carelessness, when she provided the Candidate with incorrect information regarding his candidacy papers being considered filed when they were postmarked. This is information the Candidate relied on to his detriment.

Although Employee A asserts that the CCCO Manager would not give that advice, the evidence supports the conclusion that she did. The Candidate provided the OIIG with evidence that he had multiple conversations with the CCCO Manager. More importantly, the Candidate provided the voicemail from the CCCO Manager in which she clearly states that the CCCO will need to look at the postmark. Furthermore, the CCCO Manager told Investigators in her interview that the CCCO goes by the postmark date when determining the date an electoral filing is filed. While the CCCO Manager backtracked and changed her answer upon further questioning, her initial response cannot be ignored. The CCCO Manager's own statement to the OIIG in conjunction with the voicemail to Candidate clearly supports the conclusion that she gave Candidate incorrect information.

A manager in her position at the CCCO should know the rules regarding electoral filings. The fact that the CCCO Manager lacked the knowledge regarding the provision regarding mail-in filings and advised the Candidate to his detriment constitutes a violation of CCCO Policy (D)(1)(e).

OIIG Recommendation

Based on our findings above, we make the following recommendations:

1. We recommend that the CCCO Manager receive discipline consistent with the CCCO Personnel rules regarding her negligence in providing incorrect information to the Candidate.

2. We further recommend that the CCCO develop a written policy regarding what type of information CCCO employees may give customers and whether employees should instead refer customers to a specific person or people within the office to answer certain types of questions.

3. We further recommend that all CCCO Election Division employees receive regular training regarding applicable election law, including laws relating to mail-in filings.

These recommendations are currently pending.

IIG22-0378 – Cook County Health. This investigation was initiated based on a complaint alleging an Administrative Employee in the Stroger Hospital Police Department has been falsifying his hours through the Cook County Time (CCT) system for over a year, thereby getting paid for numerous hours of overtime he did not actually work.

This investigation consisted of a review of Cook County Quarterly Employee Earnings Reports, CCT records, public and subpoenaed records from the Illinois Law Enforcement Training Standards Board ("ILETSB"), subpoenaed records from North East Multi Regional Training, Inc. ("NEMRT"), and documents produced by the subject Administrative Employee. The OIIG also

conducted interviews of the subject Administrative Employee, the subject employee's supervisor who is a high-ranking Stroger Police Official ("Police Official"), a CCH Executive Director of Operations ("CCH Director"), and the Deputy Director of NEMRT ("NEMRT Deputy Director").

OIIG Findings and Conclusion

Subject Administrative Employee

CCH Personnel Rule 8.03(c)(10)(b): Misuse of timekeeping facilities or records through altering or falsifying time sheets, timecards, or other records

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Administrative Employee violated CCH Personnel Rule 8.03(c)(10)(b) by falsifying his timesheets from June of 2021 through August of 2022. During this period, the subject Administrative Employee logged over 1,110 hours of overtime for himself in CCT. The Administrative Employee's contention that he was working on either Stroger Police Department related work or Police Academy coursework during the hours he inputted into CCT that were outside his regularly scheduled shift is not supported by the evidence. To the contrary, the evidence supports the finding that the Administrative Employee was working on Police Academy coursework mostly during his regularly scheduled shift and was not working on Academy coursework late at night or on weekends when there was no in-person Academy training. Furthermore, nothing the Administrative Employee submitted supports his statements that he was working on Stroger Police Department related work for the 602 hours of overtime he logged for himself prior to beginning the Police Academy. When the OIIG informed the Police Official that the Administrative Employee had accrued an average of 30-40 hours of overtime per pay period for approximately two years, the Police Official stated that he did not remember seeing such large amounts of overtime and added that if he had seen it, he "would have questioned it." Critically, when the Administrative Employee's overtime hours were brought to the attention of the Police Official, he concluded that it "looked like he was stealing time." The Police Official stated that the Administrative Employee does not work on the weekends, except for the Saturdays and/or Sundays he attends training at the Academy. The Police Official stated that the Administrative Employee has no reason to be clocking in early and should not be doing that. When the OIIG directed the Police Official to the dates and times where the Administrative Employee had clocked out at 10:45 p.m., the Police Official stated that there was "no justification" for clock outs that late, and further stated that the Administrative Employee was not working that late. The Director also stated that the Administrative Employee clocking out at 10:45 at night "would be very strange" and that it is rare that the Administrative Employee would be working on something past the end of his shift but if he did there should be a paper trail which would document these requests.

The OIIG investigation determined that the Administrative Employee spent 205 hours in overtime on Police Academy training (159 in-person training hours plus 14 hours for online materials plus 32 hours for offline tasks). The Police Official and the Director stated in their OIIG interviews that the Administrative Official was occasionally asked to work past his shift a handful

of times; however, the Administrative Employee did not produce a single CCH Overtime Authorization Form to show how much or when overtime was worked. The Administrative Employee's Badge or Biometrics clock in and outs reveal 35.51 hours of overtime during this time. This accounting brings the employee's valid overtime hours to 240.51 hours, far short of the 1,110 he inputted into CCT, leaving a total of 869.49 unsubstantiated overtime hours. The Administrative Employee earned time and a half at a rate of $51 per hour during overtime, which means he profited by a minimum $44,344 for overtime he did not actually work from June of 2021 through August of 2022.

CCH Personnel Rule 8.03(c)(13): Violation of policy or procedure (CCH Employee Identification, Time and Attendance, Time Recording Policy)

The preponderance of the evidence gathered during this investigation supports the conclusion that the Administrative Employee violated the CCH Employee Identification, Time and Attendance, Time Recording Policy. Section II(B)(1)(b) of the Policy states that employees will "record work time by using a Badge or Biometric Reader daily when scheduled to work." In his OIIG interviews, the Administrative Employee admitted that he violated this policy by failing to use the Badge reader to clock in and out as required. The Administrative Employee's CCT records prove that he failed to record work time as required.

Additionally, Section II(B)(2)(c) of the Policy states that employees eligible for overtime will "[o]btain written approval via the Overtime Authorization Form from his/her immediate supervisor or department head to begin work prior to their scheduled start time or obtain written approval to work after a scheduled shift concludes for overtime…." While the OIIG finds that the Administrative Employee did not work 1,110 hours of overtime from June 2021 until August 2022, the Police Official and Director stated in their OIIG interviews that the Administrative Employee was requested to work past his shift a handful of times. However, the Administrative Employee did not obtain written approval from either the Police Official or Director for any validly worked hours of overtime.

CCH Personnel Rule 8.03(c)(13): Violation of policy or procedure (CCH Internet Acceptable Use Policy)

The preponderance of the evidence gathered during this investigation supports the conclusion that the Administrative Employee violated the CCH Internet Acceptable Use Policy. The Policy states that "[i]nternet users must utilize the account credentials provided to them by the IT Department. Use of another user's account is strictly prohibited." The Administrative Employee admitted that he utilized his supervisor's CCT credentials to access his supervisor's CCT account and enter his own time into CCT in violation of this policy.

CCH Personnel Rule 8.03(c)(8): Negligent performance or willful misconduct in the performance of duties

The preponderance of the evidence gathered during this investigation supports the conclusion that the Administrative Employee violated CCH Personnel Rule 8.03(c)(8). The records obtained in this investigation prove that the Administrative Employee engaged in willful misconduct in the performance of his duties by engaging in time theft by falsely logging hundreds of hours of overtime that he did not actually work, thereby profiting by over $44,000, and violating not one, but two, CCH policies.

CCH Personnel Rule 8.03(c)(25): Engaging in conduct that reflects adversely or brings discredit to CCH

The preponderance of the evidence gathered during this investigation supports the conclusion that the Administrative Employee violated CCH Personnel Rule 8.03(c)(25). The Administrative Employee received the Police Academy's Rules and Regulations, which state that participants must be employed as a law enforcement officer. Instead of declaring his status as a civilian, he signed the acknowledgement and acceptance form and has continued to attend the Police Academy under the guise of being a sworn police officer. Making false certifications to gain admittance to a police academy for which he knew he was ineligible tarnishes the Administrative Employee's reputation and brings discredit to CCH and Stroger Police Department as it can erode the public's trust in both CCH and its Police Department.

Subject Police Official

CCH Personnel Rule 8.03(c)(13): Violation of policy or procedure (CCH Employee Identification, Time and Attendance, Time Recording Policy)

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Police Official violated the CCH Employee Identification, Time and Attendance, Time Recording Policy. Section II(A)(3) of the Policy states that managers are responsible for performing "on-going audits of Employee time records, including Payroll Approval of Non-Punch Hours Form requests, to ensure compliance with time recording procedures." The subject Police Official, by his own admission, failed to notice the unusual amount of overtime on the Administrative Employee's timesheets prior to approving and certifying them. This perpetual oversight allowed the Administrative Employee to falsify his timesheets and engage in time theft.

CCH Personnel Rule 8.03(c)(13): Violation of policy or procedure (CCH Password Management Policy)

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Police Official violated the CCH Password Management Policy. The

Policy provides in pertinent part that "passwords should never be written down or shared." The subject Police Official admitted that he gave the Administrative Employee his password and login information to his computer and access to his CCT account in violation of this policy.

CCH Personnel Rule 8.03(c)(8): Negligent performance or willful misconduct in the performance of duties

The preponderance of the evidence gathered during this investigation supports the conclusion that the subject Police Official violated CCH Personnel Rule 8.03(c)(8). The records obtained in this investigation prove that he had virtually no oversight of the Administrative Employee. The Police Official admitted to providing the Administrative Employee with the password and login information to his computer and allowing the Administrative Employee to enter his own time into the Police Official's CCT account. Additionally, the Police Official admitted that he failed to see the unusual amount of overtime on the Administrative Employee's timesheets prior to approving them every pay period. While the OIIG found nothing to indicate that the Police Official was complicit in the Administrative Employee's falsification of his timesheets, the Police Official's gross negligence facilitated the Administrative Employee's ability to falsify his own timesheets and engage in time theft.

CCH Personnel Rule 8.03(c)(25): Engaging in conduct that reflects adversely or brings discredit to CCH

The preponderance of the evidence gathered during this investigation supports the conclusion that the Police Official violated CCH Personnel Rule 8.03(c)(25). The records obtained in this investigation reveal that the paperwork submitted to ILETSB and NEMRT by the Police Official on behalf of the Administrative Employee contained intentional misrepresentations of fact. The Police Official admitted that the Administrative Employee is not, nor has ever been, a sworn or appointed law enforcement officer. Yet, he falsely certified to the Police Academy that the Administrative Employee was a sworn police officer. The only plausible purpose in falsely certifying the Administrative Employee's rank as a police officer with a fictitious appointment date was to assure his acceptance into the Police Academy – an academy intended solely for law enforcement officers. This fraudulent behavior tarnishes the Public Official's reputation, especially considering his role as a high-ranking police official, and brings discredit to CCH and Stroger Police Department as it can erode the public's trust in both CCH and its Police Department.

OIIG Recommendations

Based on the above findings and conclusions, we recommended the following:

1. Due to the serious nature of the violations at issue, all of which are Major Cause infractions under the CCH Personnel rules, the Administrative Employee's employment should be terminated, and the Administrative Employee should be placed on the *Ineligible for Rehire List*.

2. CCH should seek reimbursement from the Administrative Employee in the amount of $44,344, or, in the alternative, conduct its own internal audit of the Administrative Employee's time and attendance records and seek reimbursement in the amount the auditors determine the Administrative Employee should not have been paid.

3. Due to the serious nature of the violations at issue, all of which are Major Cause infractions under the CCH Personnel Rules, CCH should terminate the subject Police Official's employment, and the Police Official should be placed on the *Ineligible for Rehire List*.

4. CCH should make the appropriate notifications to NEMRT and ILETSB with respect to the fraudulent statements made by the Police Official and the Administrative Employee that were made to obtain the Administrative Employee's entry into the Academy.

These recommendations are currently pending.

IIG22-0412 – Animal Control and Rabies. The OIIG received an allegation that a Cook County Animal and Rabies Control (CCARC) Administrative Assistant I (Administrative Assistant A) was negligent in her response to a report from a Cook County resident that a dog which had bitten the resident's minor was not being confined by the dog's owner pursuant to Illinois and Cook County law. Also alleged was that the CCARC as an agency failed to investigate a veterinarian's alleged failure to submit a vaccination card to CCARC upon the biting dog's initial rabies vaccination as required by law.

OIIG Investigation

The OIIG's investigation consisted of interviews of the complainant and two CCARC "Bite Officers," one of whom was the subject of the allegation. The OIIG also interviewed the CCARC's Executive Director and the CCARC's Deputy Director. The OIIG reviewed CCARC documents relating to the bite incident, CCARC's internal "Bite Protocol" policy, the CCARC's web page titled, "Animal Bite Investigations," and Illinois and Cook County law relating to animal bites and rabies vaccinations.

CCARC's Authority Under Illinois Law and Cook County Ordinance

Section 5/5 of the Animal Control Act (510 ILCS 5/1 *et seq.*) authorizes Counties to determine the extent of police powers which may be exercised by an "Administrator appointed by the County Board." Cook County's Animals Act (Cook County Code Section 10-3) confers on CCARC's Administrator (known within the CCARC as the Executive Director) the power to enforce the terms of the Act against "any person violating any provision of this chapter."

Veterinarians' Rabies Vaccination Obligations
Under Illinois and Cook County Ordinance

Sections 5/8(c) and (d) of the Animal Control Act, 510 ILCS 5/8(c) and (d)), set forth a veterinarian's rabies vaccine obligations as follows:

> (c) A veterinarian immunizing a dog … against rabies shall provide the Administrator of the county in which the dog … resides with a certificate of immunization. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the [County] Board and which shall contain the microchip number of the dog … if it has one and which shall be signed by the licensed veterinarian administering the vaccine….
>
> (d) Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

The Cook County Code addresses veterinarians' responsibilities regarding rabies vaccination in Sec. 10-41, Rabies Vaccination, as follows:

> Evidence of such rabies inoculation shall be entered on a certificate approved by the County Board of Commissioners. Veterinarians who inoculate an animal shall procure from the County Department of Animal and Rabies Control serially numbered tags, one to be issued with each inoculation certificate….

Biting Animal Owner Obligations Under Cook County and Illinois Law

Both Illinois law (510 ILCS 5/8(a)) and Cook County Code (Section 10-41(a)) require dog owners to have their animals vaccinated against rabies by a licensed veterinarian. Both Illinois law (510 ILCS 5/13(a-5)) and Cook County Code (Sec. 10-42(b)) require the owners of animals which have bitten a person to present the animal to a licensed veterinarian for examination within 24 hours. Cook County Code Section 10-42(a) also provides that owners of dogs which have bitten a person to notify the police who are responsible for the area in which the bite occurred within 24 hours.

Observation Periods of Biting Animals Under Illinois and Cook County Ordinance

Section 5/13 of the Animal Control Act, 510 ILCS 5/13, sets forth biting animal confinement requirements in relevant part as follows:

> When the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator or his or her authorized representative receives information that a person has been bitten by an animal and evidence is presented that the animal at the time the bite occurred was inoculated against rabies within the time prescribed by law, the animal may be confined in a house, or in a manner which will prohibit the animal from biting a person, if the Administrator, Deputy Administrator, or his or her authorized representative determines the confinement satisfactory. The confinement shall be for a period of not less than 10 days from the date the bite occurred and shall continue until the animal has been examined and released from confinement by a licensed veterinarian. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may instruct the owner, agent, or caretaker to have the animal examined by a licensed veterinarian immediately. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator may permit the confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian and microchipped, if the dog or cat is not already, at the expense of the owner. The veterinarian shall submit a written report listing the owner's name, address, dates of examination, species, breed, description, age, sex, and microchip number of the animal to the Administrator advising him or her of the clinical condition and the final disposition of the animal on appropriate forms approved by the Department. The Administrator shall notify the person who has been bitten and, in case of confirmed rabies in the animal, the attending physician or responsible health agency advising of the clinical condition of the animal.

Section 10-42 of the Cook County Code sets forth biting animal confinement requirements in relevant part as follows:

> (b) Except as otherwise provided by State law with respect to police dogs, when the Administrator receives information that any person, service animal or companion animal has been bitten by an animal or scratched by an animal that is considered a potential transmitter of rabies as provider [sic] in subsection (a) of this section, the Administrator shall have the owner confine the biting or scratching animal under observation of a licensed veterinarian for a period of ten days beginning within 24 hours of the biting or scratching incident. The biting or scratching animal may be confined in the house of its owner in a manner which will prohibit it from biting or scratching any person or animal if the animal is currently vaccinated with an approved rabies vaccine….
>
> (1) When the biting animal or scratching animal is currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period for rabies.

> (2) When the biting animal or scratching animal is not currently inoculated with rabies vaccine the animal shall be confined for ten days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.
>
> (c) Confirmation of the health of the biting animal shall be sent by the veterinarian to the Cook County Department of Animal and Rabies Control within 24 hours of the first and final examinations. Official forms shall be provided by the Department.
>
> * * *
>
> (e) If the animal confined is determined not to be infected with rabies at the end of the period of confinement, it shall be released from quarantine….

Interview of the Complainant

The complainant said her nine-year-old daughter was bitten by a neighbor's dog on May 13, 2022 in front of an apartment building in Elk Grove Village, Illinois. The complainant said she took her daughter to the emergency room, where the physician attending the complainant's daughter called the Elk Grove Village Police about the incident. She said an officer from the Elk Grove Village Police Department responded and prepared a report regarding the incident.[6]

The complainant said she later contacted the owner of the dog. She said the dog's owner said the dog had been vaccinated for rabies and provided the complainant with a form documenting that vaccination. The complainant said she called CCARC on Monday, May 16, 2022, and spoke to an employee whose name she did not remember. She said she provided CCARC with the rabies tag number. She said the CCARC employee told her they did not have any information on the dog because the veterinarian who administered the dog's initial rabies vaccine did not submit a certification to the CCARC after the vaccination.

The complainant said she later spoke with Administrative Assistant A from CCARC. She said Administrative Assistant A told her that the animal would be "under confinement." However, the complainant later observed the dog which bit her child outside the apartment building in which its owners reside. She said she also observed the dog's owners attending a local parade along with the dog during the period in which the dog was to be confined.

The complainant said she again contacted Administrative Assistant A by phone. The complainant said she informed Administrative Assistant A that she had observed the dog outside in public when CCARC had told her the dog was under confinement. The complainant said this was her final contact with CCARC and Administrative Assistant A.

[6] The report prepared by the Elk Grove Village Police Department says the dog bite occurred on May 14, 2022.

Interview of Administrative Assistant A

Administrative Assistant A said she is a "Bite Officer" with CCARC. There are three Bite Officers at CCARC. One handles animal bite complaints for the City of Chicago while the other two split responsibilities between Cook County's north and south suburbs. Administrative Assistant A said CCARC typically receives complaints about animal bites from municipal police departments who submit "Bite Cards" (Animal Bite Reports) to CCARC. Administrative Assistant A said the Bite Card at issue in this investigation was submitted to CCARC by the Elk Grove Village Police Department on May 14, 2022.

Administrative Assistant A said when a veterinarian provides evidence that a dog which is the subject of a biting complaint has already been vaccinated for rabies, the protocol under the law is that the animal must be seen by a veterinarian twice, ten days apart. During the ten-day period the animal must be confined to the owner's home and yard. She said if an animal has not been vaccinated for rabies at the time of the bite complaint, the law requires it to be confined for ten days within a veterinarian's office.

Administrative Assistant A viewed the CCARC Rabies Observation Notice pertaining to the dog which bit the complainant's child and the subsequent CCARC Rabies Release Notice presented by interviewers and said, "It looks like the owner did what they were supposed to do." Administrative Assistant A explained that, following the animal bite report by the victim to the police, the owner took the dog to a veterinarian as documented in the Rabies Observation Notice dated May 17, 2022. Administrative Assistant A said CCARC never had to send a notice to the dog's owner because the owner took the animal to be examined prior to CCARC even being informed of the biting incident by way of the police report. She said the Rabies Observation Notice documented the veterinarian's confirmation of the dog's pre-existing rabies vaccination on December 11, 2021. She said the animal was released from confinement on May 27, 2022.

Administrative Assistant A said CCARC has the authority to issue citations for non-compliance with its confinement protocols. For example, a dog owner who does not comply with impoundment or rabies observation requirements may be cited by the CCARC. Administrative Assistant A said that it is impossible for CCARC to monitor each dog owner's compliance with ten-day home confinement requirements and must rely on their word that they have complied. She said on occasion the CCARC will receive information that an owner is not complying with confinement terms. In those cases, Administrative Assistant A said CCARC advises complainants to contact the police. She said she did not know if that advice is part of formal CCARC policy.

Administrative Assistant A said she handles large numbers of bite reports every year and did not recall the incident related to the complainant's child (identified to Administrative Assistant A by interviewers only by the Rabies Observation Notice number). She said she did not recall any interaction with the minor bite victim's mother.

Interview of Administrative Assistant B

Administrative Assistant B said CCARC employs three Administrative Assistants I, also known as Bite Officers within the CCARC. She said CCARC Bite Officers are responsible for logging animal bite reports submitted to CCARC from municipal police departments and health care facilities, then matching the reports with corresponding rabies observation reports, if any, from veterinarians. Administrative Assistant B said CCARC receives approximately 5,000 bite reports per year. She said data from these reports are entered in the CCARC's Passport system.

Administrative Assistant B said CCARC's bite reports, which are a paper template, contain an instruction to owners of biting animals that they must have the animal seen immediately by a veterinarian. Administrative Assistant B said if a veterinarian certifies that an animal has a current rabies vaccine, the animal must be confined to the owner's residence for ten days, after which the animal must be seen again by a veterinarian. She said if the animal cannot be certified by a veterinarian as having a current rabies vaccination, it must be confined within a veterinarian's office for ten days.

Administrative Assistant B said if CCARC receives a report of non-compliance with home confinement, they will typically call the owner and caution them about the need to follow home confinement protocols. She said if owner non-compliance continues, CCARC can ultimately issue a citation requiring a biting animal owner to appear in court. Administrative Assistant B said CCARC employees receiving a report of non-compliance will also occasionally advise those reporting to contact their municipal police to file a police report. She said such advice is not official policy at CCARC but has been the practice for years.

Interview of CCARC Deputy Director

The Deputy Director said there is an exception to the 10-day quarantine rule for animals which are subject to a bite complaint. He said that if a veterinarian believes there is a medical or behavioral issue which prohibits a 10-day quarantine, the veterinarian may request a waiver of the requirement from CCARC. The Deputy Director said CCARC rules on those requests on a case-by-case basis.

The Deputy Director said it is impossible for CCARC to investigate a report of an animal owner failing to comply with rabies quarantine requirements. He said CCARC currently employs six animal control wardens, all of whom are fully assigned at any given time and cannot respond on an on-call basis to such reports. The Deputy Director said even if a CCARC animal control warden attempted to respond to the site at which an animal subject to quarantine was allegedly not confined, there would be little chance of observing the violation.

The Deputy Director said CCARC's primary objective is controlling the spread of rabies. He said that is the reason CCARC enforces "less stringently" the legal obligation of animal owners to report dog bites to municipal police departments within 24 hours and take biting animals to a

veterinarian within 24 hours. The Deputy Director said CCARC was more interested in enforcing compliance with rabies treatment and quarantine and accordingly focused more of its time and resources on those issues.

The Deputy Director said he had never seen an instance where CCARC had cited a veterinarian for failing to submit rabies vaccination certificates to CCARC as required by law, although he said he had heard that CCARC did cite a veterinarian for such a failure prior to his tenure at CCARC. The Deputy Director said typically, if CCARC suspects a veterinarian is neglecting to submit rabies vaccination certificates, they will simply contact the practice to resolve the issue. The Deputy Director said issuing citations to veterinarians would adversely affect the collegial and open communications which enhance CCARC's mission.

The Deputy Director said CCARC receives rabies vaccination certificates from veterinarians electronically and in paper form. He said data contained in the certificates is entered in CCARC's OnBase application. He said veterinarians can submit rabies vaccination certificates by email to CCARC with the certificates attached as a Notepad document. He said paper submissions are more problematic because their data must be manually entered in OnBase by CCARC personnel. For that reason, CCARC is unable to determine on what date veterinarians submit paper rabies vaccination certificates to CCARC.

During his interview, the Deputy Director was asked to search the rabies vaccination tag pertaining to the complainant's child in OnBase. He said he was able to view data contained in that tag number but was not able to determine when CCARC received it, probably because the certificate had been submitted in paper form.

The Deputy Director said citations for non-compliance with Cook County's biting animal ordinance may be issued by CCARC Bite Officers. He said CCARC always attempts to communicate with animal owners to resolve compliance issues before issuing a citation, which is always a last resort. The Deputy Director said most citations issued by CCARC pertain to failure to follow animal bite protocols.

The Deputy Director reviewed CCARC's webpage titled, "Animal Bite Investigations." He said "we felt the information was complete" but agreed that the instructions provided by CCARC to the public about steps to be taken if their dog bites a person could be clearer. He agreed that the statutory 24-hour time frame for police notification of dog bites and for presenting a biting dog to a veterinarian for examination should be specified. He also clarified that the instructions regarding rabies vaccinations during quarantine applied only to unvaccinated animals.

Interview of CCARC Executive Director

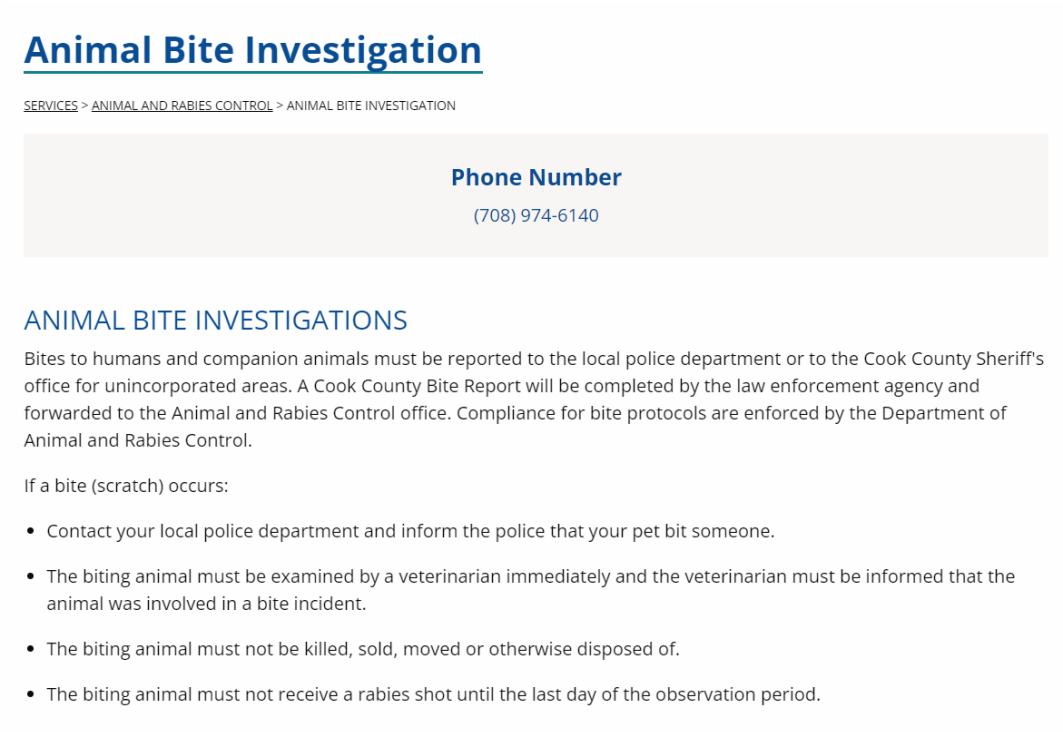
The Executive Director said CCARC was planning an upgrade to its rabies vaccination certificate intake process, which would include a scanning function. She said this would streamline data entry for the certificates, currently handled manually for paper certificates. She

said CCARC had an outreach effort underway to encourage veterinarians to move away from submitting paper records to CCARC and begin using electronic platforms such as Automatic Certificate Entry (ACE).

Investigators reviewed with the Executive Director the guidance CCARC provides on its website regarding what steps the public should take if they observe an animal not being quarantined under CCARC's bite protocol. When asked if CCARC should provide more detailed information to the public on the issue, the Executive Director said the matter "warrants a look." The Executive Director agreed that the instructions contained on the CCARC's website regarding biting dog owners' obligations were too vague and should be revised. She said CCARC was conducting a review of its website anyway.

CCARC Website "Animal Bite Investigation" Page

CCARC provides information to the public relating to bite investigations on its website on a single page titled, "Animal Bite Investigations," displayed in its entirety below:



Animal Bite Investigation

SERVICES > ANIMAL AND RABIES CONTROL > ANIMAL BITE INVESTIGATION

Phone Number

(708) 974-6140

ANIMAL BITE INVESTIGATIONS

Bites to humans and companion animals must be reported to the local police department or to the Cook County Sheriff's office for unincorporated areas. A Cook County Bite Report will be completed by the law enforcement agency and forwarded to the Animal and Rabies Control office. Compliance for bite protocols are enforced by the Department of Animal and Rabies Control.

If a bite (scratch) occurs:

- Contact your local police department and inform the police that your pet bit someone.
- The biting animal must be examined by a veterinarian immediately and the veterinarian must be informed that the animal was involved in a bite incident.
- The biting animal must not be killed, sold, moved or otherwise disposed of.
- The biting animal must not receive a rabies shot until the last day of the observation period.

CCARC's Internal "Bite protocol" Policy

This office reviewed CCARC's current Bite Protocol policy, which is contained at Number 1.17 in CCARC's Policies and Procedures Manual. This policy specifies a step-by-step procedure for CCARC employees to follow upon receiving Bite Cards in the mail from police departments,

including the processing of Bite Reports, the handling of Rabies Observation Notices and Releases, and how to complete and mail citations and summonses. The policy does not contain information to be provided to the public regarding a report of non-compliance with observation requirements.

OIIG Findings and Conclusion

The preponderance of evidence developed in this investigation does not support the allegation that Administrative Assistant A was negligent in her duties. Neither statute nor CCARC policy created a duty on the part of Administrative Assistant A to take any further action after receiving a report from a member of the public that a dog owner was not complying with confinement requirements. Advising the public to contact the police when observing an instance of non-compliance with confinement requirements is only an informal practice within the CCARC. Furthermore, CCARC does not have the personnel to respond to such non-compliance reports. Administrative Assistant A could not have conducted any additional investigation of the complaint even if she had attempted to do so.

The preponderance of evidence developed during this investigation does not support the allegation that CCARC as an agency was negligent in failing to issue a citation to the veterinarian who did not submit to CCARC a rabies vaccination certificate for the dog in question. While CCARC may issue a citation to a veterinarian who fails to submit a rabies vaccination certificate, CCARC's Deputy Director articulated clearly to the OIIG that CCARC's mission of rabies control takes precedence over policing veterinarians' timely submission of documents. The Deputy Director explained that issuing citations against veterinarians for such infractions would unnecessarily chill communications between veterinarians and CCARC which are critical to CCARC's rabies control mission. The Deputy Director explained that these are the reasons CCARC does not often, or ever, perform this regulatory function. Even if CCARC had decided to issue a citation against the veterinarian in question, it would not have been able to prove when the rabies vaccination certificate had been received by CCARC because the certificate in question was submitted in paper form and CCARC does not maintain a record of the date of receipt of paper certificates.

OIIG Recommendations

While the allegations against the CCARC and Administrative Assistant A are not sustained, this office noted ambiguity in both public guidance on the CCARC's Animal Bite Investigations webpage and in its internal "Bite Policy" steps for employees. Accordingly, we make the following recommendations:

1. The guidance provided to the public on CCARC's "Animal Bite Investigations" web page in the first and second bullet points should specify the statutory 24-hour time limits for reporting bites to the police and for presenting biting animals at a veterinarian. The guidance provided in the fourth bullet point regarding rabies vaccinations during observation should specify that it applies to unvaccinated animals only.

2. CCARC should add guidance to its "Animal Bite Investigations" page regarding steps the residents may take upon observing an animal which is not being confined according to the law, e.g., contacting their municipal police department.

3. While the policy is otherwise detailed and comprehensive, CCARC should amend its internal "Bite Protocol," CCARC Policies and Procedures Manual Number 1.17, by adding guidance for Bite Officers to disseminate to residents upon receiving a complaint regarding an animal which is not being confined according to law, e.g., contacting their municipal police department.

These recommendations are currently pending.

IIG22-0650 – Transportation and Highway. The OIIG received a complaint alleging that on September 15, 2022, while on a work site two Laborers (Employee A and Employee B) in the Department of Transportation and Highways (DOTH) engaged in threatening and disruptive behavior when they made verbal threats towards a third DOTH employee (Employee C). It was further alleged that the site supervisor had to intervene and step between the three to prevent a physical altercation.

During its investigation, the OIIG reviewed Cook County Human Resource policies and interviewed DOTH supervisors and employees. The OIIG also interviewed the two subjects and alleged victim.

OIIG Findings and Conclusion

Cook County Violence-Free Workplace Policy (Section J.1.a) - Prohibited conduct.

The preponderance of evidence developed during this investigation supports the allegation that Employee A did commit an act of violence[7] that had an impact on the workplace. When interviewed by the OIIG, Employee A denied ever making verbal or physical threats towards Employee C while on the worksite. However, Employee A did admit to getting into a verbal confrontation with Employee C regarding his failure to assist with work. According to Employee A, it was Employee C who "raised a 'loot' in a striking motion" towards him when the two were engaged in a heated exchange. The OIIG interviewed Supervisor A and Employee E who recalled hearing Employee A state to Employee C, "I got something for you" in a threatening manner.

[7] Cook County Violence-Free Workplace Policy states; "Violence" means any act of physical violence, threat of physical violence (verbal, written, electronic or otherwise), intimidation, or threatening behavior towards an individual, which causes emotional or physical harm to the individual. This shall include any statement or threat, whether verbal, implied, written, electronic or otherwise, that instills a reasonable fear of present or future harm, or causes extreme emotional distress. "Violence" includes but is not limited to: The use of threat or physical force, including fighting or rough or rowdy physical horseplay or other conduct that may be dangerous to another (emphasis added).

The preponderance of the evidence developed during this investigation also supports the allegation that Employee B committed an act of "violence" that had an impact on the workplace. When interviewed by the OIIG, Employee B denied ever making verbal or physical threats towards Employee C while on the worksite. The OIIG interviewed Supervisor B, Supervisor A, and Employee E, whose statements contradict what Employee B reported. According to the witnesses, Supervisor A had to physically step between Employee C, Employee A, and Employee B to keep them apart because Employee A and Employee B were walking towards Employee C in an aggressive manor while all three were engaged in a heated verbal exchange. We believe that this behavior invokes the protections afforded when threatening behavior instills a "reasonable fear of present or future harm."

Accordingly, the evidence establishes that Employee C could have reasonably feared for present or future harm when Employee A and Employee B walked toward him in a manner such that others acted to intervene to prevent physical confrontation.

Personnel Rule 8.2(b)(3) - Fighting or disruptive behavior

The preponderance of the evidence developed during this investigation supports the allegation that both Employee A and Employee B violated Personnel Rule 8.2(b)(3) – Fighting or disruptive behavior. The OIIG interviewed Employee C, Supervisor A, Supervisor B, Employee D and Employee E. All stated that Supervisor A told all three men to "knock it off" and get back to work several times, but they continued to argue, yell, and approach each other in an aggressive manor while working in a construction zone. Employee A's, Employee B's, and Employee C's behavior was so disruptive that Supervisor A had to intervene and step between the three to prevent the incident from escalating to physical violence. The actions of Employee A, Employee B and Employee C placed themselves as well as their coworkers at the construction worksite in danger as well as disrupted the workflow at the site.

The investigation further revealed that Employee C also engaged in disruptive conduct. When interviewed by the OIIG, Supervisor B, Supervisor A, Employee D, and Employee E stated Employee C, Employee A and Employee B were all yelling and walking towards each other. Employee A acknowledged instructing Employee C "to grab a shovel" without having any supervisory authority to do so. Employee B also admitted to making a statement to Supervisor A, regarding Employee C's failure to participate at the worksite, which Employee C heard. Therefore, we conclude, it was the statements of both Employee A and Employee B that initiated the incident and provoked Employee C's response to the verbal and physical threats.

We have found insufficient evidence to support Employee A's assertion that Employee C raised a tool in a striking motion. According to Employee B, Employee C was holding a broom, which he switched from hand to hand quickly to antagonize Employee A. However, all other witnesses interviewed, including Employee B who actually denied seeing Employee C raise a tool in a striking motion, fail to corroborate Employee A's assertion.

Similarly, the investigation failed to produce evidence that Employee A intimidated Employee C by following Employee C in his vehicle after work on September 15, 2022. During his interview, Employee A denied following Employee C. Employee A reported that he did see Employee C on the way home but asserted that it was Employee C that altered his route home and not him. Employee A reported that each day he travels east on 135th Street past Ridgeland, and then north to 127th Street where he enters the toll road. Employee A submitted tollway records to the OIIG which revealed that he enters/exits tollway plaza 41, 163rd Street, Markham twice a day (morning and evening) during most weekdays.[8]

OIIG Recommendations

Based on all of the foregoing, we recommend that disciplinary action be imposed on Employee A and Employee B. When assessing the appropriate level of discipline, we recommend that consideration be given to the factors set forth in Cook County Personnel Rule 8.3(c), including Cook County's past practice involving similar cases.

We do not recommend any disciplinary action against Employee C. The investigation revealed that Employee B and Employee A initiated the incident and were the aggressors at all relevant times.

DOTH accepted our recommendations in full and issued a one-day suspensions to both Employee A and Employee B.

Outstanding OIIG Recommendations

In addition to the new cases being reported this quarter, the OIIG has followed up on outstanding recommendations for which no response was received at the time of our last quarterly report. Under the OIIG Ordinance, responses from management are required within 45 days of an OIIG recommendation or after a grant of an additional 30-day extension to respond to recommendations. Below is an update on these outstanding recommendations.

From the 3rd Quarter 2022

IIG20-0695 – Human Resources. The Cook County Bureau of Human Resources (BHR) reported that an applicant had falsified and tailored her resume for each job she has applied for with the County. According to BHR, the subject applicant blatantly makes up job titles and duties to deceive the BHR analysts and the department to obtain an interview. The applicant has applied to 75 positions changing her resume to fit the job description and has created 10 different online application profiles using 10 different email addresses and different resumes. BHR has dispositioned the applicant accordingly based on the discrepancies on her applications and resumes. During its investigation, the OIIG, in coordination with the Cook County Compliance

[8] Employee A submitted a report of his Illinois Tollway activity for the time period July 1, 2022 - September 22, 2022.

Officer, reviewed online application records, researched the online Illinois Secretary of State's Department of Business Services Database, subpoenaed employment records, and interviewed the applicant.

The preponderance of the evidence developed during this investigation demonstrates that the subject applicant made false statements in certification for County employment, made false statements in an application for County employment, engaged in the practice of deception or fraud in an employment application and falsified employment records through misstatement or omission. The applicant has applied for 75 County positions and falsely misrepresented her previous job titles and duties on her resumes and employment applications. No information for four of the businesses on her applications could be found and no employment verifications with these listed employers could be completed. As noted by BHR, the subject applicant tailors her resume to fit the job description to which she applies. Based on the discrepancies in her applications, BHR has dispositioned the subject applicant, which disqualifies her from being interviewed for any County positions. The applicant has also created 10 different online application profiles using 10 different email addresses in the County employment application system, which appears to be an attempt to deceive the reviewing BHR analyst in order to obtain an interview. The subject applicant stated she creates different online application profiles because she never recalls the password to her previous profiles and provided no explanation as to why she uses a different email addresses every time she creates a profile in the County system. We do not believe that this position is credible under the circumstances.

Section 44-54 of the Cook County Code (Unlawful practices relating to employees and employment) provides that "no person shall make any false statement or in any manner commit or attempt to commit fraud." Section 44-54(e) specifically provides that any person found in violation shall be ineligible for employment with Cook County for a period of five years. Additionally, the Cook County Employment Plan incorporates various Personnel Rules prohibiting applicants from making false statements in the application process and establishes a basis for ineligibility of employment. The Human Resources and Personnel Rules cited in the Employment Plan apply to both employees and non-employee applicants. Based on the violations discussed above, we recommended that Cook County find the subject applicant ineligible for hire by Cook County for a period of five years pursuant to Section 44-54.

Cook County adopted our recommendation.

IIG20-0788 – Assessor's Office. The OIIG received information alleging that the Cook County Assessor's Office (CCAO) mishandled tax assessment freeze affidavits filed by a taxpayer for a primary residence. The complainant further alleged that CCAO Manager of Incentives who is responsible for receiving and maintaining assessment information, including affidavits to freeze property taxes for properties classified Special Programs,[9] misplaced or lost the affidavits she filed.

[9]Special Programs may include homes that were rehabbed and reclassified historic, such as the home of complainant, which according to State law are required to submit an annual affidavit by January 31st of the tax years to continue receiving the tax freeze.

When the Manager of Incentives was interviewed by the OIIG, he stated that he attributed the CCAO's failure to have a record of timely mailed affidavits due to the manual nature of the process of administering the Historic Residence Assessment Freeze Program (the "Freeze Program"). He further noted that the lack of having a computer-based system and relying heavily on paper-based Excel spread sheets, the program is deemed unreliable and susceptible to errors and omissions. The Manager of Incentives stated that not having a full-time analyst to perform the duties of mailing, receiving, recording, and updating the affidavits and related information have impacted the CCAO's ability to adequately administer the Freeze Program.

The Property Tax Code contains a section known as the Historic Residence Assessment Freeze Law ("Freeze Law"), 35 ILCS 200/10-40 to 10-85. In order to encourage the rehabilitation of historic residences, properties certified under the Freeze Law are eligible for an assessment freeze that eliminates from consideration the value added by any rehabilitation to the property and limits the total valuation to the "base year valuation" as defined by the Freeze Law. 35 ILCS 200/10-45. A property owner seeking to take advantage of the Freeze Law must file an application for certificate of rehabilitation ("C of R") with the Director of Historic Preservation ("Director"), who shall approve the application upon finding that certain criteria have been satisfied. 35 ILCS 200/10-55. As part of the C of R, the Director identifies the rehabilitation period, which generally is not to exceed two years. 35 ILCS 200/10-55. The C of R is then transmitted to the property owner and to the chief county assessment officer. 35 ILCS 200/10-55.

Upon receipt of the C of R, the assessment officer shall determine the "base year valuation" of the property. 35 ILCS 200/10-70(a). Under the Freeze Law, the base year valuation "means the fair cash value of the historic building for the year in which the rehabilitation period begins but prior to the commencement of the rehabilitation and does not include any reduction in value during the rehabilitation work." 35 ILCS 200/10-40(i). For any property on which the Director has issued a C of R, "the valuation for purposes of assessment shall not exceed the base year valuation for the entire eight-year valuation period" (35 ILCS 200/10-45), commencing from the date of issuance of the C of R (35 ILCS 200/10-40(k).

After the expiration of the eight-year valuation period, the next four years are considered an "adjustment valuation period," in which the assessed valuation gradually increases until, in the fourth year, the assessed value is the current fair cash value of the property. 35 ILCS 200/10-40(*l*), 10-50. With respect to both the eight-year valuation period and the four-year adjustment valuation period, the assessment officer "shall make a notation on each statement of assessment during the 8-year valuation period and the adjustment valuation period that the valuation of the historic building shall be based upon the issuance of a C of R." 35 ILCS 200/10-70(a).

Based on the foregoing requirements of the Freeze Law, this office developed review procedures to assess and evaluate the CCAO's compliance with certain provisions of the Freeze Law upon receipt of a C of R. The OIIG obtained historic landmark records consisting of spread sheets from separate departments of the CCAO and conducted review and analysis of said spread sheet information to ascertain whether the production appeared complete. Based on the foregoing

analysis and review of spread sheet data, the OIIG randomly selected properties for additional testing. The OIIG issued a subpoena to the Illinois Department of Natural Resources (IDNR) seeking copies of C of Rs issued to the owners of said properties. In addition, the Manager of Incentives was interviewed to gain an understanding of the control environment surrounding the processing of annual affidavits and the overall administration of historic landmark properties. The Manager of Incentives was interviewed by the OIIG multiple times subsequent to his initial interview because of the emergence of new or different information as the review proceeded. We believe the following specificity is necessary to demonstrate the unlawful manner in which the Freeze Program is being operated.

Our analysis of the Freeze Program revealed that the CCAO failed to properly manage the program to ensure compliance with certain requirements of the Freeze Law. We noted that after the homeowner complied with Section 10-60 of the Freeze Law to timely file the annual affidavit by January 31st, the CCAO failed to comply with the requirement outlined in the aforementioned section of the Freeze Law. We specifically noted that the CCAO's failure to comply with Section 10-60 of the Freeze Law was attributed to the CCAO's lack of an effective system that ensures affidavits mailed by homeowners are adequately received and properly recorded as an official assessment record which would allow the CCAO to make the required assessment adjustment entries in the assessment records and timely revoke homeowners who fail to respond and/or are deemed ineligible by the CCAO. Further evidence of the CCAO's ineffective process to timely adjust and revoke non-compliant homeowners was demonstrated during the Manager of Incentive interviews wherein it was acknowledged the program as designed is unreliable and susceptible to errors and omissions. Additionally, we observed the Manager of Incentives revoked the historic landmark freeze of 53 homeowners only after the OIIG made inquiries and submitted document requests pertaining to revoked properties.

Our comprehensive testing of properties further revealed inadequacies in the administration of properties under the Freeze Program. Specifically, it was determined in 11 of 30 properties tested (37%), the CCAO failed to remove the historic landmark exemption. We noted reductions in value from $144,376 to $1,397,960 with a combined total reduction amounting to $11,611,119.

Our testing also revealed that for 18 of 30 (60%) properties, the CCAO failed to comply with Sections 10-40(h) and 10-70 of the Freeze Law which requires the CCAO to establish the base year freeze according to the FMV per the property record card and prior to commencing rehabilitation work on the subject properties. We noted specifically, that for 13 of 18 (72%) of the above-mentioned properties, instead of selecting the FMV assigned to the property as recorded on the CCAO's property card as required, the CCAO erroneously selected the assessed value assigned to the property and simply converted said assessed value to reflect a different market value [converted FMV value] than what was recorded on the property card. The aforementioned "converted FMV value" was wrongfully used by the CCAO to establish the base year freeze. Accordingly, we determined that due to the method of converting assessed value to a converted FMV, the CCAO overvalued the 13 properties from $151,976 to $435,267, with a total

overvaluation amounting to $3,257,173. For the remaining 5 of 18 (28%) properties we tested, we identified varied issues with the manner in which the CCAO calculated the base year valuation freeze which precluded the OIIG from ascertaining whether the base year values assigned during certain periods of the eight-year and four-year adjustment were accurate and in compliance with requirements of the Freeze Law.

In addition, we noted that the adjusted FMV of the improvement calculated by the OIIG did not agree with the adjusted FMV assigned by the CCAO. We specifically noted that the manner in which the CCAO calculated the values during the relevant adjustment period, the FMV of these properties was consistently undervalued which resulted in a $2,708,750 understatement for 7 of the 30 properties we tested. Moreover, the CCAO failed to maintain any records to demonstrate how the FMV that was assigned to the improvement was calculated. Additionally, the Manager of Incentives advised that no source documents exist for any Freeze Program properties. This demonstrates a significant deficiency in internal controls in the assessment process. The existence of the noted deficiencies raises the question of whether the assigned FMV values were objectively assigned based on verified and sound assessment data.

Based on our review, we concluded that the foregoing conditions demonstrate that the Freeze Program data pertaining to FMV as established by the CCAO, which is an integral part of calculating assessments, as presently maintained, is insufficient and lacks the necessary quality which is evident in the CCAO's inability to transfer needed data to the new property tax system as part to the ongoing implementation process.

We recommended the following remedial action:

1. Given that FMV assigned to a property by the CCAO is of critical significance and an integral component of an assessment which impacts the overall assessment cycle, the CCAO should conduct a comprehensive review of the source data pertaining to Freeze Program properties and ensure that reliable source documents are maintained that demonstrate how the value assigned to a property was derived.

2. The CCAO should consider modifications to how it administers the Freeze Program. In doing so, the CCAO should consider implementing a more transparent process whereby the properties receiving historic landmark designation are listed on the CCAO's website. The website should include relevant information, including, but not limited to the PIN, address, FMV, base year freeze, etc., that would allow the public access to said information and thereby incentivize the Incentives Department to maintain accurate, complete, and verifiable data concerning properties under the Freeze Program.

3. The CCAO should evaluate the current process of administering annual affidavits and develop a process that will ensure the CCAO mails, receives, and records the affidavit timely and in accordance with the requirements of the Freeze Law.

4. The CCAO should discontinue the use of a separate manual system of maintaining historic freeze properties and maintain the necessary records in one system to allow efficiency and prevent errors and omissions from occurring.

5. The CCAO should counsel the Manager of Incentives on the importance of maintaining accurate and complete Freeze Program assessment records in compliance with the requirements of the Freeze Law.

The CCAO adopted all of our recommendations.

IIG21-0054 – Assessor's Office. This investigation also involves case numbers IIG21-0059, IIG21-0125, IIG21-0655, IIG21-0656, IIG21-0658, and IIG21-0668. The OIIG initiated these investigations after receiving allegations relating to the CCAO's handling of appeals of its valuation and classification of certain parcels of real property. It was alleged that, for certain taxpayers who had the knowledge of certain internal CCAO processes not known by or advertised to the public and the means to communicate directly with certain CCAO managers, those managers provided additional consideration of appeals, either by acting on the property value itself or making a recommendation to the Board of Review to act on the property value. It was alleged this additional consideration occurred when appeals had already been acted on by CCAO analysts or when the published appeal deadlines had elapsed. It was also alleged that appeal relief was granted to certain taxpayers by CCAO managers without evidence sufficient under the CCAO Official Appeal Rules. It was further alleged that certain CCAO appeal instruments were used outside CCAO policy and the law to benefit certain taxpayers, and that certain taxpayers received value reductions by CCAO managers which were not supported by sufficient evidence and which resulted in substantial financial benefit to the taxpayers.

While investigating the above allegations, this office observed confusion within the CCAO about certain policies and practices relating to classification decisions and the nature of the instruments the CCAO uses to transmit appeal information to the Board of Review. Additionally, multiple CCAO employees informed this office of their concern, generally, that CCAO management acts in a way such that taxpayers represented by attorneys and taxpayers who are business owners are treated more favorably than residential taxpayers or taxpayers who are not represented by attorneys.

The seven cases identified above were addressed in one Summary Report because of common issues identified during these investigations. We identified an additional four topics during the investigations which are also addressed in this Summary Report. Findings and Conclusions follow each case and topic. Fourteen Recommendations are offered at the conclusion of this report which encompass all eleven cases and topics.

The Property Valuation Appeal Process in Cook County

Illinois law provides taxpayers who disagree with their property valuation for tax purposes with several avenues of potential recourse. A taxpayer may appeal their current year assessment by filing an appeal of that valuation with the CCAO. Prior to 2020, the CCAO offered an option called "re-review," which was an avenue by which appellants could request the CCAO reconsider an unfavorable decision; however, the re-review option was discontinued by the CCAO beginning in 2020 and has not been offered since. A taxpayer who is dissatisfied with an appeal decision by the CCAO may appeal to the Cook County Board of Review, the Cook County Circuit Court, or the Illinois Property Tax Appeal Board.

Appeals to the CCAO are governed by the CCAO's "Official Appeal Rules," which the CCAO publishes on its website. The Rules specify deadline requirements and evidence which must support appeals, among other information for taxpayers. The CCAO updates its Official Appeal Rules each year.

Appeals of initial property values (determined during a process the CCAO calls First Pass) are assigned to CCAO analysts for resolution (called Second Pass), although CCAO personnel above analysts in the Valuations Department on the CCAO organizational chart are also empowered to make decisions on appeals. The CCAO employee handling an appeal may make one of two decisions: Decrease or No Change. If the CCAO employee reaches a Decrease decision, that employee enters the Decreased property value in a table in the CCAO's work system called iasWorld. The value is then transmitted to the Board of Review, then to the County Clerk, and then to the County Treasurer, who mails tax bills to the taxpayers.

Once a township has "closed" and Second Pass values are transmitted to the Cook County Board of Review, the CCAO cannot enter a valuation reduction on its own. If the CCAO believes it has erroneously determined the value of a parcel of real property at this point, there are three instruments by which the CCAO communicates its support for the reduction of an assessed value to the Board of Review. If the Board of Review agrees with the CCAO's position, it will approve the change and transmit the new value to the Treasurer for issuance of a new tax bill, and if for a prior year for which the taxpayer has already paid their taxes, a refund to the taxpayer. These three instruments are called Certificates of Correction, Certificates of Error, and Assessor's Recommendations.

Certificates of Error

The nature and use of Certificates of Error are governed by statute: 35 ILCS 200/14-10, which provides: "In counties with 3,000,000 or more inhabitants, if, after the assessment is certified pursuant to Section 16-150, but subject to the limitations of subsection (c) of this Section, the county assessor discovers an error or mistake in the assessment, the assessor shall execute a certificate setting forth the nature and cause of the error." The statute specifies that "Certification is authorized, at the discretion of the county assessor, for: (1) certificates of error allowing

homestead exemptions under Article 15; (2) certificates of error on residential property of 6 units or less; (3) certificates of error allowing exemption of the property pursuant to Section 14-25 [dealing with the establishment of the Cal-Sag Historic Waterways Enterprise Zone]; and (4) other certificates of error reducing assessed value by less than $100,000."

The CCAO describes Certificates of Error on its website as "a way to make a correction after the assessment for that tax year is finalized." The CCAO states on its website "There are two types of Certificates of Error. One is for missing exemptions in past tax years and the other is to correct property-assessed valuations after a tax bill has been issued." However, an internal CCAO document titled, "2020 IC [Industrial/Commercial] Certificate of Error Process" states, "CE's are not for valuations in prior years, nor are they for vacancy requests."

Certificates of Correction

The nature and use of Certificates of Correction are governed by statute: 35 ILCS 200/14-10, which provides: "If the county assessor in counties with 3,000,000 or more inhabitants certifies to the board of appeals that there is a mistake or error (other than a mistake or error of judgment) in the valuation or assessment of any property… the county assessor shall set forth the nature and cause of the mistake or error… If the board of appeals is satisfied that a mistake or error has occurred, the majority of the members shall endorse it by signing the certificate and shall order the assessor to correct the mistake or error."

An internal CCAO policy document described the justification for a Certificate of Correction as to correct "an error due to keypunch, or factual error, and the B/R [Board of Review] is still open for that specific town, a C of C can be used to correct the problem even if an appeal has not been filed at the Board."

Courts in Illinois have characterized the appropriate use of Certificates of Correction in Goodfriend v. Board of Appeals, 18 Ill. App. 3d 412; 305 N.E.2d 404 (1973). In Goodfriend, the CCAO filed Certificates of Correction with the Cook County Board of Review in which the CCAO proposed increases in the assessed valuation of real estate owned by the appellant Goodfriend Partners. The CCAO issued Certificates of Correction for a number of parcels of real property on the grounds that it, the CCAO, had made an error of judgment as to the value of the real property and sought an increase from the Board of Review. The court held that "the County Assessor of Cook County did not have the authority to file with appellant Board of Appeals certificates of correction, based as they were on errors of judgment as to valuation…."

Assessor Recommendation

CCAO personnel told the OIIG that Assessor Recommendations are similar to Certificates of Correction but require that the taxpayer/appellant have a case pending before the Board of Review. The "2020 IC Certificate of Error Process" memo referenced above provides, "Reasons

for A/R: Change in Valuation (increase or decrease), must have an appeal filed at BOR." There is no statute in Illinois governing the use of Assessor Recommendations.

The Classification of Real Property in Cook County

Illinois law (35 ILCS 200/9-150) provides that "where property is classified for purposes of taxation in accordance with Section 4 of Article IX of the Constitution and with such other limitations as may be prescribed by law, the classification must be established by ordinance of the county board." The Cook County Board has done so at Cook County Ordinance Sec. 74-63, where it creates and describes various assessment classes within the County. The Board set forth the percentages at which various class are taxed at Sec. 74-64, "Market value percentage." Of importance to this investigation is the 10% assessment percentage for Class 2 (described by the CCAO as "Residential") and Class 3 (described by the CCAO as "Multifamily"), and the 25% assessment percentage for Class 5 (described by the CCAO as "Commercial").

The CCAO's Mission and Values Statement

The CCAO's website contains a statement of its mission and values, set forth below:

OUR MISSION

The mission of the Cook County Assessor's Office is to deliver accurate and transparent assessments of all residential and commercial properties. We serve every community in the County through ethical stewardship within the property tax system.

We will achieve our mission through:

Data Integrity

High-quality data is essential for fair and equitable assessments. The CCAO is dedicated to excellence and agility in the collection, management, and sharing of data to inform our decisions and mirror the market.

Teamwork Culture

The CCAO is committed to enhancing our employees' skills through modern tools, techniques and training. This fosters an environment of collaboration and produces the leadership necessary to tackle new opportunities.

Distinguished Service

> At the CCAO, our aim is to deliver high-caliber services, provide clear and accurate information, and seek feedback to improve our work so we can support the economic vitality of Cook County.
>
> OUR VALUES
>
> FAIRNESS
>
> Deliver accurate and uniform assessments, with timely and informative notices, in compliance with industry standards and guided by best practices.
>
> TRANSPARENCY
>
> Build transparency into every part of the office—making services more effective and efficient—and earn the public's trust.
>
> ETHICS
>
> Create an office culture of professionalism, inclusion and public accountability, with engaged employees who take pride in the delivery of high-quality, accessible services for all.

The CCAO also addresses its commitment to fair and accurate property assessments on its website page called "The Cook County Property Tax System" when it describes the role of the Assessor as "an elected government official who is responsible for establishing fair and accurate property assessments." On its website page called "About the Cook County Assessor's Office," the office states, "The Assessor's Office is responsible for setting fair and accurate values for 1.8 million parcels of Cook County property."

The CCAO's 2019 Revised Ethics Executive Order

Assessor Kaegi issued a "Revised Ethics Executive Order," on February 11, 2019, in which he ordered that, as an ethical obligation, "employees shall accurately identify, list, value, and classify real property to achieve fairness and uniformity in the valuation and assessment of real property." The Revised Ethics Order provides, "It is essential that public officials and their offices be independent and impartial" and that "the Assessor is committed to improving the property tax system in Cook County by building transparency in the office…." The 2019 Revised Ethics Executive Order has been superseded in November 2020 by the CCAO's 2020 Employee Handbook. There remain several active links to it on the CCAO's website as of the date of this Summary Report.

The CCAO's 2020 Employee Handbook

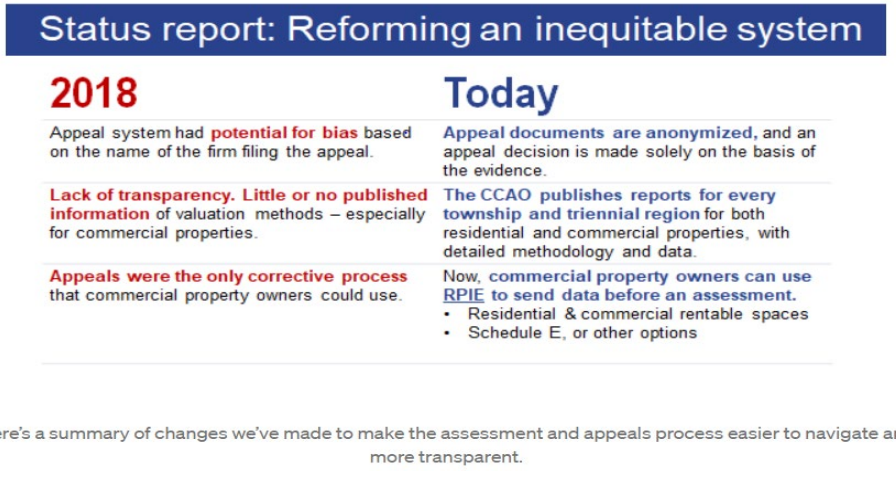
On November 16, 2020, the CCAO issued a new Employee Handbook. The Employee Handbook contains an Ethics Policy which states, "This policy applies to all Assessor Officials, Officers, and Employees and shall supersede any prior ethics policies set forth by the Assessor's Office." The Manual provides, "The Employees and Officers of the Assessor's Office hold their Positions to carry out the mission of the office as set forth herein and in the Property Tax Code and County ordinances."

The 2019 Revised Ethics Executive Order and the 2020 Employee Handbook contain identical provisions titled, "Visitors Log." The provisions read, "Sign-in logs shall be kept for persons transacting business at the CCAO who visit a particular Officer or official in regard to an assessment appeal or other matter involving the exercise of discretion by an Official, Officer, or manager. Such logs shall indicate the name of the visitor; date and time of the visit; the Officer or Official visited and the purpose of the visit; and the law firm, company, or other business represented." The Visitor Log provision of the 2019 Revised Ethics Executive Order and the 2020 Employee Handbook Ethics section exempt vendors under contract with the CCAO or the County from the log requirement.

Manager V, who is the CCAO's Chief Ethics Officer, informed this office that the 2019 Revised Ethics Order and the Ethics provisions contained in the 2020 Employee Handbook are identical and co-exist as current policy.

The Assessor's Public Messaging Regarding Appeal Anonymity

On March 2, 2021, Assessor Kaegi delivered a presentation to the City Club of Chicago titled, "Our progress on ethics, fairness, and transparency in assessments—and a look ahead at 2021." Part of this presentation, which the Assessor's Office posted on its website, included this graphic:



Part of the presentation by Assessor Kaegi included his comment, "We also committed ourselves to eliminating sources of bias, favoritism, and conflicts of interest. This meant doing things like making commercial appeals anonymous to our analysts, implementing an ethics code forbidding campaign contributions from practitioners who practice before us, and requiring evidence to be based on professional standards. For example, an appraisal actually had to meet the federal standards that a bank would require."

Anonymized Appeal Filings by Attorneys

Rule 12 of the Assessor's 2020 Official Appeal Rules provides as follows:

> When attorneys and representatives file substantive materials (such as appeal briefs) in support of a client's complaint, they must submit as least one set of those substantive materials in which the law firm, attorney, or representative filing the complaint is not identified by name, mailing address, phone number, or email address on any document in the set. This 'anonymized' set of documents must include only the attorney's or representative's assigned identification code as a means of determining the filer's identity.
>
> When attorneys and representatives file an Appeal using SmartFile, only the anonymized set of documents and, separately, the Authorization Form or Withdrawal/Substitution Form (if applicable), along with any documents that are not anonymized should be uploaded. The Authorization Form along with any non-anonymized documents should be submitted as a separate PDF from other substantive documents.

For 2021 and 2022, Rule 12 replaced the above paragraph with the following: "The Authorization Form or Withdrawal/Substitution Form (if applicable), together with any other documents that are not anonymized, should be uploaded in SmartFile using the 'Attorney Authorization & Other Non-Anonymized Documents' upload function."

OIIG Investigation

This office received allegations of CCAO mismanagement of valuation appeals relating to multiple properties in Cook County. During our investigation, we reviewed documents contained in the CCAO's paper files, documents contained in the CCAO's digital system iasWorld, its SmartFile appeal system (a sub-application of iasWorld), emails among various CCAO employees and managers discussing valuation appeals and classification decisions, and documents on the CCAO's website. This office also interviewed approximately 60 CCAO employees and managers who were involved in valuing properties and handling appeals relating to the properties specific to each investigation.

I. The Appeal Relating to 4711 West 137th Street, Crestwood, Illinois

The property at 4711 West 137th Street, Crestwood, Illinois, is a commercial building. In October 2020, an attorney representing the owner submitted a timely appeal to the CCAO which argued that the 2020 First Pass value should be reduced due to "comps." The appellant also requested a Certificate of Error for 2019, arguing the building was partially vacant in 2019 due to a fire.

CCAO Official Appeal Rule 21

Rule 21 of the CCAO's 2020 Official Appeal Rules states, "If assessment reduction is sought on the grounds of vacancy at a specific property, the taxpayer must file: 1. A Vacancy/Occupancy Affidavit on the form provided by the Assessor (Occupancy shall include all space for which rent is being paid or is payable, even though the space may actually be vacant); and 2. Photographs of the interior vacant space or units, dated during the assessment year under appeal; and 3. An affidavit that comports with the Affidavit form on the Assessor's website, setting forth the duration of the vacancy, the reason for the vacancy, and a description of the attempts made to lease the vacant space, including any documents providing evidence of such attempts, such as rental listings or other advertisements. If no such effort was made, the affidavit must set forth the reason(s) that no attempt to rent such space was made; and 4. Utility bills that reflect lower usage for the term the vacancy is requested; and 5. If applicable, the municipality's occupancy certificate; and 6. If applicable, all documents required by Rule 20. If utility bills or other documents are not available, the taxpayer must attest to their unavailability."

CCAO Official Appeal Rule: "Re-review"

Rule 26 of the CCAO's 2020 Official Appeal Rules states: "The CCAO will not accept requests for re-review of its 2020 assessed valuation appeal decisions." The CCAO renewed Rule 26 for 2021. In 2022, the CCAO addressed re-review in Rule 25, stating, "The CCAO will not accept requests for re-review of its 2022 assessed valuation appeal decisions. If a taxpayer does not agree with an assessment appeal decision by the Assessor's Office regarding the valuation of their property, taxpayer may file a further assessment appeal with the Cook County Board of Review."

CCAO Memorandum: "2020 Certificate of Error Process"

The CCAO provided the OIIG with a two-page memorandum titled, "2020 IC [Industrial/Commercial] Certificate of Error Process." The memorandum states, in relevant part: "Please note, CE's are not for issues of valuation in prior years, nor are they for vacancy requests." The CCAO did not provide our office with any other policy documents concerning processes for Certificates of Error for any other year. The document does not reveal the author who drafted it or whether its provisions carry forward into years following 2020.

Interview of Industrial/Commercial Analyst A

Analyst A said she recalled former Manager B asking her in a January 2021 email to "take another look" at an appeal which had originally requested current year (2020) relief and a Certificate of Error for 2019 regarding a property at 4711 West 137th Street, Crestwood, Illinois, PIN 28-03-100-095-0000. Analyst A said she understood that Manager B had a conversation with the attorney who was representing the owner of the property. Analyst A said she was uncomfortable with Manager B's request for several reasons. First, she was not comfortable with Manager B asking her to second-guess the analysis of the analyst who had initially handled the appeal, Group Leader C. Second, Analyst A said there was no re-review process at the CCAO for 2020, and she believed Manager B's request was for a re-review. Analyst A noted the appeal deadline for Bremen Township had elapsed months prior to Manager B's request.

Analyst A said she did not know why Manager D sent Manager B an email on January 13, 2021, in which she said, "Attached is a re-review" if there was no re-review process available at the CCAO for 2020. She said maybe Manager D was not aware that there was no re-review in 2020 but agreed that CCAO managers should be aware of current CCAO policy.

Analyst A said she felt obligated to conduct a re-review of the appeal due to Manager B's position. However, she said she found the evidence submitted in support of the appeal to fall short of the requirements of the CCAO's Official Appeal Rules and denied it. She said she agreed with Group Leader C's initial determination.

Analyst A said she was also uncomfortable with the fact that the re-review request came in via an email from an attorney to Manager D. Analyst A was concerned about the nature of the relationship a CCAO employee could have with an attorney that made the attorney comfortable enough to make such a request with an email directly to a CCAO employee.

Interview of Industrial/Commercial Valuations Department Group Leader C

Group Leader C said she has been a Group Leader in the CCAO's Industrial/Commercial Valuations Unit for the past 15 or 16 years. She has been employed with the CCAO for the past 20 years. She described her duties as conducting analysis of rent and sales data to arrive at valuations of real properties in Cook County as "First Pass" in the valuation process, then reviewing and making determinations on appeals of First Pass valuations as "Second Pass" in the valuation process.

Group Leader C described the valuation appeal process as differing before Assessor Kaegi took office as Assessor and after. Prior to Mr. Kaegi's election, an appeal of a commercial property valuation would be assigned to an analyst in the Industrial/Commercial Unit. The analyst would make one of two decisions: Grant or No Change. That decision would be reviewed by an Industrial/Commercial Group Leader, then reviewed by the Technical Review Unit. Group Leader C said Tech Review did not second-guess the analyst's methodology but only reviewed the

decision for missing items such as a vacancy reduction, for example. She said the appeal decision would then be final.

Group Leader C said following Mr. Kaegi's election, the appeal process changed. Now, she said, analysts and Group Leaders handle valuation appeals. Tech Review no longer exists. Group Leaders no longer function as a check on the analysts' appeal determinations but are charged with handling more complex appeals.

Group Leader C said prior to 2020, there was a process called "re-review," in which a taxpayer/appellant could request a second review of an appeal decision. She said the CCAO eliminated re-review as an option in 2020 and 2021 but expanded the appeal window from 30 to 40 days.

Investigators asked Group Leader C what the remedy was for an appellant who disagreed with the analyst's appeal determination. She said an appellant's next step was an appeal to the Board of Review. She then added, "Or you could call someone." When asked to explain, Group Leader C said, "Everybody knows people are calling people. I know things like that happen." She said she knew dissatisfied appellants were contacting CCAO managers because she would receive requests from those managers to "take another look at an appeal." When asked if "taking another look" was an appropriate practice at the CCAO, Group Leader C said, "It's not fair to taxpayers. Joe Schmo doesn't get that treatment." She said the practice of allowing a "second look" at an appeal ran contrary to what Assessor Kaegi promised when he said he was going to treat everyone the same. Group Leader C said she had not received such a request recently but estimated that she received "a few, three or four" requests from CCAO managers in 2021 to "take another look" at an appealed and ostensibly final valuation. She said, "One of the properties is the Crestwood one."

Group Leader C said she was "not 100% sure" of the purpose of a CCAO instrument called a Certificate of Correction. She said Certificates of Correction are "done by upper management," and that analysts and group leaders are not authorized to approve them. She said she had never prepared one in her career. She said she believed Certificates of Correction were designed to remedy major errors by the CCAO, such as obvious classification errors. She said she believed an Assessor's Recommendation was to remedy a similar error but was unable to describe a difference between a Certificate of Correction and an Assessor's Recommendation.

Group Leader C said a Certificate of Error was to correct an error by the CCAO for a year prior to the current year. She said Certificates of Error could be submitted at any time but could only be sought for the three years preceding the current year.

Group Leader C said she recalled the valuation appeal of 4711 West 137th Street in Crestwood, Illinois. She said the appeal was "very poorly put together." She said the attorney representing the owner of 4711 West 137th Street requested a reduction in assessed value arguing vacancy due to a fire in the building but provided only a vacancy affidavit and a letter from the Village of Crestwood. Group Leader C said the letter did not even mention a fire. She said the

appeal package contained no fire report or photographs. Group Leader C said she considered the affidavit and letter insufficient evidence under the CCAO's Official Appeal Rules to grant a vacancy reduction and "No Changed" the valuation on October 26, 2020.

Shortly after her No Change determination for the appeal for 4711 West 137th Street, Group Leader C said Manager B emailed her with a request to reconsider her No Change determination. She said Manager B's request amounted to a "second appeal" and was unfair to other taxpayers. She said she nonetheless did as Manager B instructed and reviewed the appeal a second time, but still found it to be a No Change based on the evidence. She said she emailed Manager B her decision sometime in November 2020. She said that was the end of her involvement with the appeal on this property.

Information From Manager D and Manager E

When asked in an email whether she knew who drafted and approved the internal CCAO document, "2020 IC Certificate of Error Process," Manager D said she did not know. When asked if the provisions of the "2020 IC Certificate of Error Process" carried forward into 2021 or 2022, she said, "I cannot respond to the specific provisions of the document." Manager E, responding to the same question from this office, said she did not draft the document nor did she know who did. She said she did not recall having seen the 2020 Certificate of Error Process document and said she was "not aware of this approach being in place for 2021. There were discussions in 2020-2021 about the notion of C of E's only addressing factual errors but thought it was resolved with C of E's extending beyond factual errors."

Timeline of the Appeal Associated with 4711 West 137th Street, Crestwood, Illinois

Date:	Event
10/2/2020	The attorney representing the owner of 4711 West 137th Street submits in SmartFile two requests: an appeal of the 2020 Assessed Value and a request for a Certificate of Error for 2019. Vacancy proof was a "General Affidavit" addressing vacancy and a letter from the Village of Crestwood confirming vacancy. The appeal of the 2020 assessed value was supported by one comp. The 2020 appeal and the 2019 C of E request was assigned to Group Leader C.
10/20/2020	The attorney representing the taxpayer/appellant submits signed correspondence on firm letterhead to "Fritz Kaegi" requesting a current year value reduction, citing a comp, and commenting on the C of E request as well.
10/22/2020	Bremen Township CCAO appeal deadline
10/26/2020	Group Leader C finds a "No Change" on the 2020 appeal and the 2019 C of E request. Manager B asks her in an email to "take another look" at the appeal and C of E request, which she does, but still finds it a No Change.
11/27/2020	Bremen township assessment roll certified.

11/27/2020	CCAO sends paper notice to the attorney that the 2020 AV appeal was denied and that the assessed value will remain unchanged based on "comparable properties." The CCAO's notice states, "A re-review of this appeal cannot be accommodated… You may appeal your assessment at the Cook County Board of Review."
11/30/2020	An attorney representing the owner of 4711 West 137th Street sends an email to Taxpayer Resolution regarding the 2020 appeal and 2019 C of E vacancy request, asking what documents were missing.
12/2/2020	Taxpayer Resolution forwards the attorney's email to Manager D.
12/2/2020	Taxpayer Resolution responds by email to the attorney stating, "The only recourse, since there is no re-review period any longer, is to file an appeal in 2021 with a Certificate of Error for 2020."
12/2/2020	The attorney responds to Taxpayer Resolution, cc'ing Manager D, "Would you be able to look into this PIN and see if anything was overlooked and maybe with a recommendation to the Board of Review, we can appeal the 2020 tax year still vs. waiting till next year and filing a C of E?"
12/7/2020 to 1/5/2021	Board of Review filing period.
1/5/2021	The attorney emails CCAO Manager Z asking why letter from Crestwood was not sufficient to support a 2019 vacancy C of E. Manager Z forwards email to Manager D, who forwards it to Employee DD asking him to contact the attorney. Employee DD responds to Manager D and Manager Z saying he called the attorney and left him a message "why he got denied."
1/13/2021	The attorney sends an email to Manager D which states, "Please find copies of all docs previously uploaded. The 2019 C of E states insufficient info but a letter from Village of Crestwood was enclosed."
1/13/2021	Email from Manager D to Manager B: "Attached is a re-review."
1/21/2021	Manager B emails analyst A: "Can you take another look at this appeal? We need to reconsider for both the 2019 C of E and the 2020 appeal." He cites the letter from the Village of Crestwood as "overwhelming support."
1/22/2021	Analyst A responds to Manager B by email. She notes the appeal was already worked by Group Leader C. She refuses to act on 2020 appeal or 2019 C of E request, saying she agrees with Group Leader C's No Change decision. She cites inadequacy of evidence.

OIIG Findings and Conclusions

The evidence developed during this investigation showed, by a preponderance of the evidence, that the CCAO allowed a second consideration (in Manager B's request to Analyst A on October 26, 2020) of a valuation appeal in violation of 2020 CCAO Official Appeal Rule 26 (No Re-review in 2020). The additional consideration of the taxpayer's request for a Certificate of

Error for 2019 is not precluded by Official Appeal Rule 26 because Certificates of Error may be considered at any time.

The evidence showed that, but for the objections of a CCAO analyst asking the CCAO follow its own rules, a CCAO manager would have allowed the consideration of a document outside Official Appeal Rule 20 as evidence of vacancy.

The investigation also revealed that the CCAO attempted to use a Certificate of Error to grant a 2020 vacancy request in violation of CCAO policy ("2020 IC Certificate of Error Process").

The investigation also revealed contact between an attorney representing a taxpayer appellant and CCAO decision makers during the pendency of the appeal. The email communications revealed the identity of the attorney to both CCAO managers and analysts.

The Assessor has represented to the public the anonymity of appeals pending before his office in two ways: anonymity is limited to CCAO *analysts* as opposed to all CCAO commercial analysts plus managers; and more generally that appeal documents are anonymized. These representations create the public perception that appeals are handled and decided within the CCAO without CCAO decision makers knowing the identities of attorneys representing taxpayer appellants. Prior to certifying its assessment roll and transmitting the data to the Board of Review, the CCAO is able to enter revised values in iasWorld directly. Our investigation revealed that CCAO managers and directors have the ability not only to make direct valuation and appeal determinations, but sometimes take such valuation and appeal actions themselves, being fully aware of the identity of the attorneys with whom they are interacting. Even after the CCAO certifies its assessment roll and transmits property values to the Board of Review, the CCAO can still exert influence on the Board of Review on behalf of a taxpayer via Certificates of Correction and Assessor's Recommendations. Our investigation revealed that valuations and appeals were acted on regularly by CCAO decision makers who knew the identity of the attorneys representing taxpayers, both before and after the assessment rolls had been certified.

II. The Appeal Relating to 4645 Martin Luther King Drive, Chicago, Illinois

The property at 4645 Martin Luther King Drive, Chicago, Illinois, is an office building owned by a former Chicago Alderperson. In September 2020, the former Alderperson submitted a timely appeal to the CCAO which argued that the building was partially vacant in both 2020 and 2019, and that the owner was entitled to a reduction in Assessed Value for those two years. A reduction, if granted, would have resulted in a lower tax bill for 2020 and a refund for tax already paid for 2019.

Review of Certificate of Error Information on CCAO Website

The CCAO's website contains a "Certificate of Error" page. The page is set up with links and brochures for the following guides: Homeowner Exemption; Senior Exemption; Persons with

Disabilities Exemption; Returning Veterans' Exemption; and Veterans with Disabilities Exemption. The page also contains a section titled "Common Forms" with links to three forms: Taxable Property Certificate of Error; Tax Exempt Certificate of Error; and Omitted Assessment Certificate of Error. While the page explains Exemptions (the first reason the CCAO says a taxpayer may receive a Certificate of Error) in detail, the section on the page addressing Property Assessed Valuations (the second reason the CCAO says a taxpayer may receive a Certificate of Error) links only to forms without explaining the justification a taxpayer may assert to obtain a Certificate of Error, such as, for example, vacancy of the property or a misclassification.

Interview of Industrial/Commercial Valuations Group Leader F

Group Leader F referred to an email chain dated January 22, 2021 in which he was part, from Manager G to Manager B. Manager G said in his email to Manager B that he wanted to make sure the property did not "need a C of E" [Certificate of Error]. Group Leader F said he handled the September 16, 2020, appeal regarding the property, denying it on October 15, 2020, as documented in a "Worksheet Five." Group Leader F said the email from Manager G was unusual for two reasons: 1. Manager G is a member of CCAO management and the typical taxpayer does not have access to CCAO management; and 2. the taxpayer was a former Chicago Alderperson. Group Leader F said that Assessor Fritz Kaegi, when he took office, "made a big deal about fraud and how no analyst should know who the taxpayer is" when acting on an appeal. Group Leader F said that there was an attempt to conceal the identity of attorneys from analysts in the CCAO by using a three-digit code to identify them, but Tech Review still knew the identities of taxpayers and the practice ended up not being effective.

Group Leader F referred to the email which followed Manager G's email to Manager B, which occurred later, on January 22, 2021, from Manager B to him, Group Leader F. Group Leader F said he considered Manager B's request to be inappropriate "because he told me to say I was incorrect." Group Leader F told interviewers that, to the contrary, he did not believe he had incorrectly denied the former Alderperson's appeal. He said he denied the former Alderperson's appeal because the former Alderperson had not submitted time-stamped photographs, a rent roll [list of tenants], or proof of attempts to lease the property. Group Leader F said the former Alderperson requested a finding of 80% vacancy for both 2019 and 2020. Group Leader F said that Manager B was telling him in the email to grant the former Alderperson an 80% vacancy rate for both 2019 and 2020, which would have resulted not only in a reduced tax bill for the former Alderperson for 2020, but a substantial cash refund to the former Alderperson for 2019.

Group Leader F said he was familiar with the former Alderperson's property at 4645 South King Drive. He said that the former Alderperson's appeal stated only 15% of the space at 4645 South King Drive was in use, but said that was "impossible" because the property has only one door; there is only one tenant space within the building which cannot be divided by tenths or twentieths as if it were a multi-unit building.

Group Leader F said he felt that Manager B's request was dishonest and refused to act on it. He said he asked a colleague, Group Leader H, to take a look at Manager B's request and told her that "they want me to give her a C of E." Group Leader F said that Group Leader H told him later that she looked at the case and said there was "no way" she was giving the former Alderperson a Certificate of Error.

Group Leader F was asked what he understood Manager B to mean when he said, in his January 22, 2021, email to Group Leader F, "It appears the C of E request was missed." Group Leader F said the request for a Certificate of Error was not "missed." He explained that the former Alderperson's request for a Certificate of Error on the grounds of vacancy was not granted; therefore, a Certificate of Error would not have been issued. He said "nothing was missed."

Group Leader F was asked what he understood Manager B to mean when he said, in his January 22, 2021, email, "For the C of E, put some narrative in around the 2019 appeal being unjustly dismissed for lack of utility bills and that we've now received them along with various other support for the 2019 value." Group Leader F said what Manager B was asking him to justify granting the former Alderperson's appeal, however, the appeal had not been unjustly dismissed and the CCAO had not received any additional information that could justify such action.

Group Leader F said he did not know how often taxpayers contacted Manager G regarding appeals. He said the former Alderperson's appeal was the only one of which he was aware.

Group Leader F said analysts rely on policy set forth on the CCAO's website to make decisions on appeals. However, he said, changes to appeal analysis can be made by CCAO management by email or verbal instruction as well.

Interview of Industrial/Commercial Group Leader H

Group Leader H said she was asked by analyst Group Leader F to look at an appeal of the valuation of a building at 4645 South Martin Luther King Drive in Chicago, which was a political office of a former Chicago Alderperson. Group Leader H said she agreed with Group Leader F's denial of the former Alderperson's appeal, which was based on a vacancy argument. Group Leader H said the former Alderperson's appeal package lacked evidence that the office was 80% vacant as she claimed. Group Leader H said evidence of vacancy typically consists of time-stamped photographs, a rent roll (list of tenants), or proof of attempts to rent the premises, none of which the former Alderperson provided. However, Group Leader H said, "[Manager B] probably just took it to another Group Leader. He does that nine out ten times." She said she did not know what ultimately happened to the appeal on 4645 Martin Luther King Drive, saying, "We don't have time [in the unit] to discuss favors that are being provided to certain people [by the CCAO]."

Interview of Manager G

Manager G was asked about an email dated January 22, 2021, which he sent to Manager B asking him to "take a look at" 2019 and 2020 valuation appeals regarding an office location owned by a former Chicago Alderperson. Manager G was asked what led him to send Manager B the email. He said, "I don't remember all the details," but said that he will often make inquiries like the one he made for the former Alderperson to "clarify information." He said he has made such inquiries for many "average residents and small business owners."

When asked if he had received some sort of communication from the former Alderperson, Manager G said, "I did not talk to [the former Alderperson]. I don't believe I had any direct interaction with her." When asked why, in his January 22, 2021, email to Manager B, he wrote, "If there was missing info in the appeal, I'd like to tell the taxpayer what that was so they can correct it," if he was not in communication with the former Alderperson. Manager G said, "It's possible she reached out for me in some way." He said again, "I don't recall speaking with her directly. It could be someone acting on her behalf."

Manager G referred to his Cook County cellular telephone and said, "It appears I have her [the former Alderperson's] number in my phone." He said the former Alderperson's phone number was stored in his Cook County cell phone as a contact. He checked his voicemail but said he did not see a voicemail from the former Alderperson. Manager G was asked what numbers he enters into his Cook County phone as contacts. He said he speaks often with the news media and will enter their contact information to his phone as a contact. He said, "If I think I'll hear again from them, I'll put them in my phone as a contact." He said about 90% of the contacts in his phone are persons associated with government, media, or community organizations. He said the other 10% are "professionals whose roles cause them to interact with our office," for example, attorneys who do business with the Assessor's Office. When asked if attorneys or taxpayers themselves would call his Cook County cell phone regarding specific appeals, he said, "That's rare. I can't recall that happening in the last three months at least." He said he does not log calls he receives from attorneys calling about appeals.

Manager G was asked how the former Alderperson would have had access to his Cook County cell phone number in light of the fact that it is not available on the Assessor's website. He said most government agencies and media outlets have his cell phone number, and the number appears in his email signature.

Manager G was asked what action he wanted Manager B to take following his January 22, 2021, email; i.e., why he would ask Manager B to "take a look at" an appeal on January 22, 2021, when the time for appeals for Hyde Park Township, where the former Alderperson's property is located, ended September 24, 2020. Manager G denied that he was seeking an "appeal of an appeal" for the former Alderperson. He said taxpayers have the additional option of appealing to the Board of Review. Manager G was asked how that could have been an option for the former Alderperson when the Board of Review filing dates for Hyde Park Township ran from December

7, 2020, through January 5, 2021, ending well prior to his January 22, 2021, email. He said he did not know when the Board of Review closed when he sent his email to Manager B. He said one option for the former Alderperson could have been to file an appeal next year. Manager G said, "I am not steeped enough in the process to give her [the former Alderperson] advice on how to file a vacancy appeal." When asked how often he asked the Valuations section to take another look at an already final appeal, he said, "This example isn't unusual." When asked how he justified giving a taxpayer "another bite at the apple," i.e., a second chance at an appeal, he said, "I didn't know it was over for C of E's [Certificates of Error] already." He said, "It is common to ask my colleagues for more information." He added, "I don't have the schedule or process information for if a mistake was made." He was asked if he believed he had a knowledge gap regarding how valuations appeals work and their timeframes. He agreed that he did have a knowledge gap.

Manager G said he did not do any independent analysis to determine whether the vacancy argument supporting the former Alderperson's appeal was substantiated. He said he does currently have access to SmartFile, in which appeals and their supporting documents are contained, but did not have such access when he sent his January 22, 2021, email to Manager B. He said he did not view the former Alderperson's appeal package.

Manager G had other emails, in addition to the January 22, 2021 email, with Manager B concerning the appeals by the former Alderperson. He said the emails show that the former Alderperson had contacted him "in some way," "probably an inbound call from her," and that he said he "would get back to her."

Manager G said the Assessor's Office was dedicated to transparency. He was asked to characterize as correct or incorrect that, in the Assessor's Official Appeal Rules available to the public, there was no provision that a taxpayer could contact him for further action on an already-adjudicated appeal. He said, "Correct."

Timeline of the Appeal Associated with 4645 Martin Luther King Drive, Chicago, Illinois

Date:	Event
9/16/2020	The former Alderperson submits an appeal of her property's 2019 Assessed Value and 2020 Assessed Value, arguing the property was partially vacant.
9/24/2020	Final day CCAO accepts 2020 appeals for Hyde Park Twp.
10/15/2020	CCAO analyst Group Leader F No Changes the former Alderperson's appeal on the basis that it does not comply with CCAO Appeal Rules. Group Leader H reviews Group Leader F's No Change decision and agrees.
11/17/2020	Hyde Park assessment roll certified.
12/7/2020 to 1/5/2021	Board of Review filing period for Hyde Park Twp.

1/21/2021	Employee EE emails Taxpayer Resolution saying taxpayer contacted him saying she never received documents relating to her No Change.
1/22/2021	Email from Taxpayer Resolution to Manager D asking how to handle.
1/22/2021, 9:58 am	Manager D emails Manager G and others saying they received an inquiry thru TPI and id's the former Alderperson by name.
1/22/2021, 11:15am	Manager D sends a second email to Manager G and others asking if they will respond.
1/22/2021, 11:34 am	Manager G emails Manager B in Valuations asking him to "take a look" at the former Alderperson's appeal to ensure "everything is as it should be."
1/22/2021, 11:48am	Manager D sends a third email to Manager B and Manager I noting that the former Alderperson had reached out to [Manager O] over the appeal denials.
1/22/2021, 1:30pm	Manager B emails Manager G with a lengthy explanation regarding why he believes 2019 C of E and 2020 appeal should be granted.
1/22/2021, 2:27pm	Manager B emails analyst Group Leader F directing him to prepare C of C for 2020 and a C of E for 2019 and instructs him on the specific language to justify the change. Group Leader F refuses and asks Group Leader H for her opinion of his initial No Change on the former Alderperson's appeal. She agrees with Group Leader F.
1/23/2021, 8:50am	Manager I emails Manager D and Manager B asking for the former Alderperson's filing paperwork for 2019.
1/26/2021, 2:50pm	Employee FF emails Manager D, et al, saying she pulled a voicemail from Employee GG's phone from the former Alderperson regarding her issue with the appeal.
1/26/2021, 3:12pm	Manager D emails Manager G, et al asking someone to follow up with the former Alderperson's assistant.
1/26/2021, 3:48pm	Manager G emails Manager D, et al, saying he contacted the former Alderperson last week and was waiting to hear from Valuations on an "adjustment."
1/27/2021, 7:10am	Manager I emails Manager G expressing concern about the "push on this request."
1/27/2021, 8:17am	Manager G replies to Manager I's email expressing his "annoyance" with TPI making a "stink about it" and identifying the former Alderperson.
1/28/2021, 10:26am	Manager G forwards to Manager I Manager B's support for the former Alderperson's 2020 appeal and 2019 C of E. Manager G asks Manager I if he could "go ahead and let her know this is our plan?"
1/28/2021, 10:47am	Manager I replies to Manager G in an email saying he wants to see the former Alderperson's property himself first.
1/28/2021, 12:36pm	Manager B emails Manager I and Manager G backing off his 1/22/2021 support for the former Alderperson's appeal, saying his support was "before we dug into it further."

1/28/2021	Various emails among Manager G, Manager I, and Manager B in which they discuss PIN issue for the property.
1/30/2021	Manager I emails Manager G and Manager B with results of his site visit. He says he observed no effort to sell or lease and adds "if this is a no effort property, I'm not sure we should do this."
2/1/2021	Manager G emails Manager I and Manager B asking, "how should I address this with the taxpayer?"

OIIG Findings and Conclusions

It is unclear whether the CCAO's attempt to use a Certificate of Error to grant a 2019 vacancy request disregarded internal CCAO policy ("2020 IC Certificate of Error Process) because we were unable to determine the author of the 2020 Certificate of Error Process or the period during which it was effective.

A preponderance of the evidence demonstrated, however, that Manager B instructed an analyst to enter an unsupported and inaccurate justification to support the taxpayer's requested Certificate of Error.

While CCAO analysts and management knew the identity of the former Alderperson during their communications about whether to reconsider her request for a Certificate of Error and a current year value reduction via Certificate of Correction to the Board of Review, the CCAO's anonymity representations do not extend to unrepresented taxpayer/appellants. The CCAO had already certified its Assessment Roll by the time the former Alderperson's identity and her request was being discussed among CCAO managers. Manager I and Manager G expressed concern about the "push on this request" and the fact that the identity of the taxpayer was clearly part of the interest at the CCAO in giving her request additional consideration. However, Manager G's initial posture asking the Valuations Department to "take a look" at the former Alderperson's appeal to ensure "everything is as it should be" only became one of concern over perceived special treatment after Manager I expressed concern. Prior to Manager I expressing his concern over "the push on this," Manager B had already gone so far as to *direct* a subordinate analyst to prepare a Certificate of Correction for 2020 and a Certificate of Error for 2019 and provide the analyst specific, and false, language to justify them. While the evidence shows that Group Leader F, Group Leader H, and ultimately Manager I administered the matter in accordance with the evidence in the record, Group Leader F was nonetheless put in a position of having to defy the direction of his superior, Manager B, to ensure the appeal was handled according to the Appeal Rules.

III. The Appeal Relating to 8290 Kean Avenue, Willow Springs, Illinois

The 2020 appeal associated with a property known as "Memory Lane Stables," a commercial equestrian facility, requested the property be reclassified from Class 5 Commercial to Class 3 Multifamily. The distinction between a Class 5 Commercial property and a Class 3

Multifamily property can be financially significant for a taxpayer: a Class 5 Commercial is taxed at 25% of its assessed value while a Class 3 Multifamily property is taxed at 10% of its assessed value. The difference can be thousands of dollars in property tax obligation.

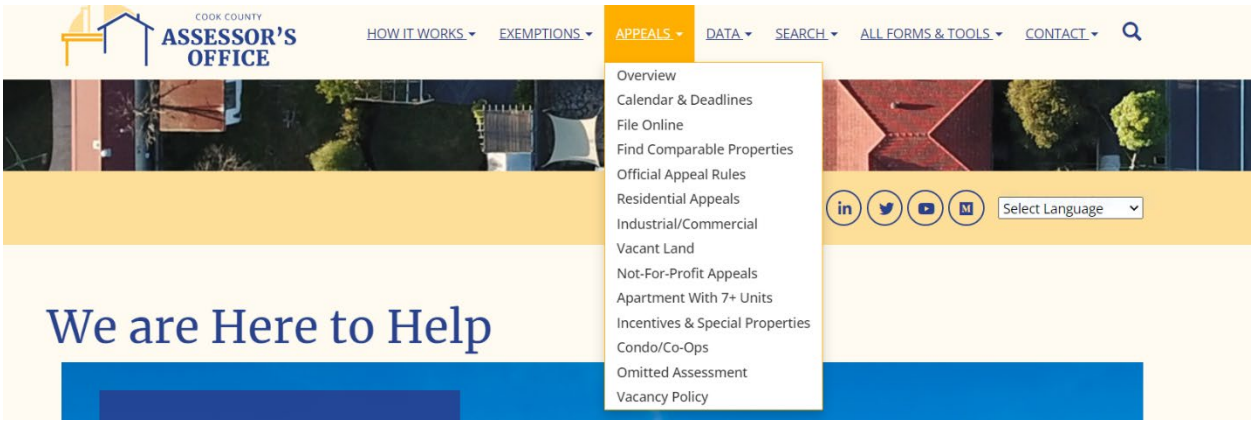
Multiple CCAO employees reported to our office their concern about the practice at the CCAO of classifying what would appear to be a Class 5 Commercial property as a Class 3 Multifamily, at a substantial tax reduction, if the property contained one livable apartment unit. Several of the employees interviewed described this practice as a "loophole."

Statutory Definition of "Multifamily"

Illinois law [35 ILCS 200/9-150] provides that real property classifications in Illinois must be established by ordinance of the County Board. Cook County Ordinance §74-72, Assessment classes, defines Class 3 as "All improved real estate used for residential purposes which is not included in any other class."[10] Cook County Ordinance Sec. 74-62, Terms Defined, defines "real estate used for residential purposes" as "any improvement or portion thereof occupied solely as a dwelling unit." The ordinance defines "Multifamily real estate" as "real estate which is used primarily for residential purposes and consists of an existing multifamily building containing seven or more rental dwelling units."

Review of Class 3 Appeal Instructions on the CCAO's Website

Visitors to the CCAO's website will see, on its main page, a series of tabs across the top, one of which is titled, "Appeals." The Appeals tab contains a drop-down menu containing 14 options, seen below:

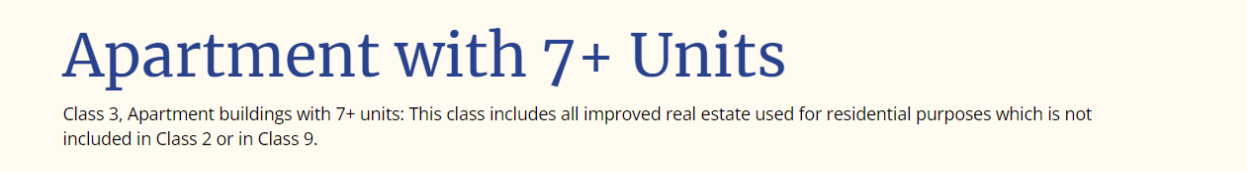


[10] There are two other "residential" classifications in Cook County: Class 2 Residential and Class 9 Multifamily Incentive.

There is no option for an appeal associated with a Class 3 property, but only "Apartments with 7+ Units." That option links to a page bearing the following definition:

This page contains online appeal instructions and a "Forms" section containing links to various forms, one of which is titled, "Class 3 Instructions/Bulletin." The bulletin is dated January 25, 2011, and bears the name Fritz Kaegi above its title. The bulletin contains various headings such as "Definition," "Assessment Level," and "Required Documentation for All Class 3 Appeals."

The bulletin defines Class 3 real estate as "all improved real estate *used for residential purposes* [emphasis added] which is not included in Class 2 [Residential] or in Class 9 [Multifamily Incentive]. This class includes all apartment buildings with more than six units." The bulletin sets forth requirements for "Appeals based on Class Change" as follows: "An affidavit from the owner (notarized) which clearly states the use of the property."



The Class 3 Eligibility Bulletin is available to the public by way of a link to it in the CCAO's "Frequently Asked Questions" page under a bullet point titled, "What is a Class 3 Property?"

The Class 3 Eligibility Bulletin was not familiar to any of the CCAO employees we interviewed. The Class 3 Eligibility Bulletin defines Class 3 real estate as "all improved real estate used for residential purposes which is not included in Class 2 [Residential] or in Class 9 [Multifamily Incentive]. This class includes all apartment buildings with more than six units." The Bulletin does not mention the existence of the apartment loophole.

Interview of Industrial/Commercial Valuations Department Group Leader F

Group Leader F provided information regarding Certificates of Error and a Certificate of Correction for an equestrian facility called Memory Lane Stables at 8290 Kean Avenue, Willow Springs, Illinois, PINs 18-34-101-017-0000 and 18-34-101-018-0000. He said that a field inspection of the property determined that the property was a class 5-92, "Two or three story building containing part or all retail and/or commercial space," taxed at a 25% assessment level. Memory Lane Stables had been taxed at the 25% level for 2017, 2018, and 2019.

Group Leader F said that the property owners had submitted a request for a Certificate of Error for prior tax years 2017, 2018, and 2019, arguing the property had been misclassified. He said he denied the request on August 3, 2020, citing the field inspection which found the property to be a class 5-92.

Notwithstanding his August 3, 2020, No Change determination, Group Leader F said there was an effort led by Manager D from the CCAO's Certificate of Error Unit to give the owners of Memory Lane Stables the relief they had requested. Group Leader F said during this process Manager D represented to CCAO Manager B that there had been a field inspection which found Memory Lane Stables to be a class 3-97, "Multifamily Special Rental Structure," which would be taxed at a 10% assessment level instead of 25% as it had been previously.

Group Leader F said, "She [Manager D] knows there was no field inspection saying the property was a 3 class." Group Leader F said he did not know why Manager D would be taking such steps on behalf of the owners of Memory Lane Stables but said it was "possible" that she was simply doing them a favor. He said it appeared that Manager D was making property classification decisions on her own.

Group Leader F said the remedy suggested by Manager D was to prepare a Certificate of Correction for the current tax year (2020) changing the classification of Memory Lane Stables from 5-92 to 3-97. He said she also asked about a Certificate of Error for the previous three years (2017, 2018, and 2019), which would result in a refund to the taxpayer. Group Leader F made a rough estimate that, over four years, the change in class for Memory Lane Stables from 5-92 to 3-97 would result in a $30,000 to $40,000 break in property taxes.

Group Leader F said that he ultimately prepared a revised Worksheet Five approving Certificates of Error for Memory Lane Stables for tax years 2017, 2018, and 2019. Group Leader F said he did not believe the Certificate of Error was justified but prepared it anyway because Manager B was his superior and he felt he had no choice. He said he included a note in the Worksheet Five "C of E Comments" section which said the classification was done "per [Manager B] and [Manager D]" because he did not want the change to appear to be his decision.

Interview of Manager D

Manager D was asked about a July 16, 2020, email from a former Lyons Township Assessor regarding Memory Lanes Stables in which the former Lyons Township Assessor wrote, "[first name of Manager D], attached is the 2020 Appeal with C of E's for 2091 [sic], 2018, and 2017 for Memory Lane Stables. Please tell me that you can handle and process this appeal as is! We tried to file online but it would not take the residential appeal and then for commercial the online filing wanted income. However, you and I both know it is not commercial." The former Lyons Township Assessor's email cc'd Manager G, which Manager D said was not unusual because Manager G is the point of contact for township assessors in Cook County. Manager D confirmed that the Memory Lane appeal was not submitted on-line but was instead submitted directly to her via email. Manager D said the former Lyons Township Assessor was unable to appeal on-line "because you [an appellant] can only file for an existing class." She said, "Whatever your current identity is, you have to use that filing status;" i.e., if you own a commercial property, you must appeal as a commercial property owner. Manager D was asked why Memory Lane

Stables did not simply file on-line as a commercial property owner and provide a Schedule E, Income and Expense for a Business. She said, "I don't know."

Manager D was asked what the former Lyons Township Assessor was referring to when she said, "You and I both know it is not commercial." Manager D said the former Lyons Township Assessor was referring to a previous point at which the CCAO had classified Memory Lane Stables "as not a 5." She said she did not remember what Memory Lane Stables had been previously classified as.

Manager D said the owner of Memory Lane Stables visited her in person at the CCAO offices "in 2019 or 2020, I'm not sure." Manager D said, "The owner came in and advised us of the class change [from Class 3 to Class 5]." She said the owner told her that the classification of Memory Lane Stables "was incorrect because she got a substantial increase. She thought it should have been whatever it was before."

Manager D said the CCAO often receives appeals from township assessors by email "if they're having problems." She said she forwards emailed appeals to the CCAO's FOIA Unit. She said she will take such action for any taxpayer.

Manager D was asked whether there was a field inspection to support the change in classification from a 5 Class to a 3 Multifamily Class for Memory Lane Stables. She said yes. When asked to explain how she could confirm the existence of such a field inspection when the OIIG had been told by the CCAO that there was no record of such an inspection, Manager D said, "I don't remember if I saw a field check saying 3 Class." She said someone must have told her there was such a field check. When asked who told her such a field check existed, she said she did not remember.

Interview of Field Inspector J

Field Inspector J said he recalled conducting a field inspection of the property known as Memory Lane Stables sometime during the winter of 2019-2020. Field Inspector J said he was dispatched to Memory Lane Stables by his then-supervisor, Manager K, who has now retired, to conduct an inspection of the property related to an appeal of its classification by the taxpayer. Field Inspector J said Manager K told him that "the taxpayer says there's an apartment on the second floor." He said the inspection assignment "seemed important at the time" because it was not part of his regular weekly work. Field Inspector J said neither Manager K nor any one at the CCAO told him that the classification of Memory Lane Stables should be changed or to what classification prior to his performing the inspection.

Field Inspector J said he proceeded to Memory Lane Stables and went to the office, where he met a woman whom he believed to be the owner. He said the woman was upset that her property tax bill had "skyrocketed." Field Inspector J said the woman did not discuss her tax appeal with him. He said the woman showed him the Memory Lane Stables premises, including the stables

and arena. Field Inspector J said the woman showed him an apartment in which he observed a full kitchen and full bathroom. He said he observed men's clothing in the apartment. Field Inspector J said he recalled the woman telling him one of her employees resided there. He told interviewers such an arrangement was not uncommon because the owners of such properties want someone on premises full time to deal with security, fire dangers, and other issues which could present themselves when live animals are present. Field Inspector J said, "You have to show that someone lived there. It was clear to me that someone lived there."

Field Inspector J said he explained to the woman that the reason her property tax bill increased so much was because the property had been reclassified from Class 3 to Class 5 Commercial. He said he told her he was going to reclassify her property back to Class 3-97, Special Rental Structure, where it would carry a 10% assessment rate instead of the 25% rate it carried as a Class 5.

Field Inspector J was asked if he observed any indication during his 2019 inspection of Memory Lane Stables that more than one family resided on the premises. He said no. He was asked how he justified classifying Memory Lane Stables as Class 3 Multifamily. He said that "Multifamily does not necessarily mean multifamily." He said CCAO inspectors have been told that "if there is an apartment on an otherwise commercial structure, classify it as a 3."

Field Inspector J was asked what the difference was between a 3-97 Special Rental Structure and a 5-97 Commercial Rental Structure. He said, "The fact that there was an apartment." He was asked to confirm that the CCAO's practice was that, if there was any sort of residence on an otherwise Commercial property, it was to be classified as a 3 (Multifamily) and he responded yes.

Field Inspector J said he did not have a copy of the 4906 inspection card he completed following his inspection of Memory Lanes Stables in 2019. He said typically, field inspectors handwrite their findings onto a 4906 card and submit them to clerical personnel in Industrial/Commercial, who scan them into iasWorld. He said that he believed the CCAO still maintained physical 4906 cards in file cabinets in the office.

Field Inspector J said he had never heard of a CCAO form titled, "Class 3 Eligibility Bulletin." He said no one at the CCAO had ever directed him to refer to the form or to review its contents. Field Inspector J said that the CCAO's practice of classifying an otherwise Class 5 Commercial property as a Class 3 Multifamily if it had one livable apartment located on it was allowing "businesses to game the system." He called the practice widespread in Cook County.

Interview of Manager L

Manager L said he is responsible for dispatching inspectors to the field to conduct inspections of real properties for classification purposes. He said not all inspections are done in person; some are "desk reviews" which are accomplished from the office using the CCAO's

iasWorld, plus Geographic Information Systems (GIS) such as Eagle View and Cook Viewer. Manager L said the CCAO uses an application called PinMap which allows users to view Property Identification Numbers (PINs) which have been divided.

Manager L was asked, in his professional opinion as a commercial real estate appraiser, whether the CCAO's Classification List provided sufficient guidance to CCAO field inspectors such that they could accurately classify real properties in Cook County. He said, "I think there are too many categories." Manager L was asked, as an example, about the CCAO's definition of a Multifamily Class 3-97, which contains three words: "Special Rental Structure." He was asked, in his capacity as a CCAO manager, what kind of property would fall under the 3-97 classification. He said a 3-97 "would have to be a very unique property," but was unable to articulate any characteristic which would qualify a property to be classified as a "Special Rental Structure."

Manager L was asked if the CCAO had a policy which provided that the existence of any sort of apartment or residence on an otherwise Class 5 Commercial property assessed at a 25% rate would transform the property into a Class 3 Multifamily property assessed at a 10% rate. He said, "That's not my understanding," and added, "I disagree that should be the policy." When asked why, he said, "Because people are always trying to place an apartment on a [commercial] property to get a tax break." He said he consulted Manager I in December 2021 on the question of whether an apartment on an otherwise Commercial property transformed it into a Multifamily. He said Manager I said the CCAO had no such policy.

Interview of Group Leader H

Group Leader H said she and other CCAO analysts have expressed concern to CCAO managers about the "apartment loophole," which allows the owner of what would be a Class 5 Commercial property to place one apartment on it and have the CCAO classify it as a Class 3 Multifamily, at a substantial reduction in tax rate (10% instead of 25%). She said she and other CCAO employees believe the practice "is not fair to all taxpayers." Group Leader H said she has heard from CCAO managers such as Manager M that "[Manager I] says that's the law" when they raise concerns about the "apartment loophole." Group Leader H said she was personally aware of at least two businesses which had benefitted from the practice: Gatling's Chapel on Halsted in Chicago, and Elmcrest Banquets in Elmwood Park, Illinois. [The CCAO's website confirms that both properties are currently classified as a Class 3 Multifamily, Subclass 18, "Mixed-use commercial/residential building with apartments and commercial area totaling seven units or more with a square-foot area of over 20,000 square feet."]

Group Leader H said she had "glanced at" the CCAO's Class 3 Eligibility Bulletin but was not more familiar than that with its provisions.

Interview of Manager E

Manager E was asked about the practice at the CCAO of classifying an otherwise commercial property over 20,000 square feet as a Class 3 Multifamily instead of a Class 5 Commercial if there was at least one dwelling unit on the property. She confirmed that a Cook County ordinance which defined "real estate used for residential purposes" is what guides the CCAO's Valuations Department on the matter. Manager E said she believed the ordinance "was not well drafted" and said the CCAO was aware of the issue. She said the statute as it exists allows the presence of even a nominal dwelling unit on a commercial property to result in the property being classified as Class 3 Multifamily to be taxed at a lower rate. She said she believed the statute would be fairer if it specified a percentage of dwelling component or at least required that a property be "primarily" for dwelling.

Interview of Manager N

Manager N said he was aware of a practice at the CCAO under which at least one apartment on an otherwise Class 5 Commercial property taxed at a 25% rate would cause the CCAO to classify the property as a Class 3 Multifamily taxed at a lower 10% rate. He said, as far as the practice being policy, "I'm not clear on that." He said he had indeed seen the practice in effect at the CCAO. He said, "Legal has told us that this is how it works. But it seems like a loophole that people are taking advantage of."

Interview of Manager I

Manager I said it was his understanding that it was CCAO policy that the presence of one functional apartment unit on an otherwise commercial property would cause the CCAO to classify the property as a Class 3 Multifamily, taxed at a 10% assessment rate, instead of the 25% rate for a commercial property. He said he had questioned that policy because "I don't think it's right. I don't think the statute created its intended result." He said, "This needs to be clarified. There are a lot of fairness problems here."

Interview of Manager O

Manager O was asked if she was aware of an issue with Cook County Ordinance 74-62 as it defined "property used for residential purposes." She said she understood the ordinance was creating a result in which properties which would otherwise be taxed at a 25% assessment rate as a Class 5 Commercial property would have to be considered a Class 3 Multifamily taxed at a 10% assessment rate if it had at least one dwelling unit on it. She said the office was aware of the issue. She said the CCAO would support a change in the ordinance and said she would consult Manager E on the issue. Manager O added that Cook County's "ancient, decades old classification system" was an impediment to making the necessary change and that it was a legislative issue.

Manager O was asked who is responsible for approving informational documents available to the public on the CCAO's website. She said the Communications Team is responsible for maintaining the website. She said that "everything on the website has not been updated," but said staff is "constantly going through the website and reviewing documents." Manager O did not agree that if a document is on the CCAO's website that it is considered being up to date and explained that the website needed to be scrubbed again but that it was an ongoing process.

Timeline of Appeal Relating to 8290 Kean Avenue, Willow Springs, Illinois, "Memory Lane Stables"

Date:	Event
2/1/2017	CCAO Field Inspector P inspects Memory Lane Stables; finds it to be a Class 5-92 Commercial.
Late 2019	Field Inspector J inspects property; finds it to be a Class 3-97 "Special Rental Structure" due to his observing one apartment located on the premises.
7/16/2020	Email from Township Assessor to Manager D: "Please process appeal as-is." The Township Assessor described to Manager D not wanting to include income statement with appeal filing.
7/16/2020	Manager D forwards the Township Assessor's email to Manager Z and Manager G, saying, "This is the stable and primary residence of the owner we discussed earlier this year."
7/23/2020	The Township Assessor emails Manager D again referring to appeal # asking about 2017 C of E and Sale in Error.
8/3/2020	Analyst Group Leader F issues a No Change on the appeal and the C of E request citing no supporting documentation.
8/5/2020	The Township Assessor emails Manager D again asking her to "put some heat on someone" regarding the appeal.
8/5/2020	Manager D emails Manager Q and Manager K saying, "The township assessor wants to know when the field check will be done. There is both a residential and stable portion."
8/5/2020	Manager K replies to Manager D and Manager Q saying inspector Field Inspector J was "out here in the winter," "Class should be 3-97." Manager K says the cards for the property are attached to her email but they are the old cards, not from Field Inspector J's inspection.
8/7/2020	Manager K emails Manager I, Manager B, et al, stating class for Memory Lanes was incorrectly changed from 3 to 5, and that the "correct 4906 showing 3-97 is on scan."
8/7/2020	Manager D emails Manager K, Manager I, Manager B, discusses tax sale and that "Legal will ask to vacate sale based on wrong class."

8/7/2020	Manager B emails Manager D, says they will approve class change and asks about C of Es for 2017-2019.
8/12/2020	Manager B emails Group Leader F, says he believes his denial of class change to be "incorrect." Says, "Plenty of documentation to support the change," tells him to update the worksheet to make the class change.
8/14/2020	Lyons Township CCAO appeal deadline.
9/11/2020	Manager D emails Manager B and Manager N saying the taxpayer called for status on their 2020 appeal.
9/11/2020	Manager B responds to Manager D, says Group Leader F did C of E work. Says the 2020 appeal worksheet needs to be updated.
9/11/2020	Multiple emails between Manager D, Manager N, and Manager B discussing class change from 5 to 3.
9/14/2020	Manager B emails Manager D saying the worksheet has been updated.
9/22/2020	Manager D emails Legal to begin Sale in Error process.
10/30/2020	Lyons Township Assessment Roll deadline.
12/18/2020	Manager B prepares Certificate of Correction to BOR requesting class and assessment level change (from 25% to 10%)
2/18/2021	Manager B emails Legal and Manager D that this was already completed (the C of C).

OIIG Findings and Conclusions

The evidence developed during this investigation showed, by application of the preponderance of evidence standard, that the CCAO allowed a current year appeal filing by email in violation of 2020 Official Appeal Rule 4. While Manager D told the OIIG she would accept an email appeal from any taxpayer "who was having problems," the Official Appeal Rules contain no provision for such a practice nor is Manager D's email address available to the public. A taxpayer without inside knowledge would not be aware that the CCAO would accept a current year appeal by email, that Manager D was someone who would accommodate such an appeal, or how to contact her.

The investigation showed email contact between a township assessor acting as a taxpayer advocate and a CCAO manager. However, township assessors are meant to act as taxpayer advocates. The CCAO has publicly announced that attorneys, practitioners, and law firms' identities, not that of township assessors, are to be unknown to CCAO analysts. This office does not find that the contact between the CCAO employee and the township assessor regarding this appeal violated any CCAO policies.

The investigation revealed the CCAO accepted an appeal which did not adhere to the requirements set forth to the public in the CCAO's Class 3 Eligibility Bulletin. The Bulletin

requires an affidavit from the owner which clearly states the use of the property. In the case of Memory Lane Stables, which appealed its classification, the Affidavit of Use was sworn out by the former township assessor, not the property owner.

The investigation revealed a contradiction between the definitions of a Class 3 Multifamily property as set forth in the CCAO's Class 3 Eligibility Bulletin and the Cook County ordinance defining "real estate used for residential purposes." CCAO managers at various levels described to the OIIG their concerns regarding Cook County Ordinance Sec. 74-62, Terms Defined, which states "real estate used for residential purposes" as "any improvement *or portion thereof occupied solely as a dwelling unit* [emphasis added]." CCAO managers described the statute as compelling them to classify an otherwise commercial property as a Multifamily if that property contained at least one legitimate dwelling unit. CCAO managers and analysts, without exception, described to the OIIG their concerns that Cook County Ordinance Sec. 74-62, Terms Defined, as it pertains to its description of "real estate used for residential purposes" creates a substantial fairness problem for Cook County taxpayers in that certain taxpayers are aware of the definition contained in the statute and are exploiting it. Exacerbating the fairness issue is that the CCAO publishes no information to the public about the "apartment loophole." To the contrary, a taxpayer who owns a commercial property and who consults the Class 3 definition in the Class 3 Eligibility Bulletin will come away unaware that the apartment loophole exists and is applied within the CCAO.

The investigation also revealed that a classification change which bestowed a benefit on the taxpayer was granted even though a field inspection supporting the classification change was not part of the CCAO record. While interviews and emails indicated that a field inspection regarding the class change for the property was in fact conducted and discussed via email among certain managers within the CCAO, its absence from the CCAO record created confusion and resulted in an analyst who did not have access to the results of the inspection believing the classification change was unsupported by evidence and therefore, improper, under the standards set by the CCAO.

IV. The Appeal Relating to Noble Square Co-op

Noble Square is a cooperative complex on Chicago's northwest side consisting of one 28 story high rise containing 324 units. There are also 153 townhomes which are part of the cooperative. Altogether these properties cover 8 PINs. The 2021 appeal by Noble Square requested a reduction in its 2021 assessed value, which was approximately $27.8 million. The appellant, who was represented by an attorney, submitted an appraisal report to support their argument for a reduction in Noble Square's 2021 assessed value by the CCAO.

Interview of CCAO Field Inspector R

Field Inspector R is a Senior Field Inspector in the CCAO's Valuations Department, a position she has held for the past 11 years. She has been a Certified Commercial Real Estate Appraiser since 2007. She said her duties at the CCAO consists of gathering information through

field inspections of Industrial/Commercial buildings in Cook County. She said she also trains less experienced field inspectors and supervises them.

Field Inspector R said she recalled conducting a field inspection in the fall of 2020 of a property called Noble Square Co-op. She said the CCAO was doing a special project in which it was valuing co-op properties and Noble Square was one of them. Field Inspector R described a co-op as similar to an apartment building, but the residents own a percentage of the building as opposed to owning the units in it. She said that, upon her arrival at the Noble Square complex, she observed several buildings—a tall building at Division and Milwaukee and numerous townhomes.

Field Inspector R thought the existing valuation of Noble Square was too low. She said she believed this as a commercial real estate appraiser because Noble Square is a "nice neighborhood," plus she knew the townhomes which were part of the Noble Square complex had sold recently for approximately $300,000 each. She said she thought the undervaluing issue was significant enough that she submitted a request on paper for the Valuations Department to revalue the property. She said she did not hear anything about the result of her request or about whether Noble Square was revalued.

Interview of Group Leader H

Group Leader H said she is currently employed as a Group Leader in Multi-family Valuations, Industrial/Commercial Unit. She said she has been in the Industrial/Commercial Unit for the past 16 years: two years as an analyst and 14 and a half years as a Group Leader. She said her group determines values and processes appeals of those values for Class 3 buildings, which she defined as apartment buildings with seven or more units.

Group Leader H said she prepared the 2021 First Pass valuation of a co-op property on Chicago's north side called Noble Square. Group Leader H said during a phone call with Manager I, he asked her to conduct a valuation of Noble Square. Group Leader H said she did so on a spreadsheet, which she emailed to Manager I on March 23, 2021. She said her market value for the eight PINs making up Noble Square was $105,050,400, with an assessed value of $10,505,400 (10% of the market value). Group Leader H said she did not receive any response or feedback from Manager I regarding her valuation of Noble Square.

Group Leader H said that shortly after she sent Manager I her valuation for Noble Square, she received a call from her supervisor, Manager L. Group Leader H said Manager L told her that Manager I had asked him to value Noble Square because he, Manager L, was an experienced commercial appraiser.

Group Leader H said she did not know what the result of Manager L's valuation of Noble Square was, but checked the CCAO's system, iasWorld, during her interview. She said it showed the last person who touched the 2021 Noble Square appeal (#21-77-354051) in the system was "[Manager I]." Group Leader H said Manager I "resolved" the appeal on October 11, 2021, and

entered, in the "Appeal Reason 1" field the code 36, "Appraisal & Comps." In the resolution notes for the appeal in iasWorld, Manager I entered, "SUBMITTED AN APPRAISAL FOR JUST OVER $15 MILLION, CONCLUSION IS LAND VALUE." Group Leader H checked iasWorld during her interview and told interviewers that there was no appraisal in iasWorld, nor was there any evidence of land value comps in iasWorld. Group Leader H said she checked iasWorld's "Docs and Photos" field prior to her interview and found Manager I had not saved the spreadsheet in which he did his calculations there, if any, nor did he save his spreadsheet to the "o common" drive, which were the two storage locations Group Leader H said CCAO employees are to save their valuation calculations.

Interview of Manager L

Manager L said the 2021 appraisal report upon which Manager I apparently relied to set the value of Noble Square on appeal in 2021 utilized "comps" from Chicago's south side. Manager L said he suspected this was done by the appraiser to drive the value of Noble Square down. Manager L was asked if he had other concerns with the appraisal which was used in the valuation appeal of Noble Square Co-op other than the use of comps not located in the vicinity of Noble Square. He said yes. He said he saw three additional serious flaws in the appraisal which would indicate the appraisal was not to be relied on as evidence for a valuation appeal.

First, Manager L said the operating expenses documented in the appraisal, more than 70% of Projected Gross Income, far exceeded the typical standard of 30% to 50%. In his experience as a commercial appraiser, Manager L said the 70% figure told him one of two things: Noble Square was being mismanaged or the appraiser used an artificially high operating expense rate to drive down the property's market value. When asked if the 70% rate should have raised a concern for someone reviewing the appraisal, he said, "Yes, it should have, if an appeal was based on it."

Second, Manager L believed that market rents should have been used in the calculation of Noble Square's market value. He said he called Noble Square's managing agent on June 27, 2022, and asked if Noble Square co-op sales were limited by income or age. He said the agent said no. Manager L said the market would then dictate rent for Noble Square and used market rents in his calculation. Manager L noted that, on page 3 of the appraisal, the appraiser wrote, "the subject property is a low-income co-operative." Manager L said that Noble Square was not a Section 8 property and the statement in the appraisal was untrue. He also noticed that the location of Noble Square in the appraisal on page 1 described Noble Square as being located .25 miles west of the Tri-State Tollway, which was incorrect. He said such errors were indicative of an overall lack of accuracy in the appraisal.

Third, Manager L said he believed the appraiser used an excessive cap rate in calculating the value of Noble Square. He said the appraisal used an unloaded cap of 8.5% in calculating its value. Manager L said he would have used a 6% cap rate for calculating Noble Square's market value because 6% was more in line with the cap rate for apartment buildings nationally. Manager L said a variation of only single digit percentage points in a cap rate could result in a substantial

difference in appraised value. He calculated Noble Square's market value during the interview using a 6% cap rate and an 8.5% cap rate and reached a market value of $64,469,671 (for all Noble Square PINs) using the appraiser's 8.5% rate and a market value of $91,332,033 using a 6% cap rate. Manager L said the 8.5% cap rate was too high, given the location of Noble Square near a "hot area" like Wicker Park in Chicago.

Manager L was asked if the series of flaws in the methodology used in the appraisal of Noble Square (the unusually high operating expenses, the mischaracterization of Noble Square as a low-income property, and the excessive cap rate) could indicate an intentional effort to artificially lower the appraised value of Noble Square. He said, "Yes, definitely." He said, "An appraiser has a duty to appraise accurately, and I don't see that here." When asked if something improper was underway, Manager L said he believed the object of the appraisal submitted in support of the appeal was not to fairly value Noble Square, but to lower its taxes.

When asked if he had an opinion about whether the appraisal was USPAP compliant, Manager L said he did not have an opinion.

Interview of Manager S

Manager S said that approximately two months ago his colleague in the CCAO's Industrial/Commercial Valuations Unit, Manager L, asked him about Noble Square. Manager S said Manager L told him that Manager I was asking him about Noble Square in January 2021.

Manager S said the CCAO's 2021 First Pass valuation of Noble Square was approximately $27.8 million. He said the owners of Noble Square filed an appeal of its valuation on August 23, 2021. Manager S said he had observed Manager I and the attorney representing Noble Square in an unrelated meeting earlier at the CCAO and believed they knew each other.

Manager S said appeal documents, including the appeal itself and attorney and owner information, are contained in the "Hearing Tracker" field of iasWorld. He said Hearing Tracker also contains documents which support appeals, such as appraisals, photographs, income statements, and Schedule E's, and are uploaded by appellants or the attorneys representing them into a field within Hearing Tracker called TCM.

Manager S said that, despite the Industrial/Commercial Valuations Unit having four or five analysts whose job it was to work on commercial valuation appeals, Manager I handled the Noble Square appeal himself. Manager S said he knew this because he was able to view Manager I's username in the Appeals/Inquiries field in the Hearing Tracker/Appeals by Case field in iasWorld for Noble Square's PIN, 17-05-302-033-0000. The document shows, under the "Inquiry/Appeals" tab, that on 10/11/2021, at 03:37 pm, "[Manager I]" appears in the "Who" field for the 2021 appeal on Noble Square. Manager S said Manager I would have made one of two decisions on the appeal: "No Change" or "Decrease."

Manager S said the value assigned to Noble Square by Manager I was far too low. Manager S said on or about November 9, 2021, he viewed an appraisal contained in the Noble Square Hearing Tracker which he said was "bogus." He said the appraisal utilized three comps from the far south side of Chicago and one from Aurora, Illinois, none of which he considered to be comparable to the neighborhood in which Noble Square is located. Manager S said, according to documents contained within the Documents and Photos field for the Noble Square appeal in Hearing Tracker, Noble Square generates $5.2 million per year in revenue, which means the building "was obviously not a teardown." He said that on or about November 12, 2021, he checked the Hearing Tracker tab and found the appraisal was gone.

Manager S said he, having an extensive background in commercial real estate valuations, did his own appraisal of Noble Square. Even with granting the property a 10% vacancy rate to be conservative, he reached a value of $26.5 million, far exceeding Manager I's valuation of $14.8 million.

Manager S said that not only was the value Manager I assigned Noble Square far too low, Manager I also deviated from typical appeal protocol. Manager S said normal procedure would have been to assign the Noble Square appeal to one of the Industrial/Commercial analysts for handling.

Manager S had reviewed the appraisal report supporting the 2021 appeal of the valuation of Noble Square in Chicago, Illinois. He said he had several concerns about the methodology used by the appraiser which affected the reliability of the report.

Manager S said the more than 70% operating expenses contained in the report was "ludicrous." He said operating expenses for a property like Noble Square should be 50% to 55% at the most.

Manager S said the cap rate used in the appraisal report, 8.5%, was too high. He said he would have used a cap rate of from 7% to 7.5% at the most. He said using a higher cap rate would reduce the appraised value of Noble Square.

Manager S said he was concerned by several provisions in the appraisal report which did not make sense. As an example, he noted the Land Sales Map on page 121 used comps which were well outside the area in which Noble Square is located--areas in which he said sales values are lower. Manager S said the comp sites contained in the appraisal were not sufficiently similar to rely on for determining a value for Noble Square under a cost approach.

Manager S said the rents used on page 136 of the report to determine value under an income approach to determine value were too low. He said the table on the bottom of page 136 indicates that a substantial downward adjustment for "Low Income" was calculated for each of Noble Square's units: 35% for one-bedroom units, 45% for two-bedroom units, and 50% for townhouses. However, Manager S said he was not sure if Noble Square was a Section 8 location. If it was not, then the discounted "Low Income" rents in the table on page 136 of the appraisal report should not

have been used to determine value. [The OIIG received information that Noble Square is not a Low Income Housing Tax Credit property. Only 83 of 481 (17%) members of the Noble Square cooperative receive Section 8 assistance.]

Manager S noted the appraisal report on page 153 included a table which indicated the "average cap rate" for the area in which its four comps were located was 6.9%, not the 8.5% used by the appraiser in its calculations of value. He noted that the average price per unit for the four comps in the table was $51,717, which would have resulted in a value far higher (24.8 million) than the $15.8 million the report ultimately determined. Manager S said he did not know why the report would cite an average cap rate and an average comp unit value then not use those figures. Manager S said the appraisal ended up valuing Noble Square at around $31,000 or $32,000 per unit, which he said is too low. He said, "Nothing in the market trades that low."

Manager S, summarizing the issues he saw in the appraisal report, characterized it as a "flagrant use of an appraisal to lower the value of a property." He said the appraisal was not reliable and should not have been used to set the value of Noble Square for appeal purposes by the CCAO.

Manager S said he believed Manager I and Noble Square's attorney knew each other from previous work they did on a valuation issue regarding a professional sports team's training facility when Manager I was Assessor in Lake County.

Review of the Appraisal Submitted to Support the Noble Square Appeal

Rule 18 of the CCAO's 2021 Official Appeal Rules states, "Appraisals submitted by taxpayers must pertain to the property's Highest and Best Use and must be compliant with the Uniform Standards of Professional Appraisal Practice ("USPAP") and Illinois state law." This office reviewed the appraisal submitted by the attorney representing Noble Square Cooperative supporting its August 2021 current year valuation appeal. On pages 104 through 108 of the report, the appraiser addresses Noble Square's "Highest and Best Use." The appraiser concluded, "It is clear that the current improvements [buildings] are functional and provide revenue to the site… the current use is maximally productive. Based upon this analysis, the highest and best use of the subject site as improved is to continue utilizing the subject property as the current use." The appraisal report analyzes and excludes "vacant" from the highest and best use of Noble Square on page 107.

Interview of Manager I

Manager I said he holds a B.A. in Business Administration, an M.B.A., and an M.S. in Public Service Management. He said he does not hold a professional designation or license as a real property appraiser.

Manager I said the real property valuations process at the CCAO occurs in several steps. First, the CCAO sends out initial property values in a process called First Pass. Taxpayers have 30

days to file an appeal of their valuation after First Pass values go out. After appeals are received, the CCAO considers them in a process called Second Pass. The CCAO can adjust property values on its own during Second Pass. When Second Pass concludes and the CCAO transmits its data to the Board of Review, the CCAO can no longer change property values on its own and must ask the Board of Review for a change.

Manager I said when analysts consider an Industrial or Commercial appeal, they are to document their analysis in a "Industrial/Commercial Appeals Worksheet." He said the worksheets provide a detailed record of analysts' work and have existed since the Berrios administration. Manager I said policy concerning the preparation and use of I/C worksheets has been disseminated within the CCAO in various emails but no comprehensive policy document exists.

Manager I said he has handled certain valuation appeals himself. He said he will intervene in the normal appeal process if there is an appeal concerning a property he believes he has particular expertise on, such as cooperatives and hotels. When asked if he had handled an appeal in which he knew the identity of the attorney representing the taxpayer, he said, "All the documentation was anonymous to me." He acknowledged that there is a field within iasWorld called HTPAR which contains attorney name information which could be viewed by a CCAO employee acting on an appeal. Manager I was asked if there had been an occasion during his tenure at the CCAO where he acted himself on an appeal where he knew the identity of the attorney representing the taxpayer and said he could not remember. He said most of the actions he took were post-appeal.

Manager I was asked what analysis the CCAO applied to determine whether an appraisal report supporting an appeal was reliable as evidence. He said the CCAO's Official Appeal Rules say an appraisal must be USPAP (Uniform Standards of Professional Appraisal Practice) compliant but added he did not believe CCAO analysts were trained to make a USPAP determination. Manager I said he himself was not qualified to make a USPAP compliance determination on an appraisal report. He said some of the contents of a non-USPAP compliant appraisal could be considered by an analyst in considering an appeal. When asked if a non-USPAP compliant appraisal could be the sole source of evidence supporting an appeal, he said, "That's tough." When asked what he meant, he said he thought using certain elements from a non-USPAP appraisal as the sole evidence for an appeal without using its conclusion would be acceptable but agreed that such a position would probably run counter to the CCAO's Official Appeal Rules.

Manager I was asked if he recalled handling an appeal relating to a current year appeal regarding a cooperative complex in Chicago called Noble Square. He said he recalled it. He said he handled the First Pass valuation of Noble Square himself. He called Noble Square a "low-income housing project." He said valuation of such a property was challenging, and said, "I leaned on a couple of people in our office who are licensed general appraisers." He said he handled First Pass and Second Pass on Noble Square instead of assigning it to an analyst because he had expertise in cooperatives. Manager I said he interacted with Noble Square's attorney during the pendency of the appeal, when the CCAO could take direct action on the appeal. He said, "I've

known [the attorney's first name] for years." He said he reviewed the appraisal submitted in support of the appeal of the valuation of Noble Square but could not recall if he had any concerns about the appraisal's quality or methodology. He said he disregarded the valuations reached in First Pass (which he calculated himself), by an Industrial/Commercial analyst, and by the CCAO's Assistant Manager of Commercial Data Collection, who is a Certified General Appraiser, because "I thought everyone else was wrong." He said his Resolution Note in iasWorld on October 11, 2021, "CONCLUSION IS LAND VALUE," meant that Noble Square had value only in its land. When asked if that meant he was saying Noble Square's buildings had no value and were teardowns, he said yes. When asked how Noble Square's multiple buildings could generate millions of dollars in annual income as indicated in the appraisal report and still be considered teardowns, he said, "I can't reconcile that."

Manager I was asked if the appraisal report submitted to support a reduction in the valuation of Noble Square was part of the CCAO's official record. He said no. He said appraisals are not made part of the CCAO's appeal record in residential appeals (Noble Square is a Class 2 Residential Co-op). He said he did not know why such evidence was not retained by the CCAO in Class 2 appeals.

Timeline of Appeal Relating to Noble Square

Date:	Event
January 2021	Field Inspector R inspects Noble Square as part of a CCAO project to value co-ops in Cook County. She finds Noble Square PIN 17-05-302-033 (the high rise) to be "way undervalued" and submits a request that it be re-valued.
1/1/2021	Manager I begins asking Manager L about the value of Noble Square.
1/8/2021	Manager L emails Field Inspector R's Noble Square information to Manager I and Manager Q. He says in the email the current Assessed Value of $484,021/Market Value of $4,840,210 for PIN 17-05-302-033 (1455 W. Division) is "extremely low and appears incorrect."
1/21/2021	Manager I emails Manager L his intention to visit the Noble Square complex.
1/22/2021	Field Inspector R emails Manager L and Manager I "additional attachments" regarding Noble Square.
1/22/2021	Manager L thanks Field Inspector R for the "4906 cards and face sheets" and asks if she has the 4906 card and face sheet for the high rise at Noble Square.
1/23/2021	Manager I emails Manager L cut-and-pasted promotional info regarding Noble Square.
3/22/2021	Manager I asks Group Leader H in a phone call to conduct First Pass valuation of Noble Square.

3/23/2021	Group Leader H emails Manager I her valuation of Noble Square: $105m market value. She receives no response from Manager I. Later, Group Leader H receives a call from Manager L, who tells her Manager I has asked him to value Noble Square.
3/25/2021	Manager L emails Manager I his opinion of the market value of the Noble Square complex ($91.3 million)
8/20/2021	The appraiser completes "desk appraisal" of Noble Square, setting market value for all 8 PINs at $15.8 million.
8/23/2021	Attorney for Noble Square files current year valuation appeal #21-77-354051 on behalf of client Noble Square.
8/23/2021	Last day to file appeal for West township
10/11/2021	Manager I sends email to attorney for Noble Square saying the record contains a reference to an appraisal and requesting the attorney provide the appraisal to the CCAO.
10/11/2021, 12:56 pm	Attorney for Noble Square emails Manager I the Noble Square appraisal.
10/11/2021, 3:37pm	Manager I "resolves" Noble Square appeal in iasWorld, making a "CHANGE" decision to $14.8 million for all 8 PINs.
3/21/2022	West Township Assessment Roll certified.

OIIG Findings and Conclusions

The investigation revealed direct email contact between an attorney representing a taxpayer/appellant and a CCAO decision maker during the pendency of the appeal. The email communications revealed the identity of the attorney to a CCAO decision maker (Manager I) who took direct, and favorable, action on the appeal.

Two CCAO managers, both commercial real property appraisers with extensive experience, told our office that the appraisal report submitted in support of the valuation appeal regarding Noble Square contained such deficient analysis that it should not have been relied on as evidence to support an appeal. One of those managers described the report as a "flagrant use of an appraisal to lower the value of a property." Manager I, who does not hold a professional designation or license as a real property appraiser, disregarded his own First Pass valuation of Noble Square, the analysis of the analyst, and the analysis of the Assistant Manager of Data Collection (a certified general appraiser with extensive experience) and lowered the value of Noble Square to the value contained in the appraisal. Manager I, in documenting "CONCLUSION IS LAND VALUE" in iasWorld, reached a conclusion that was specifically excluded in the appraisal report. Of additional concern to this office is the fact that Manager I interceded in the appeal process to rule on the appeal himself for an attorney whom he admitted having known for years. Manager I made an entry in iasWorld supporting his determination two hours and 41 minutes after receiving the appraisal, which indicated he either disregarded the appraisal's Highest and Best Use

determination (as required by Official Appeal Rule 18) or simply did not read the appraisal report at all.

V. The Appeal Relating to Digital Realty, Franklin Park, Illinois

The OIIG received an allegation that Manager I improperly changed the value of a property, a data center at 9377 Grand Avenue, Franklin Park, Illinois. It was alleged that an original field inspection missed a building at the location; then, during a subsequent field inspection, the omission came to the attention of a CCAO field inspector and the property owner was back-taxed. It was alleged that the attorney representing the property owner asked in an email to Manager I that the original, deficient, field inspection control and Manager I complied, making the change to the property's value himself at an unsupported substantial benefit to the property owner.

Interview of Commercial Field Inspector J

Field Inspector J has been employed by the CCAO as an Industrial/Commercial Field Inspector for the past 27 years. He said that sometime in 2020 he was assigned to inspect the property at 9377 Grand Avenue pursuant to a permit application on the property. When he arrived for his inspection, he said the property record cards did not match the number of buildings he observed. He said it was apparent that, at some point, a building on the campus had not been recorded by the CCAO as present on the PIN, and the property had not been taxed with that building's value for the past several years. Field Inspector J said he completed a "back-tax" form for the missing, or "omitted," building and submitted it for processing. He said he did not know if the property had been back-taxed after his discovery.

Interview of Manager S

Manager S said a September 28, 2021, email from an attorney representing Digital Grand to Manager I concerned the back taxing of a data center at 9377 Grand Avenue, Franklin Park, Illinois. Manager S said Digital Grand had received a bill for back taxes from Cook County. He said the back tax obligation arose due to a field inspection which somehow missed a new $78 million building constructed in 2017. The omission of this new $78 million building resulted in a far lower assessed value for the property than if the new building had been considered in valuing the property. Manager S was asked why, in his email, the attorney said, "It seems odd to add a $78,000,000 55-year-old building." Manager S explained that the attorney must have been confused—the issue which resulted in the undervaluing of 9377 Grand Avenue was the omission of the new 2018 building which was then added by the CCAO, not the old building.

Manager S provided a screenshot from the Multiuse field in iasWorld which showed the value of 9377 Grand Avenue prior to the discovery of the omission of the new building. The total market value estimate was $31,727,040.

Manager S said there was something incorrect with how Manager I set the value for 9377 Grand Avenue following the email from Digital Grand's attorney. Manager S said the total market value for 9377 Grand should have been the old building (market value $31,727,065) plus the missed new building (market value $78,331,175) for a combined market value of $110,058,240. Manager S provided interviewers with a document called a "mock face sheet," which the CCAO uses to capture land values and building values. The mock face sheet for 9377 Grand Avenue bore the date 8/12/2021 and indicated it was prepared by Analyst T. It carried a total market value of $110,058,240.

Manager S provided a screenshot of an "Assessor Correction" from iasWorld showing the entry of a new market value for 9377 Grand Avenue by "[Manager I]" on 10/09/2021 at 08:58 AM. The total new market value Manager I entered was $32,977,220. Manager S said Manager I's handling of the request from Digital Grand's attorney himself was unusual. Manager S said Manager I should have followed CCAO policy and told the attorney to "submit an appeal like everyone else." More problematic, however, was that Manager I increased the market value of 9377 Grand Avenue from $31,727,065 to only $32,740,220. Manager S said, "[Manager I] didn't put $78 million of market value into Multiuse [in iasWorld]."

Interview of Analyst T

Analyst T said she is a Junior Analyst in the CCAO's Industrial/Commercial Valuations Unit. She said her duties consist of researching assessed values of real property in Cook County, a process she called First Pass, and analyzing complaints from taxpayers appealing their assessments, a process she called Second Pass.

Analyst T was asked if she recalled doing any work in her capacity as an analyst on a Cook County property, a data center, with the address of 9377 West Grand Avenue, Franklin Park, Illinois, PIN 12-27-302-005-0000. She said she did not recall that address specifically. Analyst T viewed a "Face Sheet" dated August 12, 2021, bearing her name. Analyst T said field inspectors, upon completing an inspection, will complete a Face Sheet without values and submit it as part of the Field Packet they provide to the Valuations Department. Analyst T said she then uses the Face Sheets from the field inspector to prepare her own Face Sheet, which she called a "Mock Face Sheet." Analyst T said the Mock Face Sheets she and other Valuations analysts prepare contain valuations for properties which the Face Sheets from the field do not. She said she typically finds most of the information she inputs on her Mock Face Sheets from the field packets. Analyst T said her job in preparing First Pass Mock Face Sheets is to determine market value of properties which have been inspected.

Analyst T referred to the Documents and Photos tab within iasWorld for PIN 12-27-302-005-0000 and advised that the Field Packet on which she relied to prepare her Mock Face Sheet for the property was submitted by Field Inspector J. Analyst T said each analyst in Industrial/Commercial has an "Activity Center" field for them in iasWorld which contains their assignments. During her interview, she accessed her Activity Center and advised that Field

Inspector J's field packet regarding PIN 12-27-302-005-0000 (the data center) consisted of the original building permit, a Back Tax Form, a Face Sheet, and a 4906 card. Analyst T said that her Activity Center showed her task regarding this PIN was created by Manager U on July 26, 2021, and assigned to Analyst T by Manager N on August 6, 2021.

Analyst T said the field report from Field Inspector J contained the notation, "assess omitted improvement," and, "see new 4906 and face sheet," which Analyst T said told her that she needed to determine a value for an "omitted improvement." Analyst T said the "omitted assessment" was a building on the property which had not been assessed by the CCAO for tax purposes. She said Field Inspector J's field packet contained two codes: 5-97 and 5-90, which indicated to Analyst T that a major improvement (5-97) and a minor improvement (5-90) had been missed during an earlier CCAO field inspection, and now needed to be back-taxed.

During her interview, Analyst T referred to emails she sent to her colleagues during her preparation of the Mock Face Sheet on the data center. She said that, during the valuation process, because it involved an omitted assessment, she consulted the CCAO's Legal department because "Legal processes all back taxes."

Analyst T was asked what methodology she applied to determine the $78 million market value for an improvement (building) on her August 12, 2021, Face Sheet. She said typically analysts look at comps (comparable sales), rents, or an appraisal, if available. However, Analyst T could not say for sure how she reached the $78 million market value or even that it was her who added that value to the Mock Face Sheet bearing her name. She explained that Group Leaders or Managers in the CCAO can also input market values for properties on Mock Face Sheets on First Pass. She said she, her Group Leader, or another Manager could have been the source of the $78 million market valuation of the omitted building. Analyst T added that the Mock Face Sheet indicated the $78 million building carried a class of 6-63, which was an Industrial class, and one she would not have known how to value anyway.

Interview of Manager V

Manager V was asked to refer to an email dated August 13, 2021, which she sent to multiple employees regarding PIN 12-27-302-005-0000, which was one of six total PINs associated with the Digital Grand campus. She said in the email that, when she said she had "received values" for the referenced PIN, she meant she had received a request to back-tax the PIN along with valuations for an omitted improvement supporting the back-taxes from the Valuations Department.

Manager V was asked to refer to an email dated December 17, 2021, from Manager I to her attaching a "list of straggler cases." She said she had reviewed this email and recalled Manager I saying the appeal associated with PIN 12-27-302-005-0000 was "particularly important" because the back-taxing of that PIN was improper under the Omitted Assessment statute. Manager V said Manager I believed the taxpayer in its appeal had raised a valid defense to being back taxed (because the taxpayer had submitted a plat or other information informing the CCAO that the

omitted building existed during a prior appeal and the CCAO was therefore on notice of the building's existence). She said Manager I was seeking her concurrence that the request to back tax the Data Center was inappropriate and said she agreed with his position.

Review of Appeal Documents Submitted to the CCAO

This office reviewed documents from the holdings of the CCAO relating to four appeals submitted by counsel for Digital Grand. The appeals addressed the back-taxing of the omitted building for 2020, 2019, and 2018, and contained a current year appeal of the 2021 valuation of the property. Regarding the back-taxing of the "omitted property" [the missed 2018 building], Digital Grand argued that Cook County could not collect back taxes under 35 ILCS 299 9-260 because the CCAO previously received a plat or similar document containing the omitted property but failed to include the improvement on the tax rolls, and because the property was subject of an appeal which included the omitted property and provided evidence of its market value.

Timeline of Appeal Relating to Digital Grand

Date:	Event
6/1/2021	Field Inspector J is assigned to conduct an inspection of a property called Digital Realty in Franklin Park, IL, in connection with a building permit. The property, owned by Digital Grand Avenue LLC, consists of 3 buildings on 21 acres under 6 PINs. Field Inspector J arrives at the location and discovers that a new building (9377 Grand, constructed in 2018) exists on PIN 12-27-302-005-0000, along with an older building (9355 Grand). The 2018 building has not been taxed due to an apparent error by a CCAO field inspector. The new building, 9377 Grand, is located on the premises along with 2 older buildings, 9333 Grand and 9355 Grand.
6/7/2021	Field Inspector J completes form titled, "Assessor of Cook County Building Permit" for 2021 on which he writes, "Assess omitted improve [sic] based on full rehab, assess new missed, see new 4906 and face sheet," referring to the missed building, 9377 Grand. Field Inspector J's form is meant as a request that the CCAO Valuations Dept. conduct a valuation of the missed building.
7/1/2021	Field Inspector J hand writes a card to the "Back Tax Department from I/C Field Department" where he indicates "Omitted Assessment" as the reason for back-tax. He fills in "2020, 2019, and 2018" for the back-tax years.
8/6/2021	Analyst T is assigned the task "assess omitted improvement" and "see new 4906 and face sheet" by Manager N.
8/12/2021	Analyst T prepares an Excel face sheet adding a market value of $78 million for the new 2018 building to PIN 12-27-302-005-0000 for a total market value of $110 million.

8/12/2021, 11:39am	Analyst T emails Manager B, asking for help with an error message when she was trying to update values in iasWorld.
8/12/2021, 11:49pm	Analyst T emails Manager W in the Legal Department, says PIN 12-27-302-005-0000 needs to be back taxed for 2020, 2019, and 2018, and attaches face sheet.
8/12/2021, 12:19pm	Manager B replies to Analyst T, asking her if the changes are what she intended. He says data centers "are being looked at more closely" and says "this may have some sensitivity around it."
8/12/2021, 1:37pm	Analyst T replies to Manager B, says Group Leader C assisted her with the valuation.
8/12/2021, 2:03pm	Manager V in Legal emails Analyst T, asking if back taxes are for land and improvements or improvements only. Manager V says Manager W asked her to "take a look at this one."
8/13/2021, 2:18pm	Analyst T emails Group Leader C, asking her to "take a look at this mock fs [facesheet] to make sure I did it correctly."
8/13/2021, 3:17pm	Analyst T responds to Manager V's email from the previous day, saying they are only back taxing the 2 improvements "picked up" by the 2021 inspection.
8/13/2021, 3:37pm	Manager W replies to Analyst T asking if they will be using the total Assessed Value for each back tax year. Analyst T forwards his email to Group Leader C.
8/13/2021, 3:47pm	Group Leader C replies to Manager W, saying they are only back taxing the 2 improvements Analyst T included on her face sheet.
8/13/2021, 4:11pm	Manager V thanks Analyst T and Group Leader C and tells Manager W "it's improvements only."
8/30/2021	The CCAO sends Notice of Back-Tax and Omitted Assessed Values to Digital Grand LLC for 2018, 2019, and 2020. The notice states the appeal deadline for the 3 years of back-tax is 9/30/2021.
9/1/2021	Digital Grand files four appeals: the back taxing of the new building for 2020, 2019, and 2018, and a current year appeal of the 2021 valuation of the property. Regarding the back-taxing of the "omitted property" [the missed 2018 building], Digital Grand argues that Cook County cannot collect back taxes under 35 ILCS 299 9-260 (5) because the CCAO previously received a plat or similar document containing the omitted property but failed to include the improvement on the tax rolls, and (7) because the property was the subject of an appeal which included the omitted property and provided evidence of its market value. Regarding the current year valuation appeal, Appellant submits a 1/1/2019 appraisal setting the value of Digital Realty (all 6 PINs) at $48.9 million. Appellant also notes the 2019 stipulation between Appellant and the Leyden School District setting the market value for the property at $50 million.

9/28/2021, 4:23pm	The attorney for Digital Grand emails Manager I, saying, "[Manager I's first name], I have tried not to bother you with individual issues, but this one is so large that I am hoping it deserves your attention." The attorney describes his client receiving an omitted assessment back-tax bill for a "$78,000,000 55-year-old building."
9/30/2021	Leyden Township CCAO appeal deadline.
10/1/2021, 10:18am	Manager I replies in an email to Digital Grand's attorney, whom he addresses by first name, that he has "not gotten a response on the value."
10/1/2021, 10:21am	Manager I emails Manager Q, wants to speak to Manager Q and the field inspector to "gather the entire story."
10/1/2021, 11:09am	Manager Q emails Manager L, says take a look at [Manager I's] request, requests a meeting "today" with the field inspectors.
10/1/2021, 11:53am	Manager L emails Group Leader C asking for history on the PIN and says, "[Manager I] wants to discuss."
10/1/2021, 12:29pm	Group Leader C replies to Manager L saying she remembers that an inspection "picked up the existing improvement and we back taxed it."
10/4/2021, 1:45pm	Manager L emails Manager I, says, "I pulled all the face sheets for 12-27-302-005-0000 which tells the story."
10/9/2021, 8:58am	Multiuse Field in iasWorld shows user "[Manager I]" changes market value for property from $31,727,065 to $32,740,217.
12/17/2021, 12:30pm	Manager I emails Manager V with a subject line "open appeals." He attaches a "list of straggler cases we need to address soon. The property starting with PIN 12-27-302-005-0000 [Data Center] is particularly important. The omitted assessment was not appropriate in my view. There is a BOR stipulation in the evidence as well. For 2021, I went to the stipulated values."
12/20/2021, 2:43pm	Manager V replies to Manager I, says, "I took a quick first look at the Leyden PIN you mentioned and have no idea why omitted assessments were issued."
03/21/2022	Leyden Township CCAO Assessment Roll certified.

OIIG Findings and Conclusions

The allegation in this case was that the granting of allegedly unjustified appeal relief was the result of an email from the taxpayer's attorney to a CCAO manager. According to interviews, however, both Manager I and the CCAO's Legal Department reviewed the appeal submissions and found them to be persuasive under the Omitted Assessment Statute. Our office did not identify information to support the notion that the appraisal supporting the current year appeal was unreliable. Accordingly, this allegation is not supported by the evidence developed in this investigation.

However, the investigation revealed direct email contact between an attorney representing a taxpayer/appellant and CCAO decision makers during the pendency of the appeal. The email communications revealed the identity of the attorney to CCAO managers who took direct, and favorable (although ultimately justified) action on the appeal.

VI. The Appeal Relating to 29 South LaSalle, Chicago, Illinois

The appeal associated with a property located at 29 South LaSalle, Chicago, Illinois, was submitted on August 13, 2020. The appeal argued the property had been misclassified as a Class 5 Commercial building for 2019 and requested 100% vacancy for 2019. The appeal did not request current year (2020) relief.

Interview of Group Leader C

Group Leader C recalled handling an appeal of the valuation of 29 South LaSalle, Chicago, Illinois sometime in November 2020. She said she granted a reduction in the assessed value, agreeing that the property was under construction and mostly vacant. However, Group Leader C said the appeal also requested a classification change from Class 5 to Class 3, which she denied. She said that the CCAO's practice concerning a vacant under-construction building is that the CCAO cannot simply change the classification without a field inspection. She said there was a policy at the CCAO that properties be assessed as of their January 1st condition, and that 29 South LaSalle on January 1, 2020, was a 5-91 Commercial Building Over Three Stories.

Interview of Manager S

Manager S was asked in what way the analysis Manager B conducted to reach a valuation of 29 South LaSalle of $14.7 million for 2020 was flawed. He said, "His cap rate is too high." Manager S explained that "cap rate" was short for "capitalization rate." Manager S said cap rate is determined by dividing a property's Net Operating Income by its Market Value. He said the cap rate of a property was a measure of its investment risk: the lower the cap rate, the lower the risk, similar to an interest rate on a bond. He said CoStar contained cap rates for different areas of Chicago.

Manager S walked interviewers through his calculation of the value of 29 South LaSalle. He reached a market value for 29 South LaSalle of $54,053,233. He noted that the First Pass value of 29 South LaSalle during its triannual valuation by the CCAO in August 2021 was $56 million.

Manager S said that Manager B had applied an incorrect cap rate of 7% to 29 South LaSalle in his calculation of its market value, which made it appear riskier than it was and served to underestimate its market value. Manager S said CoStar often contains cap rates for properties. He checked CoStar during his interview for a cap rate for 29 South LaSalle and found none. However, Manager S said the multifamily market cap rate in downtown Chicago will be less than 7% based on surveys and market data. He said that the investment risk for multifamily buildings in downtown

Chicago was not that risky. He said he did not know how Manager B could call a 7% cap rate in that market conservative when it was clearly too high.

Manager S said Manager B had also undervalued the Price Per Unit (PPU) of 29 South LaSalle. Manager S said he could not understand how Manager B could have reached a PPU for 29 South LaSalle of $228,000 when CoStar contained a PPU value for the building of $501,920.

Manager S said that Manager B's application of a 90% vacancy rate to his October 2020 calculation of 29 South LaSalle's market value was not in accordance with CCAO vacancy policy. Manager S said that, to prevent abuse of the vacancy concept by building owners who owned perpetually vacant buildings with no plans to lease their space, the largest vacancy percentage the CCAO would grant a building was 50%, even if a building was more than 50% vacant. He said that in the case of 29 South LaSalle the vacancy calculation should have been 50% (the maximum) less the 5% the property had already received on First Pass, which would result in a vacancy rate of 45%.

When asked why he believed Manager B would have conducted an analysis which ignored vacancy policy and CoStar values, Manager S said he suspected Manager B had arrived at a low figure, for a reason unknown to him, and simply did calculations with values which would allow him to "back into 14.7 million." Manager S was asked to reconstruct Manager B's October 6, 2020, analysis to assist the OIIG in understanding Manager B's calculations to reach a market value of 14.7 million for 29 South LaSalle. He said he was unable to do so because Manager B's calculations did not make sense.

Interview of Manager I

Manager I was asked if the CCAO had reduced the value of a property when there was no appeal filed seeking such relief. He confirmed that had occurred. He also said he was aware that property values had been reduced outside the formal appeal process at the request of an attorney via a telephone call to the CCAO. Manager I agreed that such a practice was outside the CCAO's Official Appeal Rules and was not fair to all taxpayers.

Timeline of Appeal Relating to 29 South LaSalle, Chicago, Illinois

Date:	Event
8/13/2020	The owner of 29 S. LaSalle, a Class 5-91 "Commercial Bldg Over 3 Stories," submits appeal #9128867 via Atty Code 475 requesting a C of E only, making two arguments: "the property is overassessed for Tax Year 2019 due to misclassification and the 100% vacancy of the property."
9/16/2020	Manager Z of CCAO's FOIA unit forwards C of E request to Manager I, cc'ing others.

9/16/2020	Former Employee HH emails Manager I, saying "the attorney contacted me about this one… Let me know if you want to chat."
9/16/2020	Manager I responds to former Employee HH, "Probably a good idea we talk."
10/6/2020	Manager B emails Manager I his calculations setting the Assessed Value (10% of Market Value) at $1.4 million.
10/7/2020	Manager I responds to Manager B thanking him.
10/15/2020	Manager B emails Manager D asking her to use $1.4 million for the recommended Assessed Value for 29 S. LaSalle.
11/3/2020	CCAO Analyst Group Leader C grants decrease in value for 1 year only "based on total vacancy" but denies class change from 5 to 3.
11/10/2020	Current Year appeal deadline for South Twp (where 29 S. LaSalle is located).
12/10/2020	South Chicago Township Assessment Roll certified.
1/26/2021	Attorney for owner of 29 South LaSalle emails Former Employee HH, asking why they have received no result letter and why CCAO website shows "appeal work in progress."
1/26/2021	Former Employee HH forwards the attorney's email to Manager I and Manager B, asking them why there was no result letter and asking why the website had that message.
1/26/2021	Manager B emails Manager Y, asking why appeal #9128867 did not get processed. He adds, "Good news, it is a substantial reduction… we can relay to the taxpayer/attorney."
1/26/2021	Manager Y responds to Manager B that appeal #9128867 "was for a C of E only which means there is NO 2020 appeal value desired."
3/26/2021	Former Employee HH emails Manager I, "[names attorney and law firm] represents the owner. He is requesting a C of C to bring 2020 in line with 2019. Numerous relevant documents are attached."
3/26/2021	Manager I responds to former Employee HH, cc'ing Manager B and taxpayer's attorney, "Glad to take another look for 2020."
3/26/2021	Taxpayer's attorney emails Manager I, "Thanks so much for taking a look at this one." He mentions their appeal pending at the Board of Review.
3/26/2021	An Assessor's Recommendation with this date, "recommended" by Manager B, is prepared by the CCAO. It recommends a change in the Market Value of 29 S. LaSalle from $27.7 m to $14.7m and a change in the class from 5-91 to 3-91 (Apt. Building Over 7 Stories, 3 or More Units).
3/26/2021	Manager B emails Manager I saying it was his error in processing the C of E, and saying, "This should solve the problem for 2020 and provide them an AR [Assessor Recommendation] at the Board to convert."

4/23/2021	Manager B emails Manager D asking her to confirm the C of E for 29 S. LaSalle was submitted. She replies the same day that the C of E was sent to Board of Review.
4/23/2021	Manager B emails Manager Q and Manager Y, referencing the Assessor Recommendation, saying, "We processed a 2019 CE and this is to correct the 2020 class and value as well."
4/26/2021	Manager B emails Manager Y and Manager Q asking if he signed. Manager Y replies, "Signed and sent."

OIIG Findings and Conclusions

The investigation revealed direct contact between an attorney representing a taxpayer appellant and CCAO decision makers during the pendency of the appeal. The communications revealed the identity of the attorney to CCAO decision makers. While CCAO email records indicate only that there was "contact" from an attorney to the then-Legal Director at the CCAO on or around September 16, 2020, prior to a determination on the appeal, there was nonetheless contact with CCAO decision makers who then took favorable action on the appeal by submitting an Assessor Recommendation to the Board of Review, which, according the CCAO's website, certified 29 South LaSalle at $14.7 million for 2020 (approving the relief requested by the taxpayer and the CCAO).

The evidence developed during this investigation showed the CCAO recommended the reduction in the 2020 value of 29 South LaSalle from $27.7 million to $14.7 million without an appeal filed under the CCAO's Official Appeal Rules, which disregarded 2020 Official Appeal Rule 4 (An Appeal is originated by filing a timely complaint form with the CCAO). The appeal filed by the owner of 29 South LaSalle on August 13, 2020, requested only a refund based on alleged misclassification and vacancy for 2019 and was therefore only a request for a Certificate of Error. It was not a current year valuation appeal. The CCAO transmitted an Assessor Recommendation to the Board of Review for a 2020 valuation reduction based only on the request from an attorney months after the appeal deadline for current year appeals had elapsed.

The investigation also showed that the CCAO failed to value 29 South LaSalle fairly and accurately. Manager B placed a value on 29 South LaSalle using calculations of which an experienced commercial real estate appraiser, Manager S, was unable to make sense of or recreate for this office.

VII. The Appeal Relating to 1241 South Indiana, Chicago, Illinois

The OIIG received information that the value of air rights over a PIN near Soldier Field in Chicago were undervalued by Manager I during a 2021 appeal, resulting in an unjustified tax benefit to the owner of the PIN. It was alleged that Manager I undervalued the PIN at $200,000

market value when it should have more accurately been valued at approximately $17 million market value.

Interview of Field Inspector J

Field Inspector J stated that he was unsure whether he conducted a field inspection of 1241 South Indiana or whether he did a desk review only. Field Inspector J stated that it was possible this property had a division on it, but he was not sure. Investigators presented Field Inspector J with a CCAO 2019 permit card for the Indiana address which noted that a "legal change" had been made on the property. According to Field Inspector J, he identified that it was he himself that completed the 2019 permit card and mentioned that the legal change essentially means the description of the property was changed. Field Inspector J explained in a case like this the legal change could mean possibly that new construction was in the works, however, he was only speculating. When asked whether he knows why there was a legal change on this property, Field Inspector J stated that he did not know.

Interview of Manager L

Manager L said the appeal regarding the 2021 assessed value of 1241 South Indiana raised an issue regarding the valuation of the property as the former assessment in 2019 was $20,000 assessed value, but in 2020 the CCAO valued the property at $1.7 million assessed value. Manager L stated that in his experience in appraising commercial real estate he found the increase of the value of the property appropriate. Manager L explained that Manager I also weighed in about the property in an email between the two.

Manager L said Manager I disagreed with Manager L's assessment of value and argued that the improvements of 1241 South Indiana would not increase the assessed value unless buildings were in place. Manager L explained that the property had a division which created the ability to build over the railroad tracks. Manager L described the property as dense enough to create residential property above and potentially a railroad station below. Manager L explained that there is a multi-billion dollar proposed plan to build a new structure on the lot. Manager L stated he recalled reviewing the zoning and the development looked appropriate. Manager L stated that these air-rights create a "vertical subdivision" which means the parcel could be pared up to allow several divisions above it for different uses such as residential, elevator use, parking garages, or condominiums.

Manager L disagreed with the idea that air rights added value to a PIN only after a building had been constructed on the PIN. He said a builder would not invest millions of dollars constructing a multistory building unless the builder had rights to build within the air space above a PIN, and that the value of an air right would be established prior to construction.

Interview of Manager V

When asked to describe the background of 1241 South Indiana Ave in Chicago Manager V stated that in 2019 or 2020, she heard "talks" about building and improving on this property. Manager V stated that the AV was $20,000 in 2019 and then increased to $1.7 million in 2020, and then went back down to $20,000 in 2021. Investigators asked her why the AV jumped significantly from $20,000 to $1.7 million in a year's time. Manager V stated that the Indiana property was classified as a vacant commercial lot, which would indicate that there must be construction happening or something was going to be developed there.

Manager V said she did not know much about this property. She said she was not sure why the property had an assessed value of $1.7 million in 2020. When questioned why the AV jumped to $1.7 million, Manager V stated that it was probably an error. Manager V indicated that based on the aerial map, there is "nothing there" and there was no mention of any construction plans. When asked if there are any names associated with the data listed in iasWorld, Manager V stated that there are no initials or names listed in iasWorld. Manager V said Manager I did the spreadsheet of the value change for this property, but his initials do not appear in iasWorld. Manager V stated that she is also not aware of any field inspections conducted at this property.

Manager V said it appears a Certificate of Error for the property was done for 2020. Investigators inquired if there was any mention about air rights on this property. Manager V stated there was mention of air rights being attached to this PIN number, but the air rights would not come in to play because nothing was built vertically.

Investigators asked Manager V to explain the process of receiving emails about properties and appeals. Manager V stated that they will occasionally receive emails from outside attorneys representing property owners. She added that those emails are sent to either her or to Manager E. When asked why they receive these emails, Manager V said attorneys email them because they are looking for status updates on their appeals. Manager V stated that about 90% of the emails she receives are from attorneys and stated that anyone outside of that profession not as much. When asked if CCAO lists their contact info on the CCAO website Manager V said no. When asked if she received any emails from attorneys regarding the Indiana property, Manager V stated that she received an email from the attorney representing the owner of 1241 South Indiana. Manager V stated that the attorney representing the owner of 1241 South Indiana reached out to her by email and asked her to investigate the air rights issue because there was no development on the lot.

Interview of Analyst X

Analyst X stated that he learned about the 1241 S. Indiana address through email exchanges with Manager N, who is the Director of Special Properties at the CCAO. Analyst X stated that they discussed the Indiana property which is located over existing railroad tracks in the South Chicago Township. Analyst X stated that the Indiana property had a recent division which created air rights above the tracks. Analyst X added that there was a division on the property and this

division created air rights which is what increased the value. Analyst X stated that the parcel is one of several adjacent parcels which all may be part of a billion-dollar project. Analyst X stated what got his attention about the property was First Pass in 2020 because of the division, which created air rights over the parcel which he had previously valued at $.50 per square foot as "unbuildable" due to its proximity to the railroad tracks. Analyst X stated that the air rights meant that the parcel, located just west of Soldier Field, was now buildable and more valuable. Analyst X cited the Ogilvie Transportation Center in Chicago as an example of air right development over train tracks.

Analyst X stated that in 2019 the Market Value ("MV") was listed at $210,017.00, and when the division occurred, he increased it to $17,520,750.00. According to Analyst X, the assessed value of the property increased because of the existence of air rights. Analyst X indicated that his increase in the value of the PIN (from $210,017 to $17 million) resulted from his comp analysis for the PIN, not an analysis of the value of the PIN's air rights. Analyst X stated that he had a conversation with Manager L about this property and stated that Manager L agreed with his reasoning. Analyst X explained that he understood Manager L to agree with his position that the air rights added substantial value to the previously unbuildable PIN. Analyst X indicated that a Certificate of Error was done in 2020, and stated that from 2007 through 2008, records show that the property had a market value of $924,761.00, which held until 2009, when the market value was reduced on appeal to $210,170.00. In 2020, the PIN was divided at the request of the owner, creating air rights over it, thus increasing its value.

Analyst X said that in 2021 the owner appealed, and they received a Certificate of Error in 2020, and in 2021 the owner got a reduction in the value. Investigators asked who granted the owner's appeal. Analyst X stated that someone from the CCAO must have granted it. Analyst X stated that whoever granted it, it would have come from someone in leadership. Analyst X stated that it is unlikely that someone from the CCAO granted the Certificate of Error without having a discussion with someone else. Analyst X suggested that it could have been Manager I who granted the Certificate of Error because he had final authority.

Interview of Manager N

Manager N was asked about an email he received from analyst X on November 16, 2020, in connection with the 1241 South Indiana property. He said when Analyst X used the term "omitted," he understood Analyst X to be referring to the omission of something which added value to a previously assessed parcel of real property, and that value had been omitted from the parcel's initial valuation by the CCAO.

He said, "in this case, [Analyst X] was referring to vacant land with upcoming development which made it more valuable." When asked how a pending development would affect the value of vacant land, Manager N said air rights, or the rights to build in the space above a parcel can add substantial value to real property "if there is budding development."

Manager N said that once a valuation appeal has been submitted by a taxpayer, a CCAO analyst is tasked to decide on the appeal based on the evidence the taxpayer submits. The analyst prepares a worksheet supporting their analysis. He said if an analyst does not feel comfortable deciding on an appeal, they may seek input from a manager or director. Manager N said the owner of 1241 South Indiana appealed its $17 million valuation for 2021; however, Manager N noted the appeal did not have a completed worksheet. He said an analyst added a comment in the comment field which read, "[Manager I] already granted the attorney's request in Multiuse."

Manager N was asked if Analyst X's increase in the value of 1241 South Indiana was appropriate. He said, "If it was about to be developed, yes." He said he was not able to estimate a new value for the parcel without more information.

Manager N reviewed the taxpayer's brief in iasWorld and said about their argument, "that nothing is going on here yet," apparently prevailed, resulting in Analyst X's $17 million market value for 1241 South Indiana being replaced by Manager I's market value of $200,000. Manager N was asked if, in his career as a real property assessor, he had developed an understanding of when air rights add value to real property. He said yes, and that the "value is based on what could be built there." He said the value did not accrue only after a structure had been built on the parcel. He said, "some of the value, as the Assessor's Office sees it, is prospective."

Interview of Manager I

Manager I was asked if he recalled an appeal concerning 1241 South Indiana in Chicago, an undeveloped parcel adjacent to Soldier Field. Manager I stated that he recalled the appeal issue centering on how much value air rights added to the parcel. Manager I said he viewed air rights as non-prospective, meaning air rights would add value to a parcel only after a building had been constructed on it. He was asked to explain how he valued the parcel at $200,000 market value when other CCAO personnel valued it at $17 million market value. He said he "tried to hear everyone out and looked at prior value." He said he was "worried about a large refund." Manager I said he "wasn't alone on the $200,000 valuation." When asked who in the CCAO agreed with him, he could not name anyone. He said, "Maybe I was alone on that one." When Manager I was asked to explain how he made his decision to value 1241 South Indiana at $200,000 in 2021 when the Board of Review had certified it at $17 million in 2020, he said, "I can't reconcile that now."

Interview of Manager E

Manager E was asked what her understanding was of the nature of air rights and when the existence of air rights added value to a property: before or only after the construction of improvements [buildings] on a property. She said the issue did not come up often and that she had not had an opportunity to research the issue.

Timeline of the Appeal Associated with 1241 South Indiana, Ave, Chicago, Illinois

Date:	Event
9/25/2020	CCAO conducts a field check at 1241 S. Indiana Ave, in Chicago, Illinois.
11/16/2020	Email from Analyst X to Manager N indicating that he might have increased the value of the Indiana property "based on Omitted." Analyst X tells Manager N he recalls "there's plans for a Major Development over these tracks… Air rights."
11/18/2020	Email from Analyst X to Manager N indicating that he found more information as it relates to the Indiana property. He attaches a link to a Chicago Tribune article with possible future plans for development plus a document display screen shot from CCAO SmartFile showing the AV listed at $1.7 million.
11/19/2020	Email from Manager N to Analyst X saying, "Let's touch base about this today." Manager N emails Analyst X, saying, "Just sent you a noon meeting invite…" Analyst X replies, "Got it."
2020	1241 South Indiana certified by the Board of Review for 2020 at an Assessed Value of $1,752,075 ($17,520,750 market value) following appeal by taxpayer.
9/28/2021	Attorney from Cook County State's Attorney sends an email to a former CCAO attorney asking her to assist the attorney for the owner of 1241 S. Indiana in contacting someone in the CCAO regarding "an issue."
9/29/2021	Taxpayer's attorney sends a lengthy email to the former CCAO attorney describing the significant increase in value of the Indiana address from the original AV of $20,000 to $1.7 million. The taxpayer's attorney says there have been no improvements on the air space at 1241 South Indiana, but mentions the prospect raised in the media that a Metra/CTA station will be constructed at 1241 South Indiana.
9/29/2021	The former CCAO attorney forwards the taxpayer's attorney's previous email to Manager V and Manager L, "as he deals with air rights properties." Manager V replies they are "looking into this."
9/29/2021	Email from Manager V to Manager L, Manager E, and Manager I asking Manager L to look at this property so they can understand why the AV went from $20,000 to $1.7 million.
9/30/2021	Email from Manager L to Manager V and Manager E stating that the property was part of a 2020 division which created air rights above the tracks adjacent to Columbus Drive and Soldier Field. Manager L stated that a proposed $20 billion dollar development project called One Central Station that would include 1241 South Indiana. Manager L tells Manager I, Manager V, and Manager E that, "The ability to build on this air-right parcel would substantially increase its value. The new valuation does not seem unrealistic."

10/1/2021	Email from Manager I to Manager L, Manager V, and Manager E stating that "we (1241 South Indiana) have no improvements at this time." Manager I stated that since there is no tangible real property in place, it is difficult to place an assessment on the Indiana property. He suggests they wait until "the new improvements are in place." Manager V responds in an email, "Agreed, thank you."
10/2/2021	Email from Manager I to Manager V asking whether there is a way to confirm that no construction on the site has begun. Manager I stated, "our aerials are at least a year old. Just don't want us to get embarrassed."
10/4/2021	Email from Manager V to Manager I in which she asks, "Is the explanation below in the email from [the taxpayer's attorney] insufficient? Let me know and I'll reach out to [the taxpayer's attorney's first name]."
10/4/2021	Email from Manager I to Manager L, Manager V and Manager E, saying, "I went back and read the email chain again. No need to look for any more information here. I will change the 2021 value to the 2019 amount now. There needs to be a CE for 2020 as well."
10/4/2021	Manager I signs a Certificate of Error requesting Board of Review reduce 2019 value of 1241 South Indiana from $17,520,750 market value to $80,068 market value. The Certificate of Error's "Explanation of Analysis" contains cut-and-pasted language from the attorney's brief.
10/4/2021	Email from Manager I to Manager V stating that he drafted a CE for this parcel (for 2019) and asks her to deliver it to Manager D. He says, "This is just a bad error, unfortunately." He adds, "I have corrected the 2021 value for this PIN."
10/5/2021	Email from Manager V to Manager D stating that she wants to see the attached CE for 2020 tax year that Manager I put together for the property. Manager V stated that she will "sign off on this too."
10/5/2021	Email from Manager D to Manager V stating that the filer appealed with the BOR and she will prepare the file and send to the board. Manager D stated that if the board approves the requested reduction, they must include this request with the original 2020 objections.
10/5/2021	Email from Manager V to attorney for taxpayer stating that the CCAO prepared a CE since "there are no improvements on the air space much less prospective improvements planned for the air space." Manager V notes that the taxpayer has appealed to the Board of Review.
10/5/2021	The taxpayer's attorney thanks Manager V for "your prompt response to this."
10/5/2021	CCAO CE letter to taxpayer saying the CCAO has issued a CE with a recommended Assessed Value of $20,017.
10/20/2021	The taxpayer's attorney emails Manager V asking if the reassessment notice is available yet in case they need to request a 2020 Certificate of Error.

10/20/2021	Email from Manager D to Manager V, Manager E, and Manager I stating that the reason code was listed on the summary at 17 which means "the value was incorrect based on income and expense data." Manager D stated they should use code 37 which means "the value was incorrect based on a transcription error." Manager D stated that "we incorrectly assessed this parcel. I would ask to include the emails which describe the air right issues."
10/21/2021	Email from Manager I to Manager D and Manager E stating, "feel free to change to reason to 37." He says attaching the emails is unnecessary. He says CE is effectively saying we got this wrong.
10/21/2021	Email from Manager V to Manager D stating they will keep reason code 17 as this parcel is not a "transcription error," rather an error in the value itself. She agrees that the emails are not necessary.
10/21/2021	Email from Manager V to Manager I stating "Hi [Manager I], is $17,520,050 the AV this PIN got in the 2021 reassessment notice? Or is $80,068 the AV for 2021?" She later sends an email to Manager I saying disregard.
10/21/2021	Email from Manager I to Manager V and Manager D stating "there is no income and expense data related to this PIN. The reason this came up was because the PIN had a $20,000 AV last year and it went to $17 million – when nothing new occurred at all. Very straight forward error. I do not know what the best reason code is. 40 may be one to use. The explanation I believe that I provided should tell the story." Manager V replies that she agrees the explanation Manager I provided tells the story.
10/21/2021	Manager V replies to the taxpayer's attorney's 10/20/2021 email asking about the reassessment notice. Manager V says "we already issued the C of E and reassessment notices for South Chicago were mailed out around October 1, 2021. Deadline to file an appeal is November 1, 2021. Attached is a copy of the C of E with the new recommended AV. The 2021 AV is the same." Manager V sends a follow up email to the taxpayer's attorney saying they changed the reason code for the C of E from 17 to 40.
10/22/2021	CCAO mails Supplemental Notice of Proposed Changes in Assessed Valuation to taxpayer advising 2021 Assessed Value has been reduced from $1,752,075 to $20,017.
10/22/2021	Manager V and the taxpayer's attorney exchange a series of emails regarding the year and PIN listed on the C of E.
11/1/2021	South Chicago Township CCAO appeal deadline.
11/1/2021	iasWorld's "Appeals By Parcel" tab shows a "Current Year Appeal" filing date of 11/1/2021 for 1241 South Indiana.
12/23/2021	An Industrial/Commercial analyst enters a comment in iasWorld's "Appeals/Hearings Evidence Worksheet" for 1241 South Indiana stating, "[Manager I] already granted the attorney's request in Multi-Use."

4/11/2022	South Chicago Assessment Roll certified.

OIIG Findings and Conclusion

The evidence developed during this investigation showed the CCAO reduced the 2021 value of 1241 South Indiana from $1.7 million to $20,000 assessed value without an appeal filed under the CCAO's Official Appeal Rules. This contravenes 2021 Official Appeal Rule 4 (An Appeal is originated by filing a timely complaint form with the CCAO). According to email records and iasWorld, Manager I himself made the reduction sought by the taxpayer's attorney on or about October 4, 2021, prior to the appeal filed by the taxpayer on November 1, 2021. The reduction occurred only because of email communications by the taxpayer's attorney to various managers within the CCAO, including Manager I.

The investigation revealed direct email contact between an attorney representing a taxpayer/appellant and multiple CCAO decision makers during the pendency of the appeal. Manager I was a party to email communications in October 2021 which identified the taxpayer/appellant's attorney during the pendency of the appeal. The email communications revealed the identity of the attorney to a CCAO decision maker (Manager I) who took direct, and favorable, action on the appeal, giving a tax-break to the appellant for 2021 and a large refund for tax year 2020 via a Certificate of Error.

The allegation which initiated the OIIG's inquiry was that Manager I gave an unsupported reduction in assessed value to the owners of 1241 South Indiana on the grounds that nothing had been constructed on the parcel yet. Manager I told this office during his interview that the air rights existing over 1241 South Indiana did not add value until development had begun. Manager V agreed with this position generally in her OIIG interview and in email communications, although she told this office that she is not a property appraiser. Manager E did not express an opinion on the issue. Three other CCAO employees (Manager N, Manager L, and Analyst X) disagreed and told this office they believed the air rights existing over 1241 South Indiana added value to the parcel in a prospective way. Manager L asked this office rhetorically why this taxpayer should get "such a good deal?" At first impression, this appears to be a disagreement among professional staff within the CCAO. However, there are two factors which call into question the independence of Manager I's analysis.

First, Manager I did not document an independent analysis within iasWorld when he agreed with the appellant that 1241 South Indiana was not worth $17 million but only $200,000 (market value). Manager I intervened in this appeal but did not prepare a worksheet supporting his analysis as is the typical process for an analyst handling a commercial appeal. He cut-and-pasted the argument contained in the appellant's brief into CCAO documents (the Certificate of Error he signed on October 4, 2021, as "analyst"). Second, Manager I was unable to reconcile his decision to value 1241 South Indiana at $200,000 market value for 2021 when the Board of Review had certified the value of 1241 South Indiana in 2020 at $17 million after the owner had appealed. This office recognizes the possibility that the appellant's attorney was correct and Manager I agreed

with their analysis; however, the wholesale adoption of the appellant's attorney's argument, verbatim, coupled with Manager I's disregarding of his colleagues' professional opinions and the Board of Review's prior certification of the value of the parcel indicates that Manager I did not act independently.

VIII. Favoring Business Taxpayers or Taxpayers Represented by Attorneys

Interview of Manager I

Manager I said as Chief Valuations Officer he treats all taxpayers equally. He said he does not favor business owners' interests over any other group of taxpayers.

Manager I said he was familiar with Assessor Kaegi's 2019 Ethics Directive, which contained the implementation of the visitor's log for in-person meetings held at the CCAO. He said the visitor's log policy at the CCAO is part of the office's "transparency piece," and is designed to minimize the likelihood that a CCAO employee would give preferential treatment to an attorney or taxpayer.

Manager I said he receives emails from attorneys concerning valuation or appeal issues, but "not a lot." Manager I said he does not log email contacts to him from attorneys or taxpayers because he believes email records can be tracked. He said he also receives telephone calls from attorneys and taxpayers regarding valuation and appeal issues and sometimes records those in his Outlook calendar. He agreed, however, that such a practice does not result in a complete and accurate log of phone contacts. Manager I said there is a policy in which he and other CCAO managers are to report telephone contacts from attorneys or taxpayers via an "internet app" to Manager G, who maintains a log. Manager I said, however, "I'm not perfect," and that there may be instances in which he received a telephone call from an attorney or taxpayer to discuss a valuation or appeal which was not reported to Manager G.

Manager I was asked if appeals filed by taxpayers are assigned anonymously to CCAO analyst. He said yes and added that the purpose of anonymous appeals was "to try to make sure that analysts cannot recognize an attorney and do them a favor." Manager I said when an analyst is assigned an appeal, considers the evidence, and reaches a decision (either No Change or Reduce), they pull up two tables in the CCAO's database iasWorld, "OBY" or "COMDAT." He said that within those two tables, there is a field called "Override RCNLD" into which the analyst enters a total value for the property, which is then split among the various PINs associated with the property if it carries more than one PIN. Manager I said all CCAO data flows to the Bureau of Technology, which ensures the data submitted in a form compatible with the Board of Review's antiquated mainframe. The Board of Review ultimately returns property values back to the CCAO, who imports it back into iasWorld. The Board of Review sends the approved property values to the County Clerk, who determines the tax rate and amount of each tax bill. The Clerk then sends that data on to the County Treasurer, who mails tax bills out to taxpayers. Manager I said all

analysts or anyone above them in the CCAO organizational chart have the ability to enter revised property values into iasWorld.

Review of email communications involving Manager I

This office reviewed email communications between former Chief Valuations Officer and Manager I occurring in June 2020 among other CCAO managers and analysts in the CCAO's Industrial/Commercial Unit discussing valuation reductions to remedy business losses resulting from the COVID-19 pandemic.

Interview of Manager S

Manager S said he heard Manager I was taking calls from attorneys on his personal cell phone. He said he was in Manager I's office on at least one occasion when Manager I took a call from whom Manager S believed to be an attorney. Manager S said he believed the practice was potentially unethical because it could provide an opportunity for an attorney representing a property owner to circumvent the formal valuation appeals process.

Manager S said he was concerned about Manager I speaking to attorneys on his private cell phone and mentioned it to the then-Chief Valuations Officer. He said the former Chief Valuations Officer "blew up," and said, "[Manager I] would never do that." Manager S said that the former Chief Valuations Officer said Manager I would never commit such an ethical breach.

Interview of Manager Y

Manager Y said there are three ways in which the CCAO can adjust an assessed value for real property: Certificates of Correction, Certificates of Error, and an Assessor's Recommendation. Manager Y said a Certificate of Correction is for correcting "a clerical mistake by our office." Manager Y said that if the error in the valuation was not due to a clerical error, a Certificate of Correction was not the appropriate remedy. He said Certificates of Correction are to correct errors by the office during the current tax year. Manager Y said Certificates of Correction may be used after a particular township closes. He said that Certificates of Correction could only be directed to be processed by managers, whom he identified as Manager I, Manager Q, or Manager B. While a manager might direct an analyst to process a Certificate of Correction, the managers were the final approvers. When asked if a manager could order an analyst to prepare a Certificate of Correction with which the analyst did not agree, Manager Y said it was "prior policy" that an analyst could refuse to process a Certificate of Correction they did not believe to be supported by sufficient evidence. He said he did not know if that policy was still in effect. Manager Y said it was possible for a CCAO manager to draft and approve a Certificate of Correction without the involvement of an analyst. Manager Y could not identify a CCAO policy governing the use of Certificates of Correction.

Manager Y said a Certificate of Error is used "if we could not do a Certificate of Correction." He said Certificates of Error can be used for both the current tax year and for up to three prior tax years. He said that, while Certificates of Error may be used to adjust assessed values, they are not supposed to be based exclusively on value. Manager Y said Certificates of Error originate with a manager, who assigns it to an analyst. The analyst then sends the Certificate of Error to Manager D. Manager Y was not sure to whom Manager D directed her Certificates of Error. He believed they went "outside of the office."

Manager Y said the third way to adjust an assessed value of real property is by using an Assessor Recommendation. He said that Assessor Recommendations are used not to correct an error made by the CCAO, but to adjust a value due to an issue which is not the taxpayer's fault. Manager Y said that the Assessor Recommendation is a formal process which originates with one of the CCAO managers. Manager Y said any CCAO department manager can originate an Assessor Recommendation. The manager then sends the proposed Assessor Recommendation to Legal, who then returns it to the manager, who then sends it on to Tech Review, who then submits it to the Board of Review.

Manager Y said there are not separate final authorities for Certificates of Correction, Certificates of Error, or Assessor's Recommendations. All three are approved finally by the Board of Review. Manager Y was asked why there was no mention of Certificates of Correction on the CCAO's website. He said that Certificates of Correction and Assessor's Recommendations are internal only and are not made public.

Regarding the use of Certificates of Correction and Certificates of Error, Manager Y said, "We [the CCAO] do favor attorneys." When asked to clarify, Manager Y said he believed that attorneys were more likely to receive favorable consideration from the CCAO regarding requests for Certificates of Correction or Certificates of Error than an unrepresented taxpayer. When asked if the increase in the use of Certificates of Correction made it easier to circumvent the appeals process, Manager Y said yes and it was not just theoretically easier, he believed it was actually happening. When asked if he was aware of the use of unjustified Certificates or Correction or Certificates of Error in the CCAO, Manager Y said he was not aware of any such practice.

Interview of Group Leader H

During her OIIG interview on October 18, 2021, Group Leader H said, "I don't think it's fair that some people get preferential treatment just because they have an attorney involved." She explained that the CCAO was not publicizing the fact that a reduction in value could be obtained simply because an attorney requested it, and that "we're [the CCAO] not doing this for all taxpayers."

OIIG Findings and Conclusions

Our investigation revealed multiple occasions on which attorneys were provided additional consideration by CCAO decision makers which were either outside the Official Appeal Rules, were unsupported by evidence, or which were known only to attorneys whose frequent contact or friendship with CCAO decision makers conferred insider status upon them.

IX. The Use of Certificates of Correction by the CCAO

While Certificates of Correction had up to 2022 not been publicized by the CCAO, the CCAO has issued new Official Appeal Rules for 2022 which address "Corrections and Certificates of Error." Specifically, Rule 26 provides that a taxpayer who reasonably believes that the CCAO "has made a factual error in an assessment such as a property characteristic or classification," is encouraged to contact the CCAO regarding the error. Rule 27 provides that Rule 25 (no re-review of valuation appeals for 2022) "does not limit the statutory authority of the Assessor to correct errors through the Certificate of Error or Certificate of Correction processes, nor does it prevent the assessor from submitting an Assessor's Recommendation to the Board of Review."

Review of Certificates of Correction Drafted by the CCAO

The CCAO provided this office all Certificates of Correction and Assessor Recommendations issued by the CCAO for assessment years 2020 and 2021. Our review of these instruments showed that, for 2020, Certificates of Correction and Assessor Recommendations were issued for townships in Cook County in what appeared to be an even dispersion among townships in the north, south, and west of Cook County. For Assessment Year 2021, however, 42 of 77 Certificates of Correction and Assessor Recommendations were for properties located in New Trier Township. A review of the CCAO's website indicated that 38 of the 42 New Trier Township Certificates of Correction or Assessor Recommendations were associated with appeals for which the taxpayer was represented by an attorney.

Interview of Manager I

Manager I said the change requests the CCAO sends to the Board of Review are called Certificates of Correction, for current year appeals when an appeal is pending at the BOR; Assessor Recommendations, for current year appeals when there is no appeal pending at the BOR; and Certificates of Error, for prior year appeals. He defined a Certificate of Correction as an admission the CCAO "had made a mistake." When asked to describe the circumstances under which Certificates of Correction could be used to correct an issue of valuation of a property, he said, "I'm unclear. It has been confusing personally." He said he believed a Certificate of Error could be used to correct valuation issues and to address vacancy requests. He said these instruments must be approved at the Manager/Director/Deputy level at the CCAO. He said the CCAO in July 2022 was preparing a policy document to address the use of these three instruments but it was still in the drafting phase.

Interview of Manager Z

Manager Z said that each one of the 38 townships within Cook County "opens up" for appeals for a 30-day period during the calendar year. He said these periods are staggered. He said that a taxpayer may request a reduction in their property's assessed value for the current year by appealing using the CCAO's online system called SmartFile. For the three preceding tax years, taxpayers may request a reduction in their property's value for any of those years by requesting a Certificate of Error for each year. Manager Z said that, unlike current year appeals, there is no set appeal period for Certificates of Error. Certificates of Error may be requested at any time. He said that if a taxpayer appeals for a preceding year only, not the current year, they cannot use SmartFile and must submit their appeal via email only.

For appeals of current tax year values, Manager Z said the initial step for a taxpayer disagreeing with the CCAO's assessed value is to file a SmartFile appeal. He said that if a current tax year appeal is unsuccessful, there is a second step a taxpayer may take: a taxpayer may argue the CCAO has made an error on an appeal and submit another request to the CCAO's Legal Department or Valuations Department requesting that they send a Certificate of Correction or Assessor's Recommendation to the Board of Review for a reduction. Manager Z said requests for Certificates of Correction are "done by professionals," which he explained meant attorneys or tax representatives who were representing appealing taxpayers. He said most taxpayers are probably not aware of Certificates of Correction and noted that Certificates of Correction are not mentioned on the CCAO's website. He said, in his 15 years at the CCAO, "I cannot ever recall a taxpayer filing for a Certificate of Correction."

Manager Z was asked what CCAO policy or statute governed the use of Certificates of Correction. He said he did not know of any.

Manager Z agreed that the existence of the Certificate of Correction remedy was a policy "gray area" at the CCAO. He also agreed that the way the CCAO's Certificate of Error process currently exists favors taxpayers represented by attorneys over unrepresented taxpayers.

Manager Z was unable to articulate the distinction between a Certificate of Correction and an Assessor's Recommendation.

Manager Z said that unrepresented taxpayers did have the Taxpayer Resolution Unit at the CCAO to consult if they had questions about an unsuccessful current year appeal. He said that unit is headed by Manager D, who also manages the Certificate of Error Unit. Manager Z said the Taxpayer Resolution Unit's assistance to taxpayers is "99% of the time just an explanation." He said the service the Taxpayer Resolution Unit provided taxpayers with questions was not to advise them, but to "just have a conversation" with them. Manager Z said the Taxpayer Resolution Unit answered questions about how generally a taxpayer could file an appeal. Manager Z said he did not understand the Taxpayer Resolution Unit to be able to make a change to a valuation on its own but did believe they were able to refer matters to Legal or Valuations at the CCAO. He said he did

not know if taxpayers interacting with the Taxpayer Resolution Unit filled out a form or if the Unit logged taxpayer interactions with the Unit.

Interview of Manager AA

Manager AA said he has held the position of Director of Residential Valuations at the CCAO since December 2018. Prior to that, Manager AA said he was the manager of the tax map department under former Cook County Clerk David Orr, a position he held for 18 years.

Manager AA defined an Assessor Recommendation as an instrument used by the CCAO to advise the Cook County Board of Review of the CCAO's position on a property tax valuation appeal. He said Assessor Recommendations were submitted after Second Pass (the CCAO's valuation appeal process) had concluded. He said an Assessor Recommendation was submitted only when an appellant had a case pending at the Board of Review. Manager AA said the CCAO transmitted these documents to the Board of Review not because they controlled the Board's decision on a valuation appeal but because they carried weight.

Manager AA defined a Certificate of Correction as similar to an Assessor Recommendation, but without the requirement of a pending case before the Board of Review. He said Certificates of Correction and Assessor Recommendations are to address current year valuation issues.

Manager AA said the genesis of both a Certificate of Correction and an Assessor Recommendation was typically an appellant or appellant's attorney reaching out to the CCAO by phone call, email, in-person meeting, Twitter, or Facebook.

Manager AA said the "Recommended By" field in an Assessor Recommendation or Certificate of Correction means the CCAO employee recommending the instrument is suggesting a course of action. He said the "Approval" field means the approver agrees that the relief specified in the document "makes sense" and can also mean the approver has reviewed the appeal package and agrees that the relief described in the "Reason" field is justified.

Manager AA said a Certificate of Correction or Assessor Recommendation were to correct an error by the CCAO. He defined "error" as, for example, a "fat finger" data entry error, an error in classification, or a late field check. He said arguments over market value could also be considered in a Certificate of Correction or Assessor Recommendation if "it's an error in valuation." He said the use of Certificates of Correction or Assessor Recommendation were "something we try not to do," which he said meant they try to get things right during Second Pass (the CCAO appeal period) and not use Certificates of Correction or Assessor Recommendation to change market values of properties too often.

Manager AA was asked if the CCAO had any written policy regarding the use of Certificates of Correction or Assessor Recommendation. He said he could not think of any. He

said former Manager Q had taught him how to use Certificates of Correction and Assessor Recommendations. He said former Manager Q did not refer to policy or a manual; he simply told Manager AA, "this is how we do these."

Manager AA said a "Code 5" on a Certificate of Correction meant a one-year period. He said the use of the term "Occupancy" in the Reason section of the Certificate of Correction meant a reduction in the market value of a property as a result of a resident being unable to reside in their home for part of the year for some reason, such as fire or remodeling. He said the rule at the CCAO was that a taxpayer could only receive a maximum 50% occupancy reduction for the first year of remodeling, a maximum of 25% the second year, and no occupancy reduction thereafter. He said the maximum occupancy reduction for fire was 50%. When asked how a home could receive a 10% occupancy factor (90% reduction), he said he could only think of new construction as a situation in which a taxpayer could conceivably receive a 90% reduction in value.

Manager AA did not know why Certificates of Correction and Assessor Recommendations were not displayed on the CCAO's website like other forms were. He said he was concerned that there was no way for an appellant to receive notice that the CCAO had transmitted these instruments to the Board of Review. Interviewers asked Manager AA if he was concerned about the fact that there was no way for an unrepresented taxpayer to even be aware of the existence of Certificates or Correction or Assessor Recommendations as tools to convey the CCAO's support of a valuation decrease to the Board of Review. He said he had never thought about that. He expressed reluctance that the CCAO would publicize such information. He said he wanted the CCAO to be able to "fix things" but did not want the CCAO to be inundated with requests for Certificates of Correction if the public were aware that such an instrument existed.

Manager AA estimated that 50% of Certificates of Correction were initiated by the CCAO themselves, while from 75% to 80% of Assessor Recommendations were initiated by attorneys.

Manager AA was asked why such a large percentage of Certificates of Correction generated by the CCAO in 2021 were for properties located in New Trier Township. He replied, "squeaky wheels," which he said meant there were more taxpayers in New Trier Township who knew to ask for a Certificate of Correction than, for example, taxpayers on Chicago's South Side, who he said simply did not know about such an option.

Interview of Board of Review Manager CC

Board of Review (BOR) Manager CC said Certificates of Correction, Certificates of Error, and Assessor's Recommendations, are used to correct certain errors by the CCAO. He said Certificates of Corrections, which are based in statute, are only for "scrivener's errors." He said Certificates of Error, also based in statute, are for matters which already have a complaint before the Board of Review. He said Assessor's Recommendations are not derived from statute and are administrative in nature.

BOR Manager CC said Certificates of Correction, Certificates of Error, and Assessor's Recommendations are emailed by CCAO managers to the Board of Review Chief Clerk in pdf form. The Chief Clerk then forwards the documents, which typically consist of the instrument itself plus "face sheets," to staff members working under the three Board of Review Commissioners for adjudication and eventual vote by the Board.

BOR Manager CC said that while Certificates of Correction, Certificates of Error, and Assessor's Recommendations are not binding on the Board of Review, they do carry weight and are considered.

BOR Manager CC said he had concerns about the CCAO transmitting class change requests to the Board of Review to reclassify property from "Commercial to Mixed Use." He said he had seen such requests coming from the CCAO without sufficient evidence such as a physical inspection. He said he believed the CCAO was relying too heavily on representations by attorneys and tax representatives in making such recommendations to the Board of Review. He said one of the challenges he had faced in his tenure at the Board of Review was the practice of the CCAO of recommending revised assessments without sufficient documented evidence supporting their recommendations.

OIIG Findings and Conclusions

While our investigation did not examine the circumstances around filings behind each Certificate of Correction or Assessor Recommendation to determine whether they were supported by evidence or were utilized for a proper purpose, we found the CCAO's Director of Residential Valuations Manager AA's explanation ("squeaky wheels") instructive to explain the high concentration of 2021 Certificates of Correction or Assessor Recommendations from one township. This illustration reflects the problem articulated by other CCAO employees: taxpayers who cannot or do not hire attorneys to represent them in valuation appeals before the CCAO are not informed of the existence of the process to obtain additional consideration from the CCAO of their appeals via Certificates of Correction or Assessor Recommendations. We also found Manager AA's concern that there is no process by which the CCAO informs taxpayers of Certificates of Correction or Assessor Recommendations to be compelling.

X. Assessment Reductions for Occupancy

Interview of Manager AA

Manager AA was asked what "occupancy factor" meant as listed in several 2021 Certificates of Correction the CCAO had provided the OIIG. He said there were two types of "occupancy," which meant a building was only occupied for part of a tax year and was therefore subject to a decrease in assessed value for tax purposes. First, Manager AA said new construction would receive an occupancy reduction for the period of the year after which it was approved for occupancy by the city in which the new construction was located. As an example, Manager AA

said new construction for which a certificate of occupancy was issued on July 1st would be subject to a 50% occupancy reduction in value that year. Second, Manager AA said a "casualty," such as tree damage, could result in a home being uninhabitable and deserving of an occupancy reduction. He said fire was not a "casualty" under Illinois law. When asked why the CCAO listed "fire" as a casualty which would justify an occupancy reduction in its Vacancy Requests in the Assessment Process document on its website, he said the document was not accurate and needed to be revised.

Manager AA was asked if remodeling an existing residence could result in an occupancy reduction. He said yes. He said the remodeling had to be such that the entire residence was uninhabitable to justify an occupancy reduction in value. Manager AA was asked where a taxpayer would look on the CCAO's website to obtain information about how to obtain an occupancy valuation if their residence was made uninhabitable due to remodeling, other than a "FAQ" section on the website which provides that a taxpayer may obtain a partial assessment for an "existing building being rehabilitated." Manager AA was asked whether the provision in the Vacancy Requests in the Assessment Process document which reads, "Residential assessment reduction as a result of a property vacancy will be recognized only in the event of a casualty" was accurate considering the practice by the CCAO of granting vacancy during casualty and remodeling. He agreed that the language in the document was inaccurate. He said the Vacancy Requests in the Assessment Process document needs to be revised such that laypersons are able to understand that the remodeling reduction is available but the remodeling needs to be extensive enough to render the residence uninhabitable.

Manager AA said that CCAO staff "working the math" on occupancy issues was still a challenge within the CCAO, but that management had treated the issue like a class, providing instruction and practical exercises to improve staff performance in reaching accurate occupancy reduction calculations.

XI. The Implementation of Policy at the CCAO

Interview of Manager BB

Manager BB said he is the CCAO's Chief Policy Officer, a position he has held since October 2019. Manager BB said his position as Chief Policy Officer is "really a euphemism for Government Relations." He said his duties centered less on policy relating to the internal function of the CCAO and more on how changes in statutes affect operations of the CCAO. He said he interacts with outside entities such as the Illinois legislature and the Cook County Board of Commissioners to determine how the CCAO implements initiatives or changes in the law.

Manager BB said questions from the OIIG relating to CCAO appeal and valuations policy would be best directed to Manager I.

The CCAO position "Director of Policy" is currently vacant.

Interview of Manager O

Manager O was asked how policy is created and approved within the office. She prefaced her answer by saying when she arrived with the Kaegi administration in 2018, there were no policy manuals in the office. She said policy which affects the entire office is typically drafted by her and Manager E, then emailed to managers, who are then expected to review policy changes with staff. Manager O said policy specific to each department is sometimes created by department heads and distributed to staff by email. Manager O agreed that a central policy repository which all CCAO employees could access was a good idea. She said implementation of such a policy repository had been delayed by the office's transition to their new system, iasWorld, from its antiquated mainframe, which had to be completed before any comprehensive policy library could be created.

Manager O was asked if requiring more than one level of approval for valuation appeal determinations was feasible. She explained that it was not because the CCAO must process hundreds of thousands of appeals each year and simply did not have the staff to devote to multiple reviews of each appeal. Manager O said the CCAO had a plan for a new manager who had been hired recently as Director of Valuations Research, to begin reviewing changes in appealed valuation amounts which exceeded a property's initial (First Pass) valuation by a certain percentage although the plan had not yet been implemented. Manager O said there is a plan underway in which a team of analysts would be assigned random appeals to audit.

Manager O said the CCAO had drafted and distributed a new policy document regarding the use of Certificates of Error, Certificates of Correction, and Assessor Recommendations in July 2022. Manager O provided our office with the new policy document, which is titled, "Policy for Certificates of Correction and Assessor Recommendations," with an effective date of July 1, 2022.

Manager O explained that the Communications Team is responsible for maintaining the website although "everything on the website has not been updated." Manager O further explained staff is "constantly going through the website and reviewing documents" for purposes of accuracy and it is an ongoing process.

Review of Documents Published on CCAO Website

In addition to the issues this office noted with the Class 3 Eligibility Bulletin discussed *supra*, pages 20-29, and the document titled Vacancy Requests in the Assessment Process discussed *supra*, page 63, this office noted other documents posted to the CCAO's website which are older and likely out of date. As examples, the Homeowner's Exemption Application available publicly bears the date 2019 in a non-fillable field. The Affidavit of Use made available publicly is dated January 25, 2011. It is a pdf document with non-fillable fields.

OIIG Recommendations

Based on the foregoing, we respectfully recommend the following:

1. This office reiterates Recommendation 1 from our previous Summary Report to the Assessor in IIG21-0158, issued on March 29, 2022, which read, "The CCAO should assess its internal control environment in relation to the processing of tax assessment appeals and the way the former Manager B circumvented the assessment process in violation of Rule 26. The CCAO should also counsel management and relevant employees of the importance of adhering to established rules and to prohibit action outside of the established process. In addition, the CCAO should initiate necessary disciplinary action when such conduct occurs." This instant Summary Report also found that the former Manager B and other CCAO managers circumvented the assessment appeal process. During OIIG interviews, some CCAO managers expressed "confusion" and agreed they had knowledge gaps about the CCAO's valuations and appeals process and the instruments the CCAO uses. We believe these knowledge gaps led to actions by CCAO managers which did not conform to the Official Appeal Rules or the CCAO's stated mission and values. Accordingly, we not only reiterate our March 2022 recommendation, but recommend additionally that all CCAO employees (Manager rank and above), particularly within the Valuations Department, receive training relating to the CCAO's Official Appeal Rules and the CCAO's appeal process.

2. While the CCAO does maintain an Employment Plan and Official Appeal Rules, our office found CCAO policy regarding assessment procedures to be disseminated piecemeal to employees, often via email. The CCAO should consider creating a central repository for policy and processes which may be accessed by CCAO employees.

3. Cook County Ordinance 74-62 as it defines "real estate used for residential purposes" creates what CCAO employees and managers described as a "loophole" by which commercial property owners are provided an unfair tax advantage merely by placing one dwelling unit within what would otherwise be classified as a Class 5 Commercial property assessed at a 25% rate. The ordinance results in the CCAO being obligated to classify such properties as Class 3 Multifamily assessed at a 10% rate. This office is aware that this is a statutory issue which the CCAO cannot address on its own and which must be directed to the Board of Commissioners for consideration. We encourage collaboration to address this inequity in the administration of property tax assessment in Cook County.

4. The CCAO should provide information to the public about the availability of the Certificate of Correction or Assessor's Recommendation remedies for errors occurring in current year valuations and appeals. While the CCAO has published new 2022 Official Appeal Rules (26 and 27) which state the ability of the CCAO to utilize these instruments, the new Rules do not describe to the public the option that the CCAO will issue these instruments to request a change by the BOR in valuation matters. The CCAO should advertise to the public that it will act on valuation issues via Certificates of Correction or Assessor Recommendations to the BOR after appeal. While this

recommendation, if adopted, may lead to an increase in requests from taxpayers for these instruments, the fairness the CCAO has made part of its mission will be enhanced if all taxpayers are able to avail themselves of the Certificate of Correction process, not only attorneys with inside knowledge of the option. In the summary letter recommendations issued by this office in March 2022 in IIG21-0158 (Recommendation 5) we recommended the CCAO either eliminate the option of "re-review" or establish it by rule or policy. The CCAO has eliminated Re-review for 2020, 2021, and 2022. However, the Certificate of Correction/Assessor Recommendation functions as a sort of "re-review" in that these instruments act as requests that the Board of Review reduce an assessed value. These requests are given weight by the BOR. This office is aware of the concern expressed by a CCAO Manager that the office would be inundated with requests for Certificates of Correction or Assessor Recommendations if the public was aware that such instruments existed. This is a valid concern. However, that concern cannot outweigh the public's right to be informed by the CCAO about all avenues of redress for property valuation issues before the CCAO if the CCAO maintains any ability to influence those values, either prior to the certification of assessment rolls or after. The new policy document promulgated by the CCAO on July 1, 2022, creating policy regarding Certificates of Correction and Assessor Recommendations, while comprehensive and helpful to staff, is internal only and does not provide information to the public.

5. The CCAO's website as it pertains to Certificates of Error for Homestead Exemptions is informative and features links to current forms which appear highly useful to taxpayers seeking such relief. The CCAO should consider providing additional information to the public on its Certificate of Error page concerning what justifies a taxpayer request for "property assessed valuations," such as vacancy or misclassification.

6. The CCAO's Vacancy Request in the Assessment Process page on its website misleads the public in that it states, "residential assessment reduction as a result of a property vacancy will be recognized only in the event of a casualty." This page should be revised to advise the public of the availability and justification for an assessment reduction for the remodeling of a property. Additionally, the CCAO should ensure that it is providing accurate examples of "casualty" under Illinois law on its website.

7. The CCAO's promotion of its Visitor's Log and "anonymized" appeals process creates the misleading impression that valuation appeals are being adjudicated within the CCAO in an environment in which the identities of appellants' attorneys are unknown, and that there are no undocumented attempts by attorneys to influence appeals. The Visitor's Log reflects in-person visits to CCAO managers only, not analysts. Additionally, undocumented "behind the scenes" contacts between CCAO managers and attorneys are]occurring via email and phone calls during the pendency of, and following, appeals. The CCAO should either require the logging of all forms of

communication from appellants/attorneys to *any* CCAO decision maker (someone who can change an assessed value or affect the changing of a value) concerning an appeal or prohibit any sort of communication between CCAO decision makers and attorneys outside the formal appeals process. While our office understands this recommendation may present an administrative burden on the CCAO, such contact logging will aid the CCAO in achieving the transparency for which it clearly strives. However, we also recommend that the Assessor consider regulating and formalizing the scope and nature of permitted attorney contacts outside the appeal process as described above to enhance the fairness of tax administration in Cook County.

8. Allowing a single approver for valuation changes on appeal creates the risk that such approval could be misused. The CCAO should consider the implementation of a process in which values changed by CCAO employees following appeal are subject to review by the chain of command; or, if a value is changed on appeal by a Manager, Director, or above, be required to be approved by at least one other CCAO manager of equal rank or above. The CCAO has informed our office that such a review process is being developed. This would serve as an important foundation to protect the integrity of the process following appeal.

9. The CCAO's 2020 Employee Handbook's should be amended to require that CCAO appeal decision makers act only on evidence contained within the CCAO's official record and which conforms to the CCAO's Official Appeal Rules.

10. Official Appeal Rule 19 requires appraisals supporting appeals "must pertain to the property's Highest and Best Use and must be compliant with the Uniform Standards of Professional Appraisal Practice ("USPAP") and Illinois state law." The CCAO should ensure CCAO appeal decision makers are adequately trained such that they can determine whether an appraisal supporting an appeal is USPAP compliant.

11. The CCAO should, as part of its transparency effort, require appraisal reports it considers as part of appeals to be made part of its record in Residential Class 2 appeals.

12. The CCAO should implement a process by which taxpayers are advised that the CCAO has transmitted a Certificate of Correction or Assessor Recommendation to the Board of Review regarding a property which the taxpayer owns.

13. The CCAO should ensure documents it publishes on its website are up to date and conform with current statutes and CCAO policy. The CCAO has informed our office that it reviews the content on its website regularly and that such reviews are ongoing.

14. The CCAO's "Chief Policy Officer" serves in practice as a government relations professional. The CCAO should retitle that position and appoint a manager who oversees the development and dissemination of policy within the CCAO.

The CCAO adopted recommendations 1-13 and declined recommendation 14. As to recommendation 14, the CCAO stated that it negotiated current exempt positions with the *Shakman* monitor and *Shakman* Plaintiff's counsel when the CCAO was under active monitoring with federal proceedings.

IIG22-0116 – Bureau of Technology. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Cook County Bureau of Technology (BOT) employee sought a PPP loan totaling $20,625 in which he disclosed being the "Sole Proprietor" of a business. The OIIG conducted an investigation to determine if the subject employee was in compliance with Cook County Personnel Rules.

This investigation consisted of a review of the BOT employee's County personnel file, public and subpoenaed federal Small Business Administration PPP loan records, Illinois Secretary of State Corporation/LLC records, Cook County Time (CCT) records, documents produced by the subject employee, a Premier Food Safety certificate verification, a local municipality business license inquiry, and an interview of the subject BOT employee.

The preponderance of evidence developed in this investigation supports the conclusion that the subject employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. The employee made false statements on his PPP loan application by greatly overstating the amount gross receipts his business generated in 2020. On his loan application, the BOT employee stated he had gross receipts of $99,000, but statements he made to OIIG investigators clearly contradicted the information provided on the application. In his OIIG interview the subject employee stated that he had only four catering events during the relevant period that generated a mere $900 after expenses. Moreover, when the OIIG requested documents from the subject employee related to his outside business, he failed to provide any documentary evidence to support the claims made on his PPP loan application. The BOT employee ultimately told the OIIG that the documents he provided were the only documents he had. Additionally, when he applied for his PPP loan, the BOT employee provided the lender with a fictitious invoice for $8,000, but when this office requested customer invoices from him as part of the document request, he failed to provide any such invoices. Committing financial fraud directed at the federal government tarnishes the subject employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Bureau of Technology, and its employees. This is especially true in this case, considering that the subject employee is employed by an office of County government that handles sensitive information on behalf of the County and its elected officials. The violation is further aggravated by the fact that some of the employee's conduct in obtaining the loan at issue occurred during his working hours at the County.

The preponderance of evidence developed in this investigation also supports the conclusion that the subject employee violated Cook County Personnel Rule 13.2(b) – Report of Dual Employment. This rule states that any person who becomes engaged in any gainful employment after entering the service as an employee must execute a dual employment form. Evidence obtained during this investigation and statements made by the subject employee during his OIIG interview show that he has gainful employment through his ridesharing activities and a catering business which should have been reported to the County as additional employment when he first engaged in the outside employment. The subject employee failed to disclose this information as required and ultimately only disclosed his outside work when requested by his manager because of the OIIG's inquiry.

Based on the serious nature of the misconduct, and the subject employee's sensitive placement in government, we recommended that the subject employee's employment be terminated and that he be placed on the *Ineligible for Rehire List*.

BOT adopted these recommendations.

IIG22-0123 – Assessor's Office. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a high-ranking Human Resources (HR) Official in the Cook County Assessor's Office sought a PPP loan totaling $20,625 in which she disclosed being the "Sole Proprietor" of a business. Accordingly, the OIIG conducted an investigation to determine if the Assessor HR Official's circumstances implicated the Cook County Assessor's Employee Handbook.

This investigation consisted of a review of dual employment records for the Assessor HR Official, a review of public and subpoenaed federal Small Business Administration PPP loan records, an Illinois Secretary of State Corporation/LLC search, a Cook County Time records review, and an interview of the subject Assessor HR Official.

The preponderance of evidence developed in this investigation supports the conclusion that the subject Assessor HR Official violated Cook County Assessor's Employee Handbook, Section 19(o) – Conduct Unbecoming an Employee of the Assessor's Office. During her OIIG interview, the official admitted that she signed a federal PPP loan application falsely stating that she had earned revenue from her personal training business in the amount of $99,000 in 2020. She admitted in her OIIG interview that she included her County salary of $86,000 in the figures represented on her PPP loan application to be her personal outside business revenue. Thus, she admitted to overstating her business revenue by $86,000 on her PPP loan application. Through this action, the Assessor HR Official fraudulently obtained a far larger PPP loan than what would have been allowed had she provided truthful information. Participating in financial fraud directed at the federal government tarnishes the Assessor HR Official's reputation and brings discredit to the

County as it can erode the public's trust in Cook County government, the Cook County Assessor's Office, and its employees. This is especially so in this case considering that the subject official is a high-ranking member of the Assessor's office who is responsible for enforcing the policies of the Cook County Assessor. The violation is further aggravated by the fact that some of the subject official's conduct in obtaining the loan at issue occurred during her working hours at the County.

The preponderance of evidence developed in this investigation also supports the conclusion that the subject official violated the Cook County Assessor's Employee Handbook, Section 14 Outside/Dual Employment. This rule states, "Prior to engaging in any outside/dual employment, an employee must fill out the Outside/Dual Employment Form and submit it to Human Resources for approval by the Chief Deputy Assessor, the Chief Legal Officer, and the Chief Administrative Officer. Such approval must be obtained prior to any outside/dual employment …." Based on the OIIG's investigation, there were no dual employment records located to support the subject official's claim that she had disclosed her outside employment to the Cook County Assessor's Office as required.

Based on the serious nature of the misconduct, the subject official's sensitive placement in government, as well as other aggravating factors present, we recommended that the subject official's employment be terminated and that she be placed on the *Ineligible for Rehire List*.

CCAO accepted the first recommendation, and the subject official's employment was terminated. The CCAO did not accept our recommendation to add the subject official to the *Ineligible for Rehire List*.

IIG22-0131 – Board of Review. The OIIG conducted a review for dual employment compliance of Cook County employees who applied for federal Small Business Administration Paycheck Protection Program loans ("PPP loan") to determine whether information submitted by County employees for the PPP Loans was consistent with Cook County records and/or in violation of any County Personnel Rules. Based on this review, it was discovered that a Cook County Board of Review (BOR) employee sought a PPP loan totaling $20,832 in which he disclosed being an "Independent Contractor" of a business. The OIIG conducted an investigation to determine if the BOR employee was in violation of Cook County Personnel Rules.

This investigation consisted of a review of the BOR employee's County personnel file, public and subpoenaed federal Small Business Administration PPP loan records, a Cook County Time (CCT) records, public social media accounts, an Illinois Secretary of State Corporation/LLC search, and an interview of the subject BOR employee.

The preponderance of evidence developed in this investigation supports the conclusion that the subject BOR employee violated Cook County Personnel Rule 8.2(b)(36) – Conduct Unbecoming. During his OIIG interview, the BOR employee admitted that he signed a loan application falsely stating that he had earned revenue from his business in the amount of $109,580. He further admitted that this information was submitted for the purpose of obtaining $20,832 in

government funds which he then spent on personal expenses, including a $1,600 Canada Goose jacket, clothing, Gucci shoes, dinners, hotel stays, and a trip to Miami, not related to any business. The employee admitted that the figures he had provided to investigators were fictitious. Committing financial fraud directed at the federal government tarnishes the BOR employee's reputation and brings discredit to the County as it can erode the public's trust in Cook County government, the Board of Review, and its employees. This is especially true in this case, considering that the subject employee is employed by an office of County government that handles property tax matters on behalf of Cook County residents. The violation is further aggravated by the fact that some of the subject BOR employee's conduct in obtaining the loan at issue occurred during his working hours at the County.

Based on the serious nature of the misconduct and the employee's sensitive placement in government, as well as other aggravating factors present, we recommended that the BOR employee's employment be terminated.

BOR adopted this recommendation.

IIG22-0139 – Board of Commissioners. This investigation was initiated based on a complaint alleging that Cook County Board Commissioner Z sent repeated emails requesting fellow Board members to attend a presentation by a private company ("Company") seeking to do debt collections business with the County. This investigation was conducted to determine whether Commissioner Z's conduct in getting fellow Board members to attend such a presentation by a potential contractor violated the County's Procurement Code or Ethics Ordinance or any other relevant law or policy.

This investigation consisted of interviews with Commissioner Z, Commissioner Z's Assistant, several Board members, the Cook County Chief Financial Officer ("CFO"), and the Chief Procurement Officer ("CPO"), as well as a review of the email correspondence between the Office of Cook County Commissioner Z and fellow commissioners, the email correspondence between Commissioner Z's office and Company representatives, the Illinois State Board of Elections Contributions List, Cook County Clerk's Lobbyist Registration Portal (2021), Secretary of State Lobbyist Registration Portal (2021-2022), and a Consulting Services Agreement between Company and its consultant as well as various other open portal sources of information.

Emails

The OIIG reviewed the email correspondence between Commissioner Z's office and the offices of other County commissioners. The initial email from Commissioner Z's office was addressed to all 16 of the other Cook County Board Commissioners. The email informed the commissioners that Commissioner Z was contacted by Company, provided a cursory explanation of the service Company offered and enlisted the commissioners' cooperation by requesting they sign up to attend one of six 45-minute presentations with three spots available for each presentation. Five of the 16 commissioners responded to the initial email and signed up for one of

the scheduled presentations. Subsequently, multiple emails were sent by Commissioner Z's office to the 11 commissioners who had not yet signed up for a timeslot. The follow-up emails thanked the commissioners that signed up and requested the other commissioners to sign up for one of the remaining timeslots. Ultimately, a total of six commissioners were scheduled to attend the presentation at four different times with no more than two commissioners attending any single presentation.

The OIIG also reviewed the email correspondence between Commissioner Z's Assistant and Company representatives regarding scheduling the presentations.

Consulting Services Agreement

The OIIG reviewed the Consulting Services Agreement between Company and a consultant that it hired ("Consultant"). The contract delineated the following terms of service:

"[Consultant] shall provide consulting services, public affairs and government relations consulting services and such other services as the Organization and the [Consultant] may mutually agree . . . . Services will include:

- Ongoing review, professional consultation, and support with respect to activities of the Organization.
- Arranging strategic meetings with Cook County Commissioner Council [sic] Members and Information Technology Staff.
- Arranging meetings with Cook County Clerk and Chief of Staff to provide overview presentation of services provided by the Organization.
- Advocacy to Procurement Director of Cook County on behalf of the Organization.
- Assist the Organization navigate the Cook County Procurement process to capture opportunities for county services.
- Research state grant funds which could be obtained for Cook County from Office of Broadband or Department of Commerce Economic Opportunity.
- Perform similar services, as required, for the Organization in the City of Chicago.
- Consistently monitor and gather intelligence concerning other platform vendors pursuing contracts in Chicago and Cook County."

The Illinois Secretary of State - Registered Lobbyists (FY 2021 & 2022)

The OIIG reviewed the Illinois Secretary of State registered lobbyist database for the years 2021 and 2022. The database listed Company as registered to lobby County government and Board Commissioners for both years. Furthermore, the registration listed a Company officer as the "Authorizing Agent" and Consultant as one of the "Contracted Firms" for fiscal year 2022.

The Illinois Secretary of State - Registered Lobbyists (Consultant)

The OIIG reviewed the Illinois Secretary of State registered lobbyist database for the years 2021 and 2022. The database listed Consultant as a registered lobbyist with the State of Illinois. Furthermore, the registration listed Company as a "Contracted Firm" and County government as a "Government Entity Intended to be Lobbied."

The Illinois State Board of Elections Database

The OIIG reviewed the Illinois State Board of Elections Contributions List. The database lists all entities that contributed to the election campaigns of public officials in Illinois. A search was conducted on all entities reporting a contribution made to Commissioner Z. The search resulted in no record of Company or any of its known agents (including Consultant) as having contributed to Commissioner Z's campaigns.

Interview with Commissioner Z

Commissioner Z stated that he received emails regarding the subject Company but does not recall specifically who the emails were from. Commissioner Z further stated that he commonly spoke monthly with Consultant, a college friend, but due to Consultant going through a divorce, they began speaking daily. During one of those telephone calls, Consultant mentioned that Company was his client. Commissioner Z stated that Consultant informed him that Company provided citizens the option of paying citations and other debts owed to the county via an online platform and county-wide situated kiosks which could streamline the process and save the County money. Commissioner Z stated that he told Consultant that he is "always interested in saving the County money" and agreed to personally attend a Zoom presentation and to facilitate presentations by Company representatives to the other County Board Commissioners.

Commissioner Z recalls attending a Zoom meeting with Consultant and Company representatives. Commissioner Z stated although he attended the informational meeting, he does not recall the content of the PowerPoint presentation other than the Company platform being a new technology and that the service also provides kiosks in multiple public locations. Commissioner Z stated that after the presentation, he was asked if he could facilitate a presentation to the other Cook County Board members. Commissioner Z further stated that he instructed his Assistant to reach out to the other commissioners and coordinate the presentations. Commissioner Z stated that he also called the County's CFO but could not elaborate on the content of the conversation.

Commissioner Z stated that after instructing his Assistant to coordinate the presentations he was not involved in the scheduling. Commissioner Z stated that he reviewed the initial email that was sent out inviting the commissioners to sign up for one of the presentation's timeslots. He added that based on the responses, he believes that five commissioners signed up to attend the presentations and is unsure if the remaining 11 commissioners attended. Commissioner Z stated

that he had a conversation with Consultant after the first day of presentations and was asked about other times to schedule the remaining commissioners, which he referred to his Assistant to coordinate. Commissioner Z referenced another email which was sent to the remaining commissioners, who were believed to not have signed up for the presentation. He added that he did not speak to or follow up with the other commissioners regarding Company and was not asked by Company representatives to do anything else.

Commissioner Z stated that he is unaware if his Assistant or his Chief of Staff attended the presentations given to the other commissioners or if minutes were kept. Commissioner Z further stated that he is unaware of the number of emails sent out by his Assistant. Commissioner Z added that he does not check his emails personally, but has them vetted by his Assistant, who follows a protocol of which emails he should receive.

Interview of Commissioner Z's Assistant

Assistant stated that her duties include checking and responding to emails, scheduling meetings, coordinating Commissioner Z's itinerary, ensuring he is supplied with all relative documentation for meetings, communicating with other commissioner's offices on his behalf and other general clerical work. The Assistant stated that she is responsible for vetting Commissioner Z's emails and debriefing him on which emails require his attention based on established office protocol.

The Assistant stated that Commissioner Z instructed her to coordinate with the Company "designee" and recalls communicating with Consultant and "someone" from Company. The Assistant stated that it was her understanding that she was responsible to coordinate the scheduling of the presentations with the other Cook County Board Commissioners and communicated the request via emails. Assistant further stated that she structured the meetings to be attended by a maximum of three commissioners per presentation in accordance with the Open Meetings Act. The Assistant also stated that she attended the complete presentation with Commissioner Z but was only present at the beginning of the presentations for the other commissioners. She added that once she observed that there were attendees to the Zoom meeting, she would log off. The Assistant stated that she could not recall which commissioners attended the presentations or the number of commissioners per presentation and further stated that there were some sessions that were not attended by anyone. The Assistant added that the invitation to attend was not compulsory.

Interview of the Chief Procurement Officer

The Chief Procurement Officer (CPO) stated that when the need arises for a County department, that department notifies his office and his office will subsequently generate and publicly post a Request for Proposal ("RFP") or a Request for Qualification ("RFQ"). The CPO further stated that his office employs various types of procurement tools such as Piggybacking, and Non-Competitive bidding (Sole Source, Emergency).

The CPO stated that whenever a potential vender solicits a County entity, his office "wants to be in the meeting." The CPO further added that all communication between a County entity and a vender must run through his office. The CPO also stated that public officials are free to speak with whomever they choose, and he is unsure if the procurement code regulates their communication with or endorsement of any potential vendor. He went on to state that during the procurement process a potential vender is required to submit a Cook County Economic Disclosure Statement disclosing any familial or economic relationships the vendor has with a County public official.

The CPO stated that his office recently submitted four contracts to the Board of Commissioners for debt collection services. In a follow-up email, the CPO stated that his office is not familiar with Company, and that his office has not been in any meeting regarding it and has not been contacted by any public official about it.

Document Request to Office of CPO

Section 34-251 of the County Procurement Code provides:

> For all Procurements, the CPO shall establish procedures to ensure that communications from individuals outside the County regarding a Procurement shall be memorialized and maintained in the procurement file. Communications about a Procurement from or on behalf of an Elected Official or a Using Agency shall also be memorialized and maintained in the Procurement file.

The OIIG contacted the Office of the CPO and requested a copy of the established procedures relative to communications in compliance with Section 34-251 of the Code. In a reply email, the CPO stated that his office does not have such procedures due to staff shortages.

Interview of Chief Financial Officer

The Cook County Chief Financial Officer (CFO) stated that he manages the Bureau of Finance and that the CPO reports directly to him. The CFO stated that he has interacted with Commissioner Z in the past, when Commissioner Z has contacted him regarding outstanding payments owed by the County to vendors or to discuss the potential for new vendors. The CFO stated that he was not contacted by Commissioner Z to discuss the Company at issue in this investigation. The CFO stated that the first time he heard about the Company was in a conversation he had with another commissioner. He added that the other commissioner contacted him to voice his displeasure about the method in which Commissioner Z was introducing Company as a potential vendor. The CFO stated that it is contrary to how the established procurement process works and sets a "bad precedent." The CFO added that vendors should contact the Office of the CPO, go through the procurement vetting process, and if selected as a potential vendor, be presented before the Board of Commissioners to be voted on for approval. The CFO stated that Commissioner Z's actions equated to his office acting as a "lobbyist" or as "Procurement."

The CFO stated that the Bureau of Finance provides new commissioners with a PowerPoint presentation about the procurement process but does not recall if it was provided to Commissioner Z. The CFO stated that Lexis Nexis is the current vendor that provides the public with online payment methods and the County has exercised its option to extend the contract for two more years. The CFO added that the process for procurement of a vendor of the caliber involved in financial services is extensive and requires a minimum of 12 months.

Interview of Commissioner A

Commissioner A stated that she had a slight recollection of attending the Company Zoom presentation. Commissioner A stated she believes that it was a PowerPoint presentation and that she concluded Company would provide citizens with an easier process for payments to the County. Commissioner A further stated that during the presentation she subsequently communicated to the presenters that it was a good process. Commissioner A stated that although she voiced her opinion that it was a good platform, she thought that the presentation being given to commissioners was not the proper channel to solicit business with the County and felt that Company should be contacting the Cook County Board President's Office. Commissioner A stated that she told Company representatives that they should contact the President's Office going forward.

Commissioner A stated that Company representatives did not mention competitors, nor did they discuss specifics on how their platform compares to its competitors' services. Commissioner A added that she believes she contacted the Cook County CFO and informed him that she attended the Company presentation.

Commissioner A stated that she has not received any further communication from Company representatives, and her office has not followed up with Company. Commissioner A stated that Company representatives did not request her support in the procurement process. Commissioner A added that she is in the practice of referring vendors who contact her office directly to the President's Office or she will find out who they can contact in County administration and provide them with contact information.

Interview of Commissioner B

Commissioner B stated that he attended the Company Zoom presentation which he perceived as "informational" and which lasted approximately 30 minutes. Commissioner B added that Commissioner C was also in attendance. Commissioner B could not recall who from Company provided the presentation but does recall the name of Consultant as being associated with Company. Commissioner B stated that presenters provided information on how Company offered the public an online portal to pay County fees and fines.

Commissioner B stated that although Company representatives did not voice it, he did sense during the presentation the "implication that commissioners would be of assistance in a bid."

Commissioner B stated that he does not recall if he asked any questions but did state to the presenters that he was not involved in procurement and therefore would not be of any assistance to them. Commissioner B added that Commissioner C reiterated the same sentiment. Commissioner B further stated that he was not influenced by the presentation and added that it is not the role of commissioners to select one entity over another, rather to vote "yes or no" on a vender presented to the Board by the Procurement Office. He stated that he felt that the presentation was "pointless" and that Company was "barking up the wrong tree."

Commissioner B stated that presenters "may" have mentioned that Company provides a better service than its competitors but could not be positive. Commissioner B stated that he has not had any further communication from Company.

Interview of Commissioner C

Commissioner C stated that he attended the Company Zoom presentation and that his Aides also attended the meeting and kept notes. Commissioner C stated that according to the notes, Company representatives and Consultant provided the presentation, which he recalled being a PowerPoint and possibly included a video. Commissioner C also recalled that the presenters explained that the Company online platform was a revenue collection service which was in essence a "digital wallet" that also afforded County departments the ability to communicate with each other. He added that Company provided the service and in return charged a transaction fee.

Commissioner C stated that he initially received an unsolicited email from Company but did not respond, as is his standard practice, due to the email being unsolicited. Commissioner C stated that he later received an email and possibly a telephone call from Commissioner Z requesting that he attend a presentation. Commissioner C further stated that he felt that it was unusual to receive repeated emails from Commissioner Z's office requesting commissioners to attend the virtual meeting. He also stated that he was surprised that Commissioner Z was not in attendance at the meeting, since his office was repeatedly sending emails soliciting the participation of other commissioners.

Commissioner C stated that it is not uncommon for venders to reach out to commissioners to provide information regarding their goods or services and he feels that it is the commissioners' fiduciary duty to identify the "best and brightest" vendors for County contracts and believes that it is acceptable to listen to presentations. He also stated that he regularly communicates with the Procurement Office and advises the CPO to seek out the best possible vendors.

Commissioner C stated that Company representatives did not request his assistance with the procurement process and believes he may have stated to them during the presentation that he would not be able to assist but could not recall with certainty if he did. Commissioner C further stated that he believes that once the Request for Proposal ("RFP") phase begins that commissioners should not be involved. Commissioner C also stated that a familial relationship or friendship, such as a "college friend," a commissioner has with anyone involved with a vendor seeking to solicit

the County could be perceived as problematic. Commissioner C added that if such a relationship existed with him, he would recuse himself from involvement and furthermore would vote "Present" if a vendor was rendered before the Board for a contract award.

OIIG Findings and Conclusion

The preponderance of the evidence developed in this investigation does not support the conclusion that Commissioner Z's conduct in inviting fellow commissioners to attend the subject Company presentations violated any specific provision of the Procurement Code. The Procurement Code sets forth a list of permitted methods of procurement (e.g., competitive bidding, sole source, requests for proposals, etc.) as well as the procedures for implementing those methods of procurement. A violation of the Procurement Code would occur if a vendor obtained a County contract outside of these permitted methods and procedures. In this case, no improper method of procurement occurred as the subject Company never entered into a contract with the County and was never even formally considered for such a contract by the Procurement Office or the County Board. Commissioner Z did not obtain or request an actual contract for the subject Company, but rather sought to have his fellow commissioners attend a presentation by his lobbyist friend. While this may run contrary to the spirit of the Procurement Code and give rise to the appearance of impropriety (both of which will be discussed below), no violation of a specific Procurement Code provision occurred.

Similarly, the preponderance of the evidence developed in this investigation does not support the conclusion that Commissioner Z's conduct in inviting fellow commissioners to attend the subject Company presentations violated any specific provision of the Ethics Ordinance. Both Section 2-572 (Improper Influence) and Section 2-578 (Conflicts of Interest) prohibit officials from attempting to influence or participating in County government decisions or actions when they or their relatives have an economic interest in the matter. The person benefitting from the meetings arranged by Commissioner Z was the Consultant who was able to fulfill provisions of his consulting contract with Company which specifically listed arranging meetings with County Commissioners as one of the services he was to provide. The Ethics Ordinance previously contained a provision at Section 2-571(b)(1) requiring County officials to "[a]void the appearance of impropriety." If that provision were still in effect, we would likely have found a violation here due to the optics of Commissioner Z arranging these meetings on behalf of a lobbyist friend of his who represented a potential vendor. However, the appearance of impropriety provision was removed by amendment to the County Code on December 16, 2021, and all of the conduct at issue in this case occurred after that date.[11]

The procurement vetting process avails potential vendors and the public with an impartial and transparent means of selecting the best, most efficient, and economically optimal services and goods available. That responsibility has been duly assigned to County administration and not

[11] There is no issue under the Open Meetings Act because no more than two Commissioners attended any given presentation.

elected officials. It is the job of the Procurement Office to vet and filter potential venders and subsequently make recommendations to the Board of Commissioners for legislative consideration. However, when a commissioner facilitates vendor presentations and involves other commissioners outside of the Procurement Office, the integrity of the procurement process as structured by ordinance is compromised.

OIIG Recommendations

Based on the results of this investigation, we recommended that:

1. The Board of Commissioners refrain from organizing or facilitating presentations by potential vendors.

2. The County Commissioner Code of Conduct (Cook County Code, Section 2-73) be amended with a provision requiring Cook County Commissioners to refer requests and inquiries by or on behalf of vendors or potential vendors to the Procurement Office and to have no further involvement with such matters unless they are presented at an official meeting of the Cook County Board or subcommittee thereof.

3. The Office of the Chief Procurement Officer implement an internal procedure in accordance with the Section 34-251 of the Cook County Code to document communications from individuals outside the County and from elected officials.

The President's Office responded to our recommendations. With respect to recommendation 1, the President's office first noted that each member of the Board is a separately elected office holder. While not specifically adopting the first recommendation, the President's Office did state that members of the Board of Commissioners are encouraged to refer any requests and inquiries by or on behalf of vendors or potential vendors to the Procurement Office so such requests may be addressed properly in accordance with the County's Procurement Code and Ethics Ordinance. The President's Office rejected recommendation 2 based on its position that the Cook County Code already sufficiently covers acceptable conduct for Commissioners. The President's Office accepted recommendation 3 and stated that the Chief Procurement Officer is drafting the recommended policies and procedures.

IIG22-0255 – Cook County Health Police Department. This investigation was based on a complaint alleging that a Public Safety Officer assigned to the Cook County Health Police Department ("CCHPD") reports to work while intoxicated and operates a patrol vehicle while on a revoked driver's license (D/L). It was further alleged that the Public Safety Officer was arrested in 2020 for driving under the influence (DUI), which resulted in the revocation of his D/L. The complainant also alleged that the Public Safety Officer is frequently absent from work because he is too intoxicated to report for duty.

This office interviewed the CCHPD Administrative Assistant and the CCHPD Chief of Police. This office also reviewed the subject Public Safety Officer's Illinois Secretary of State Driver's Abstract, court records showing that the Public Safety Officer was arrested and convicted for: 1. Operating under the influence of intoxicant or other drug ("OWI") and 2. Carry Concealed Weapon ("CCW"). This office also reviewed the related arrest report.

The preponderance of evidence developed in this investigation supports the conclusion that the subject Public Safety Officer was convicted of an OWI and CCW which resulted in the revocation of his Illinois D/L. This investigation further revealed that the Public Safety Officer failed to report his arrest and conviction and failed to disclose the revocation of his D/L to the Chief of Police. The subject Public Safety Officer resigned upon learning of this investigation.

This investigation further revealed that the CCHPD does not have a formal mechanism in place for checking the status of officer D/Ls. In this case, the subject Public Safety Officer failed to report his revoked D/L and the arrest and conviction to the CCHPD that ultimately went unnoticed for an extended period.

Based on the foregoing, we recommended the:

(a) Chief of Police appoint a designee with the task of conducting annual D/L verification, as well as FOID audits via the Law Enforcement Agencies Data System (LEADS) to ensure that employees possess current qualifications. This should be in addition to any change in status reporting that is required by Cook County Health HR. Additionally, this office recommends that the CCHPD implement an office policy that requires employees to report change in status of their D/Ls or FOID to the department designee; and

(b) The subject Public Safety Officer's name be placed on HHS *Ineligible for Rehire List* due to his acts and omissions detailed above.

CCH adopted both recommendations. CCHPD will perform an annual audit of all police personnel driver's license and FOID cards. All police personnel will report any change in the status of the driver's license and FOID card immediately to the Chief of Police. The subject Public Safety Officer's name was added to *Ineligible for Rehire List*.

IIG22-0515 – Facilities Management. This investigation was based on a complaint alleging that a Custodial Supervisor in the Department of Facilities Management assigned to County courthouses was having subordinate employees clock him in and out of work. This investigation consisted of interviewing a witness from the courthouse custodial staff, as well as reviewing surveillance video from the courthouse, and reviewing Cook County Time ("CCT") and attendance records.

The preponderance of the evidence developed during this investigation supports the allegation that the subject Custodial Supervisor violated Cook County's personnel rules. The OIIG review of the surveillance video provided from the courthouse and corresponding CCT entries for the Custodial Supervisor represent overwhelming evidence to support the allegation that the Custodial Supervisor was contacting a subordinate employee at the beginning of the subordinate employee's shift and requesting that he clock him in for the day at that location. The subordinate employee stated in his OIIG interview that this had been going on for close to a year. The review of the surveillance video obtained also supports the subordinate employee's testimony in his OIIG interview. The Custodial Supervisor resigned upon being notified of the allegations against him and therefore was not interviewed for this investigation.

Although the subordinate employee was under duress because of a supervisor requesting his cooperation, he had multiple opportunities throughout an entire year to bring his concerns to the Facilities Management administration, the OIIG or his supervisors. He opted to remain silent and complicit in the misconduct and was only forthright after the transgression was discovered. Based on our findings, we made the following recommendations:

1. The Custodial Supervisor should be placed on the Cook County *Ineligible for Hire List*.

2. The subject subordinate employee should be issued significant discipline for his role in facilitating the falsification of County time sheets.

3. The biometrics requirement should be reinstated for all on-site time entries by all County departments and agencies, conditioned upon the support of Cook County Department of Public Health officials. The reinstatement of the biometrics safeguard would greatly diminish the ability of an employee to circumvent the CCT system.

Department of Facilities Management substantially adopted all of the recommendations.

From the 2nd Quarter 2022

IIG20-0250 – Cermak Health Center. This investigation involved an allegation that a full-time Correctional Psychiatrist ("Staff Psychiatrist") at Cermak Health Center has been residing full-time in the State of Maine while being a full-time employee of Cook County Health ("CCH") since 2014. During our investigation, this office reviewed the Staff Psychiatrist's CCH personnel file, activity logs provided by the Staff Psychiatrist's Supervisor, and a CCH Telework Approval letter. This office also interviewed the Staff Psychiatrist, a former Interim Site Administrator for Cermak Health Center, and the Staff Psychiatrist's Supervisor.

Due to the lapse of time, this office declined to make factual findings related to the circumstances surrounding the apparent failure of Cermak Health Services to adhere to the then recently adopted *HHS Employment Plan* (October 23, 2014) concerning the employment arrangement created between Cook County and the Staff Psychiatrist. That is, the nature of the

Staff Psychiatrist's employment changed considerably and no evidence of reclassification (Art. XII), temporary assignment (Art. XII), transfer (Art. XII) or actively recruited hiring (Art. IX) activity exists. These deficiencies appear to continue to exist today.

When the Staff Psychiatrist received her Cermak staff appointment in November 2014 to provide tele-psychiatric duties under the current arrangement, Cermak was experiencing difficulty in recruiting and retaining correctional psychiatrists for the clinical needs of Cermak as well as to meet mandates established in connection with oversight by the Department of Justice. The letter agreement entered into at the time is explicit in the unique nature of the arrangement and was directly tied to an "emergency situation at Cermak." The Staff Psychologist's Supervisor has suggested that the emergency staffing situation is even worse now when considering that the number of patient contacts has significantly increased without a proportional increase in staff. We do not believe, however, that the shortage of staff psychiatrists should prevent compliance with the provisions of the *HHS Employment Plan* and *Supplemental Policies* which outline options to address such circumstances.

We believe that the Staff Psychologist's Supervisor assumed responsibility over the Staff Psychiatrist when a former Interim Site Administrator retired in 2015. The Supervisor has acknowledged that the Staff Psychiatrist became a member of his staff for which he has oversight responsibility. The Supervisor has stated that the Staff Psychiatrist performs the same duties as her peers, yet the evidence has confirmed that this is not the case. In fact, the Staff Psychiatrist does not perform infirmary shifts or any of the other duties required of her peers that can only be accomplished on-site. The Staff Psychiatrist's job description fails to capture this important condition of employment. The evidence also supports the conclusion that the Supervisor inappropriately perceived that the Staff Physician had a disability or other physical condition which prevented him from reconsidering her remote practice from Maine.

Accordingly, the preponderance of the evidence developed in this investigation supports the conclusion that the Staff Psychologist's Supervisor violated Cook County Health Personnel Rule 8.3(d)(2) by failing to properly administer oversight of the Staff Psychiatrist.

Based on the foregoing, we recommend that (a) the current employment arrangements between HHS and the Staff Psychiatrist be concluded in favor of a thoroughly considered and vetted employment arrangement that is arrived at in accordance with the *HHS Employment Plan* and *Supplemental Policies*, as well as other involved statutes and policies. We also recommend that the Staff Psychologist's Supervisor be admonished and instructed to adhere to all applicable HHS policies and procedures.

CCH adopted both recommendations. CCH stated that it anticipates discipline to the Staff Psychologist's Supervisor will be issued by January 15, 2023. CCH further stated that leadership is evaluating the psychiatrist roles at Cermak generally and has a plan to create and post for telehealth psychiatrists by the second quarter of 2023. This plan has not been finalized as of yet;

however, once the new role is created and posted, the subject Staff Psychologist will be required to apply for one of the telehealth roles.

IIG21-0466 – Cook County Health. The OIIG initiated this investigation after receiving a complaint that a Cook County Health (CCH) employee may not be using her Family and Medical Leave Act (FMLA) time for its intended purpose but instead may be using FMLA days to run her outside business that was never reported under the CCH dual employment policy.

The preponderance of the evidence developed during this investigation supports the conclusion that the subject CCH employee violated CCH Personnel Rules 12.3 and 12.05 relating to outside employment when she failed to disclose her outside employment endeavors. When interviewed by the OIIG, the employee stated she did not have an outside business to report. The employee also falsely denied that she had a bank account for her business which was intended to mislead the OIIG Investigators. When presented with details about her consulting business, the employee admitted that she did start a business in 2020 hoping to make more money on the side.

The preponderance of the evidence developed during this investigation also supports the conclusion that the subject CCH employee violated CCH Personnel Rule 6.3(d)(10) - Family and Medical Leave Act Policy. Financial records corroborate the employee being in locations outside of Chicago during her FMLA days. This investigation also revealed other similar suspicious activity, such as the subject CCH employee using FMLA leave to take off two to three days per week in 2021. Other patterns included the employee using FMLA leave every Thursday in May, June, and July of 2020, every Wednesday in March 2021, and almost every Friday in April 2021. When OIIG Investigators inquired into the apparent pattern reoccurring on certain days of the week, the employee stated that "whenever the episodes happen is when they happen." However, we have determined that, based on the totality of the evidence, the subject employee's FMLA usage demonstrates a pattern of abuse rather than coincidence.

Based on our findings, we recommended that disciplinary action be imposed upon the subject CCH employee consistent with the factors set forth in CCH Personnel Rule 8.4(c), including past practice involving similar cases.

CCH adopted our recommendation and issued a 29-day suspension to the subject employee.

IIG22-0036 – Bureau of Administration. This investigation was based on a complaint alleging that an incumbent Cook County Bureau of Administration (BOA) Administrative Assistant V (AAV), a *Shakman* exempt position, does not perform the duties outlined in the job description. The complaint further alleged that the AAV conducts only ministerial functions and produces little to no work product contemplated by the parameters of the job description.

The parameters for the designation of a government job as exempt from the protections afforded by the First and Fourteenth Amendments to engage in political association can be found

in the Cook County *Employment Plan*, 1994 Consent Decree entered in *Shakman v. Cook County Democratic Party*, 69 C 2145 (N. D. Ill) and legal precedent, including the Supreme Court's holding in *Branti v. Finkel*, 445 U.S. 507 (1980). In *Branti*, the Supreme Court held that the ultimate inquiry in determining whether government positions are exempt from First Amendment protections is not whether the label "policymaker" or "confidential" attaches to a position, rather the question is whether the hiring authority can demonstrate that party affiliation is an appropriate requirement for the effective performance of the public duties involved. The 1994 *Shakman* Consent Decree parallels the holding in *Branti* wherein it directed "[t]he criteria for the positions to be Exempt Positions is that the job involves policymaking to an extent or is confidential in such a way that political affiliation is an appropriate consideration for the effective performance of the job and that therefore hiring or discharge from the job should be exempt from inquiry under this Judgment and the Consent Judgments." Section II of the Cook County *Employment Plan* adopts this language in defining which positions may be designated as exempt.

During our investigation, this office reviewed the incumbent AAV's job description and interviewed the incumbent AAV, the AAV's *de facto* Supervisor, and the BOA Chief Administrative Officer ("CAO"). The preponderance of the evidence developed in this investigation supports the conclusion that the AAV does not perform most of the core responsibilities and duties outlined in the Administrative Assistant V position job description. The position description itself contains several of the functions associated with exempt status under *Branti*, namely that the AAV is responsible for assisting the CAO in developing new policies, procedures, and programs. However, based on witness interviews, the AAV does not perform any such duties and appears to function nearly exclusively as a warehouse records clerk.

Despite being asked several times about duties apart from record maintenance, the AAV could not articulate any additional duties that corresponded with the position description, and which would meet the standard for exempt status. This information was confirmed in the interviews with the CAO and the Supervisor. We also note that the Supervisor, who is not exempt, appears to be the AAV's *de facto* supervisor. This circumstance highlights the concerns of this office that the AAV is not functioning in a manner consistent with exempt status under *Branti v. Finkel*.

Based on the foregoing and pursuant to Section XII.C.2. of the *Employment Plan*, we recommended that Cook County remove the Administrative Assistant V title from the Exempt List and that the AAV be reclassified in accordance with the functions being performed.

This recommendation was made on June 27, 2022, and to date we have not received a response.

From the 1st Quarter 2022

IIG19-0527 – Department of Real Estate. The OIIG opened this investigation after receiving information regarding the County's acquisition of the Blue Island Health Center (Blue

Island Clinic) located at 12757 S. Western Avenue in Blue Island. It was asserted that County employees negotiated a lease with a real estate developer (Developer) and that the Developer hired his construction company (Contractor) as a sole-source contractor to do the buildout. It was also noted that County employees negotiated the lease and buildout of the property before the Developer purchased the building in question. It was also asserted that County officials requested the Board to exercise the option to purchase the property only a few months after the Board approved the lease with the Developer and that County officials were not forthright on how they found the property along with other details involving the transaction.

This investigation included the review of meeting minutes related to Cook County Health (CCH), the Cook County Board and the Asset Management Committee (AMC), over 5,000 emails of a high ranking official in the Cook County Real Estate Department (Real Estate Official), over 2,000 documents produced by Cook County's Real Estate Broker and Appraiser, Comptroller documents pertaining to payments made to the Developer, and corporate records and property appraisals. This office also listened to the closed session for the September 25, 2019 AMC meeting in which the County Board discussed the proposed option to purchase and interviewed employees of the County's Broker and Appraiser, a CCH official, and the County Real Estate Official.

The preponderance of the evidence developed by this investigation revealed that CCH employees held negotiations without any Department of Real Estate or brokerage firm representatives and engaged a developer who secured a purchase contract on a building and negotiated a construction schedule and budget. This is supported by the fact that the Developer presented all of these items, along with a proposed lease, within eleven days of the Cook County Real Estate Official and the CCH's initial viewing of the property on June 4, 2018.

The evidence further revealed that the County employees involved in the project always intended to purchase the property as demonstrated by the fact that the County, through the Real Estate Official, insisted on including the option to purchase clause in the lease, budgeting the purchase of the property in the Capital Improvement Plan in the 2019 budget presented before the Real Estate Official submitted the lease for approval, and taking steps to convert the lease into a purchase on March 19, 2019, only four months after the County Board approved the ten-year lease. The Real Estate Official sent an email to a CCH Deputy CEO on August 9, 2018 and three months before she brought the lease to the Board for approval revealing that the Real Estate Official was keenly aware of the financial benefits of purchasing the property before bringing the lease to the Board.[12] Upon being asked by a commissioner in the September 25, 2019 closed session of the AMC meeting why the County did not just purchase the property outright for $685,000 when it was on the market, the Real Estate Official admitted that she would have had to go through the procurement process to retain all of the professionals necessary to build out the property.

[12] On August 10, 2018, the Real Estate Official said in an email to the CCH Deputy CEO: "Definitely more advantageous to purchase than lease. At $15 mm, based on the numbers I believe this is the best option. I've gotten numbers from Capital Planning consultants and for the most part it looks like the building should be coming in around $13 mm. Through the purchase we will save expense from the R[eal] E[state] taxes and additional compensation."

Section 34-122 of the Cook County Procurement Code states that "[a]ll procurements by any Using Agency of Cook County shall be made by the Chief Procurement Officer" and Section 34-135 states that "[a]ll County procurements shall be made pursuant to the appropriate procurement method set forth in the Code." This office has determined that CCH officials, with the full support of the Real Estate Official, structured the real estate transaction purchase as a lease to evade the County's and CCH's procurement processes believing that it would expedite the acquisition and buildout.

In addition to the requirements of the Procurement Code, Section 2-362 (b) of the Real Estate Management Division Ordinance provides:

> Unless the purchase price is $50,000 or less, no real estate shall be purchased by the County unless two written independent fee appraisal reports have been first obtained and presented to the County Board.

In this case, the evidence revealed that the Real Estate Official relied on and presented two appraisals to the County Board, one of which was generated by the County's Broker for the lease and purchase of the building. As the Broker's commission was based on the sale price, it held a financial interest in the transaction. Therefore, the Broker's appraisal was not independent. Although the evidence revealed that the Real Estate Official asked to include an express disclosure in the engagement agreement that the Broker served as the County's Broker, we do not believe that the disclosure cures the conflict of interest and certainly cannot justify a violation of Section 2-362. As such, the purchase of 12757 S. Western violated Section 2-362(b) of the Real Estate Management Division Ordinance.

Also at issue in this case is the County Ethics Ordinance. Cook County Code, Sections 2-571(4) and (5) provide that employees owe a fiduciary duty to the County by conducting business in a financially responsible manner and protecting the County's best interests when contracting outside services. Here, the evidence demonstrated the following:

- That the Real Estate Official presented the lease to the Board knowing that the Developer was going to perform the construction with his own company;

- That the Real Estate Official admitted (to the AMC and this office) that if the County purchased a building outright, she would have had to go through the competitive bid procurement process;

- As demonstrated by her email to the CCH Deputy CEO on August 10, 2018, the Real Estate Official presented the lease to the Board of Commissioners knowing that she intended to take steps to purchase the building following the approval of the lease;

- That the lease entered into by the County as a "credit-worthy tenant" substantially increased the value of the building and the Real Estate Official did this while knowing that she intended to ask the Board to exercise the purchase the property;

- That the Real Estate Official failed to advise the AMC on September 25, 2019 that CCH paid $1,853,992.69 in extra scope of work above and beyond the purchase price;

- That appraisers employed by the County's Broker changed the appraised value from $15.1 million to $15.3 four months after it issued its initial appraisal and only after someone asked the appraisers to increase the appraisal to justify the higher sales price requested by the Developer;

- That the Real Estate Official relied on two appraisals, one of which was obtained through the Developer's appraisal company before the Developer purchased the property and one which was prepared by the County's Broker, as discussed above, who held a financial interest in the transaction.

For these reasons, we believe that the Real Estate Official breached her fiduciary duty to the County to conduct all business on behalf of the County in a financially responsible manner.

Although many CCH individuals also participated in the transaction that took place, we believe that the Real Estate Official bears the ultimate responsibility in the mishandling of this transaction. Section 2-361 (a) of Article V provides the Real Estate Management Division the exclusive authority "to negotiate and make recommendations for the purchase or lease of any and all real estate, or any interest therein, necessary for the uses of the County." As a high ranking official for the Real Estate Management Department, the Real Estate Official had the exclusive authority to present real estate leases and purchases to the Board and, without her efforts, CCH would be unable to follow through in its dealings with the Developer. The Real Estate Official failed to ask questions important to this transaction when it was presented to her including, but not limited to, how the Developer knew that the County and CCH had been looking for real estate, the parameters of what they had been looking for and who the Developer had been talking with to secure such a detailed construction budget and schedule.

The Real Estate Official also failed to fully inform the Asset Management Committee on how the property came to her. The Real Estate Official stated that the brokers handled all of the negotiations when the evidence revealed that the County's Broker was actually directed to look at the Blue Island Property and that the terms of the letter of intent, lease, construction details, and property use had already been negotiated before the Broker was brought into the negotiations.

In addition to the issues with the County Real Estate Official, the evidence revealed that the County's Broker offered no guidance on the important issue of how an executed lease by the County would impact the value of the building upwardly, knowing that the County would likely exercise the purchase option the Broker negotiated into the lease. The evidence further revealed

that the Broker was ineffective in finding a replacement property for Oak Forest Hospital as demonstrated by the duration of the search, which began in May of 2016 and did not conclude until CCH found the Blue Island Clinic in around March of 2018, and by the fact that the Broker did not identify the building at 12757 S. Western Avenue, which had been available during this time.

Based on the foregoing, this office recommended:

1. That the County issue discipline against the subject County Real Estate Official for violating Sections 2-362(b), 2-571(4) and (5), 34-122 and 34-135 of the Cook County Ordinances and Personnel Rules 8.2(b)(13) and 8.2(b)(33).

2. That the County reconsider the Broker for any additional brokerage services due its poor performance in this transaction.

In its response, the Office of the President rejected both recommendations stating that it respectfully disagrees with the findings provided in the Summary Report. However, the Office of the President recommends that Real Estate initiate all communications and negotiations regarding any Real Estate needs that may involve the lease, purchase, or sale of property for Cook County. The Office of the President acknowledged that did not happen in this case as CCH employees made the initial inquiries regarding the subject property which impacted the County's negotiations. Furthermore, the Office of the President recommends that Real Estate contracts appraisal services from companies not also serving as brokers to avoid the appearance of impropriety.

From the 4th Quarter 2021

IIG20-0436 – Cook County Health. This investigation involved an allegation that a Cook County Heath (CCH) employee submitted Transportation Expense Vouchers ("TEV") containing false information for mileage and per diem reimbursement payments. The issue arose after the employee submitted a grievance claiming she failed to receive reimbursement by CCH for travel expenses. At the center of this grievance was whether the employee was entitled to receive compensation for both mileage and a travel per diem payment for the same work day. The information also suggested that the subject employee supported her grievance with reimbursement requests related to days when she was not at work and received improper per diem compensation on days for which she also received mileage reimbursement.

The preponderance of the evidence developed during the course of this investigation revealed that the subject employee did submit TEVs which contained false information. The employee claimed and received per diem for 10 days when she was on vacation, sick leave, Family and Medical Leave Act leave or off for a CCH holiday. In addition, the employee submitted TEVs claiming reimbursement for both per diem and mileage for the same travel on 35 occasions. However, the investigation failed to demonstrate that the employee intentionally submitted false information. Rather, the preponderance of the evidence revealed that the employee was negligent

when she drafted TEVs. Relying primarily on historic calendars contained within emails, the employee drafted TEVs en masse without regard to whether she had been on leave for a holiday, vacation or illness. The employee's negligence resulted in inaccurate TEV forms resulting in improper reimbursement and the mistaken belief that she was entitled to further compensation.

Although the employee had a plausible explanation for the errors contained in the TEVs, she nevertheless had an obligation to ensure that her expenses and related reimbursement requests were accurate and compiled with all applicable policies.[13] The evidence revealed that the employee had in fact already been paid for travel mileage and/or per diem and had been careless in drafting her reimbursement requests. Furthermore, the employee stated she was not aware that she was prohibited from claiming both per diem and mileage for the same day because the CBA is not clear. However, statements provided by CCH employees suggest that she was informed of the restriction. Minimally, management's practice of prohibiting both mileage and a per diem payment for the same date working was soundly in place.

The union contended that the CBA is ambiguous with regard to the reimbursement option of per diem on the basis of $5.00 for each day worked and makes no mention as to whether it can be claimed in lieu of or in addition to mileage. Management asserted the language in the CBA and related policy make clear that an employee has the option of taking either per diem or mileage, but not both. The evidence demonstrates that management's interpretation has become the CCH policy, custom and practice on the issue. We concur with management's position on the issue.

While the issue is not central to our recommendation pertaining to the subject employee, we recommended all staff be made aware of this practice, if it is not already clear, to avoid misunderstanding by staff. In any case, the Cook County Travel and Business Expense Policy is clear regarding the responsibility to ensure the accuracy of expenses and related reimbursement requests. The subject employee failed to appreciate the importance of doing so and submitted requests in violation of the policy. Accordingly, we recommended CCH impose an appropriate level of discipline on the subject employee consistent with other similar cases of negligence in the course of duty. We also recommended that the subject employee repay Cook County for $235.00 in per diem travel reimbursement payments she was not entitled to receive.

In its response, CCH stated that it agreed with the findings but cannot implement the discipline due to the time that lapsed (requirement to act on discipline within 30 days). CCH adopted the second recommendation and is working to recoup the money owed. In addition, current CCH leadership is going to issue a Counseling to the subject nurse about the situation and re-educate her on the policies and procedures to ensure it does not occur in the future. CCH further stated that although the failure to discipline would normally result in the leader responsible

[13] The 2017 Cook County Travel and Business Expense Policy and Procedures states, Excessive costs or unjustifiable costs are not acceptable and will not be reimbursed. The individual requesting reimbursement is responsible for ensuring that his/her expense and related reimbursement request complies with all applicable policies, is properly authorized, and is supported with necessary receipts and documentation.

receiving discipline, the leader responsible at the time has since left CCH. Current leadership is acting on these recommendations now.

IIG21-0334 – Cook County Health. The OIIG initiated this investigation after receiving a complaint that a pharmacist at Cook County Health (CCH) has been misusing Family and Medical Leave Act (FMLA) time and is excessively tardy. During the investigation, this office reviewed the subject pharmacist's Bureau of Human Resources ("BHR") FMLA documents and Cook County Time (CCT) Time and Attendance records. This office also conducted interviews with CCH employees, including the subject pharmacist.

The preponderance of the evidence from this investigation supports the conclusion that the subject pharmacist violated CCH Personnel Rule 8.3(d)(5) – Repeated Tardiness or Excessive Absenteeism when he reported for work late numerous days. A review of the subject pharmacist's Time and Attendance records revealed he has demonstrated a pattern of excessive tardiness. In April 2021, the subject pharmacist was tardy 14 of 16 days worked. In May 2021, he was tardy five times out of the six days he worked. In June, he was tardy 15 times out of 17 days he worked. Had management instituted progressive discipline, in April 2021 alone, the subject pharmacist would have been subject to a ten-day suspension in accordance with the Time and Attendance Policy. With his additional unexcused tardy events within the rolling twelve-month period after receiving a ten-day suspension, the pharmacist would have been subject to discharge from his employment with the CCH.

The preponderance of the evidence developed during the course of this investigation also supports the conclusion that the subject pharmacist violated CCH Personnel Rule 6.3(d)(10) - Family and Medical Leave Act Policy when he did not use FMLA for the purpose of his own serious medical condition, but to alleviate the potential consequences of excessive tardiness. Personnel Rule 6.3(d)(10) states: "Employees may only use FMLA leave for the purposes set forth in the approved requests. Employees must file additional FMLA requests to cover situations that may qualify for FMLA leave but are not covered by the approved request. Employees are entitled to a maximum of twelve weeks or equivalent hours of FMLA leave per year regardless of the number of FMLA requests that are made." It is clear that the subject pharmacist's pattern of tardiness in April 2021, in which he cited "child care" as the reason for his tardiness, continued in the following months. However, once his FMLA request was approved by BHR, he continued to follow the same pattern of tardiness, but began to cite FMLA as a reason for his tardiness. It is not plausible that the subject pharmacist would only experience a flair-up of his condition in the morning, which resulted in him being late for work each day for a few minutes each time. Additionally, the subject pharmacist grossly exceeded the parameters of his approved FMLA. His eligibility allowed for flare-ups 4 times per month, lasting up to 1-2 days. However, the subject pharmacist utilized FMLA hours almost daily in derogation of his eligibility letter.

Based the foregoing, we recommended that disciplinary action be imposed upon the subject pharmacist consistent with the factors set forth in CCH Personnel Rule 8.4(c), including the severity of the circumstances under consideration.[14]

CCH adopted this recommendation and issued discipline in the form of a verbal warning.

From the 3rd Quarter 2021

IIG20-0533-A – Cook County Health. The OIIG opened this investigation based on a complaint alleging a full-time Cook County Health (CCH) House Administrator assigned to the Cook County Juvenile Temporary Detention Center (JTDC) is working full-time for Chicago Public Schools (CPS) in violation of CCH personnel rules regarding dual employment. During the investigation, this office reviewed the subject's CCH personnel file and documents obtained by subpoena from her secondary employer. This office also interviewed the subject CCH employee and her supervisor.

The preponderance of the evidence developed in this investigation supports the conclusion that the subject CCH employee violated Cook County Health and Hospitals System Personnel Rules, Report of Dual Employment – Section 12.3(2), which states in part, "Employees must complete, sign and submit the Report of Dual Employment Form prior to engaging in outside activities." It further states, "The Report of Dual Employment Form must be completed and signed by . . . (2) Any person who after entering County service as an Employee becomes engaged in any outside activities." According to records subpoenaed from CPS, the subject CCH employee began her employment on January 6, 2020; however, she did not provide a dual employment form to CCH until 11 months later, when the annual form was due in December 2020. The subject CCH employee failed to follow CCH personnel rules by not immediately informing CCH that she had outside employment before engaging in the work as required. Despite eventually submitting the dual employment form, it was never fully executed and only approved by her immediate supervisor. The document was never approved by the secondary approver. To date, the dual employment form remains in an unapproved status.

The subject CCH employee also violated Cook County Health and Hospitals System Personnel Rule, Parameters for Dual Employment – Section 12.4(a)(1). It states in part that, "Dual employment for System Employees is permissible only within the following considerations: (1) The outside activities do not exceed twenty (20) hours per week." According to the dual employment form submitted by the subject employee to CCH, she is a full-time employee at CPS and works 35 hours per week Monday through Friday. Her CPS payroll records confirmed that she has worked an average of 72 hours per pay period since she began her dual employment on January 6, 2020.

[14] Recommendations relating to management's handling of the above-referenced time and attendance issues will be addressed in a separate summary report.

The underlying reasoning supporting the policies cited here appropriately seek to strike a balance between the interests of an employee to have secondary employment with the important interest of CCH to prevent conflicts of interest and ensure that secondary employment does not interfere with CCH employment. Here, the subject employee has worked two full-time positions during the Monday to Friday cycle since January 2020 by working 10:00 p.m. to 6:00 a.m. at the JTDC and a full-time day shift at CPS. In this regard, we view these circumstances as far more concerning than a typical failure to report dual employment matter, especially when considering that the subject employee works in a healthcare environment. This is an aggravating factor that we believe no reasonable person would fail to recognize. *See* Cook County Health and Hospitals System Personnel Rules, Section 8.4(c)(2 and 3).

Based on the nature of the violations, we recommended the imposition of disciplinary action regarding the subject CCH employee based on the factors set forth in Cook County Health and Hospitals System Personnel Rules, Section 8.4(c)(1-5).

CCH agreed with this recommendation, but the subject employee left CCH employment before discipline could be administered.

IIG20-0533-B – Cook County Health. This matter involves the supervisor of the CCH employee who was the subject of IIG20-0533-A, discussed above, and was part of that same investigation.

The preponderance of evidence developed in this investigation, as it relates to the CCH supervisor, supports the conclusion that she violated Cook County Health and Hospitals System Personnel Rule 8.3(b)(8), Negligence in Performance of Duties. The CCH supervisor failed to properly review and evaluate the secondary employment form submitted by the House Administrator. The subject supervisor stated in her OIIG interview that she was thoroughly versed in the personnel rules regarding secondary employment and would have known not to approve the House Administrators' secondary employment at CPS. In her OIIG interview, she provided no plausible explanation for the failure to recognize the House Administrator's violation of the rule on the face of the form. The CCH supervisor further explained that she was not aware that the House Administrator worked at CPS, the type of work she performed there or that she worked there full-time. These are all facts that a supervisor must consider before authorizing secondary employment.

Based on the foregoing, we recommended the imposition of disciplinary action for the failure of the CCH supervisor to adequately scrutinize the House Administrator's secondary employment form based on the factors set forth in the Cook County Health and Hospitals System Personnel Rule 8.4(c)(1-5), including the consideration of the level of discipline applied in other similar cases. We also recommended that the secondary employment forms approved by the subject supervisor since December 2020 be reviewed for compliance with CCH personnel rules regulating secondary employment.

In its response, CCH stated that leadership over the subject CCH Supervisor has been out on leave, but CCH is working with an interim leader to issue discipline and conduct assessment of Dual Employment approvals by the subject CCH Supervisor with an anticipated completion date of January 11, 2023.

From the 2nd Quarter 2021

IIG20-0439 – Contract Compliance. The OIIG received information that a uniform manufacturing company, failed to utilize a Minority-Owned Business Enterprise Subcontractor (hereinafter "MBE A.") as set forth in Cook County contracts with the company. This office reviewed the company's contracts with Cook County, the Minority-Owned and Women-Owned Business Utilization Plans, payment information, and Contract Compliance documents to evaluate whether company officials failed to comply with its Utilization Plans. Company officials did not respond to this office's requests for interviews.

The preponderance of evidence demonstrated the following:

- The subject company committed to use MBE A in the amount of $121,646.16 and a Women-Owned Business Enterprise (WBE) in the amount of $34,756.00 in a contract for the Juvenile Temporary Detention Center (JTDC). However, the subject company paid the WBE only $16,890.74 and did not utilize MBE A whatsoever.

- The subject company committed to use MBE B in the amount of $152,139 and to use a WBE in the amount of $60,855.95 in a contract for the Sheriff. However, the subject company paid MBE B only $1,595.00 and did not use a WBE whatsoever.

- The subject company committed to use MBE C for 12.5% ($6,139.97) of a contract for the Medical Examiner's Office. The Board of Commissioners approved the contract on January 24, 2019 for the period from February 1, 2019 through January 31, 2022. As of the date of this report, the subject company had not yet utilized MBE C.

Upon previously being asked by the Cook County Compliance Officer why the subject company did not satisfy its goals in the contract for the JTDC, a manager for the subject company said that MBE A was "unable to meet the needs of the order." This assertion lacks credibility when considering the subject company has demonstrated a pattern of presenting Utilization Plans that match the MBE/WBE goals set for the contracts and then only minimally utilizing (or not utilizing) the MBE and WBE companies. We know that the subject company was aware of its obligations to submit written requests for changes to the Utilization Plans because it submitted such a request to replace MBE A with MBE B in the contract with the Sheriff. The subject company, however, never made any attempts to award any work to any of the MBE or WBE companies in another capacity outside of the Cook County contracts (as contemplated through the indirect use exception) or request modifications to the Utilization Plans to the Contract

Compliance Directors. As a result, the evidence supports the conclusion that the subject company failed to comply with its Utilization Plans in good faith.

In addition, Section 2-285(a) of the OIIG Ordinance requires all County contractors to cooperate with the OIIG in the conduct of its investigations. This admonition is provided in all of the above-mentioned County contracts. Section 2-285 (b) further requires contractors to comply with OIIG requests in a timely fashion. This office requested the subject company to participate in an interview. An investigator subsequently forwarded the OIIG interview form and asked for the company manager's availability. The manager failed to respond to this email request and the follow-up attempts to contact her by OIIG Investigators all in violation of Sections 2-285(a) and 2-285(b).

Based on the foregoing, we recommended:

1. In accordance with Section 34-176 of the Cook County Code, the CPO should declare the subject company to be in material breach of the contracts above and that the CPO disqualify it from participation in any Cook County contracts and seek all available contractual remedies and penalties pursuant to the Procurement Code;

2. In accordance with Section 34-175 of the Cook County Code, the County should consider terminating the contract with the subject company and disqualifying it for a certain period due to the provision of false information in Utilization Plans concerning the existence of contractual participation with MBE and WBE subcontractors; and

3. In accordance with Section 2-291(b)(3) of the OIIG Ordinance, the subject company's existing contracts should be terminated and the company should be rendered ineligible for future contracts for a period of two years.

In its response, the Office of Contract Compliance stated that it agrees with the OIIG findings and recommendations and adopts all of the OIIG recommendations except that it no longer has the option of canceling the contract as it is now closed.

From the 1st Quarter 2021

IIG20-0149 – Cook County Health. This investigation was initiated based on a complaint alleging a Clinical Nurse at Cook County Health (CCH) failed to disclose secondary employment. The complaint also alleged that the subject nurse filed a false grievance statement claiming that when CCH hired her, she was denied health insurance benefits in violation of her Collective Bargaining Agreement. This investigation consisted of an interview of the nurse, a review of her CCH personnel file, documents provided by the Cook County Department of Risk Management, and documents produced pursuant to subpoena by the nurse's secondary employer.

The preponderance of the evidence developed in this investigation supports the conclusion that the subject nurse failed to disclose her secondary employment, a violation of CCH Personnel Rule 12.3(1) which states:

> The System Report of Dual Employment Form must be completed and signed by CCHHS Employees annually, whether or not the Employee engages in outside activities, and must be submitted by the Employee to his/her direct supervisor for placement in the Employee's personnel file. Employees must complete, sign and submit the Report of Dual Employment Form prior to engaging in outside activities.
>
> The Report of Dual Employment Form must be completed and signed by the following:
>
> 1. Persons initially entering County service and assigned to work in the System.

As outlined above, the nurse was hired in June 2019 yet failed to disclose her secondary employment until December 2019. As acknowledged by the nurse in her OIIG interview, this represents a violation of CCH policy. Additionally, as demonstrated by the payroll records produced by her secondary employer, the nurse worked full-time (in excess of 20 hours per week) there for approximately five weeks while she worked at CCH. In this regard, the nurse also violated CCH Personnel Rule 12.4(a)(1) which limits secondary employment. Finally, the nurse violated CCH Personnel Rule 12.04(a)(2) by not having her secondary employment approved by her department head. This violation of CCH personnel rules stems from the nurse not initially submitting her dual employment form to make her department head aware that she had secondary employment.

Based on the preponderance of the evidence developed in this investigation, we believe the evidence fails to support the allegation that the nurse intentionally filed a false grievance alleging that she was denied health benefits as outlined in the applicable CBA. Although evidence supports the fact that a 3rd step grievance was filed, by the time the grievance was escalated to the 3rd step, the nurse had already obtained health benefits based upon a qualifying life event. The nurse provided documentation to the Cook County Department of Risk Management that she had lost benefits from her secondary employer, who provided her with a COBRA letter. Therefore, it ultimately allowed the subject nurse to obtain the benefits her grievance was premised upon. In other words, there was simply an error in the timing of when the 3rd step grievance was ultimately filed.

As presented above, the circumstances that prevented the subject nurse from enrolling in County health benefits were based upon her inactions and negligence upon entry to service at CCH. During her OIIG interview, the nurse admitted that she was careless in her responsibilities as a new CCH employee. According to the nurse, she was "too busy" and was unsure that she would keep the position at CCH due to various issues in her personal life at the time. Moreover, the nurse

acknowledged that she was aware that there were deadlines for enrollment but failed to appreciate their importance. The nurse's general nonfeasance, coupled with the knowledge that she and her family were covered under existing benefits provided by her secondary employer resulted in her not enrolling and receiving benefits.

Based on all of the foregoing, we recommended that disciplinary action be imposed on the subject nurse consistent with the factors set forth in CCH Personnel Rule 8.3(a), including past practices involving similar cases.

In its response, CCH stated that it agreed with the OIIG recommendation for corrective action but that it could not implement discipline due to the time that lapsed (for nursing, discipline must be issued within 30 days and leadership was on leave at that time). However, CCH stated that the subject nurse was counseled regarding Dual Employment requirements.

Activities Relating to Unlawful Political Discrimination

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, 2022 to December 31, 2022, the Office of the Independent Inspector General received five Political Contact Logs.

Post-SRO Complaint Investigations

The OIIG received no new Post-SRO Complaints during the last quarter. There is one Post-SRO Complaint currently pending.

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

The OIIG received no new UPD inquiries during the last reporting period. The OIIG also continues to assist and work closely with the embedded compliance personnel in the BHR, FPD, CCH, and Assessor by conducting joint investigations where appropriate and supporting the embedded compliance personnel whenever compliance officers need assistance to fulfill their duties under their respective employment plans.

Employment Plan – Do Not Hire Lists

The OIIG continues to collaborate with the various County entities and their Employment Plan Compliance Officers to ensure the lists are being applied in a manner consistent with the respective Employment Plans.

OIIG Employment Plan Oversight

Per the OIIG Ordinance and the Employment Plans of Cook County, CCH, and the Forest Preserve District, the OIIG reviews, *inter alia*, (1) the hiring of *Shakman* Exempt and Direct Appointment employees, (2) proposed changes to Exempt Lists, Actively Recruited lists, Employment Plans and Direct Appointment lists, (3) disciplinary sequences, (4) employment postings and related interview/selection sequences and (5) Supplemental Policy activities. In the last quarter, the OIIG has reviewed and acted within its authority regarding:

1. Seven proposed changes to the Cook County Actively Recruited List;
2. One proposed change to the CCH Direct Appointment List;
3. The hire of seventeen CCH Direct Appointments;
4. Nine proposed changes to the Cook County Exempt List;
5. Eleven proposed changes to the Cook County Employment Plan.

Monitoring

The OIIG currently tracks disciplinary activities in the Forest Preserve District and Offices under the President. In this last quarter, the OIIG tracked twenty-six disciplinary proceedings including EAB and third step hearings. Further, pursuant to an agreement with the Bureau of Human Resources, the OIIG tracks hiring activity in the Offices under the President, conducting selective monitoring of certain hiring sequences therein. The OIIG also is tracking and selectively monitoring CCH hiring activity pursuant to the CCH Employment Plan.

Conclusion

Thank you for your time and consideration 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,

Steven E. Cyranoski
Interim Inspector General

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