



**OFFICE OF THE INSPECTOR GENERAL**  
*Illinois State Toll Highway Authority*

**NOTICE OF POSTING**  
**OIG Case # IG-2015-001**  
**Respondent: Samuel Esposito**

Pursuant to 605 ILCS 10/8.5 (e)(3), the attached redacted summary report is being posted to the Illinois Toll Highway Authority's public website. As required by law, the Office of the Inspector General for the Illinois Toll Highway Authority sent a copy of this report to the Respondent and gave him fifteen days, until October 4, 2016, to provide suggested redactions or a written response, but nothing has been received.

OIG issued a summary report on April 7, 2015 recommending discipline for Respondent who failed to report damage to a Tollway vehicle and improperly used the Tollway vehicle for personal errands. The Tollway discharged Respondent, who grieved the action. Following testimony and briefing by the parties, the arbitrator issued a decision upholding the discharge on July 30, 2016. The arbitrator found that the Tollway had just cause to discharge Respondent because his failure to report the accident damage amounted to a failure to submit to post-accident drug and/or alcohol testing. Because Tollway policy equates failure to submit to drug or alcohol testing with a positive result, discharge is appropriate, especially where the Respondent was subject to a return to work agreement following a prior positive drug test and he knew that any subsequent positive test would result in discharge.



## Office of Inspector General Investigative Summary Report

To: Paula Wolff, Board Chair  
Kristi Lafleur, Executive Director  
Michael Stone, Chief of Staff  
David Goldberg, General Counsel

From: James W. Wagner, Inspector General

Subjects: Sam Esposito, Antenna Specialist

Date: April 07, 2015

Reference: Case Number IG-2015-001

**ALLEGATION: Failure to immediately report damage to a Tollway vehicle;  
Unauthorized use of a Tollway vehicle.**

On January 22, 2015 the Office of the Inspector General (OIG) initiated an investigation into allegations of wrongdoing by Sam Esposito (Esposito), Antenna Specialist, for the Illinois State Toll Highway Authority (Tollway).

**ATTACHMENTS:**

[REDACTED]

**WITNESSES:**

[REDACTED] Fleet Manager  
[REDACTED] IT Business Development Coordinator  
[REDACTED] Deputy Chief of IT Infrastructure & Development  
[REDACTED] Body Shop Manager

## INVESTIGATION:

### **Investigation and Investigative Interviews – January 15, 2015 through March 17, 2015**

On or about January 22, 2015, the Office of the Inspector General was advised by [REDACTED] Deputy Chief of IT Infrastructure & Development, that a Tollway vehicle identified as R-18, nearly exclusively operated by Sam Esposito since January of 2014, had sustained body damage in at least two locations. The damage was not reported to Tollway management and was discovered when R-18 was brought in for periodic maintenance on or about 01/20/2015.

One area of damage was the door located behind the passenger side rear wheel and the other area was the left rear bumper. [REDACTED] Body Shop Manager, prepared an estimate to repair those two areas. The estimate for repairs came to \$2,198.06. He also provided color copies of the damaged areas.

### **February 25, 2015, Interview of Sam Esposito (See Verbatim Transcript-Attachment 1.);**

On February 25, 2015 Investigator John W. Diwik and Senior Investigator Daniel Haxton interviewed Esposito in the Offices of the Inspector General. At the time of the interview, Esposito was off on medical leave. He had reported a shoulder injury on 12/18/2014. Esposito was accompanied by his union steward, [REDACTED], who was present during the entire interview. Esposito denied any knowledge of the damage on the passenger side rear door. Esposito was shown two color photos of the damaged area which are marked on the back as #1 and #2. (See Attachments 1-A and 1-B.)

Esposito was questioned about the damage to the left rear bumper of the truck. Esposito advised that he had backed his truck into a dumpster. He knew he hit the dumpster but never inspected the dumpster or the truck for damage. He believes that he caused the damage in August of 2014. He acknowledged that he had damaged the truck and never reported it to Tollway management. Esposito was shown two color photos of the damaged area which are marked on the back as #3 and #4. (See Attachments 1-C and 1-D.)

Esposito was aware of the policy to conduct “pre-trip checks” to identify damage to Tollway vehicles and stated that he usually did a walk-around inspection in the morning before driving vehicle R-18.

Esposito was questioned about any occasions when he had driven his Tollway vehicle (R-18) to his residence. Diwik advised Esposito that he was aware of 3 occasions when R-18 had been to Esposito’s residence. Esposito confirmed that he had gone to his residence on 3 occasions in 2014 and 2015. He went there two times to retrieve his Tollway issued cellular telephone and one time to get his lunch. He never contacted his supervisor to ask permission and never notified the Tollway that he was going to his residence in the Tollway vehicle.

**March 25, 2015, Interview of Sam Esposito** *(See Verbatim Transcript-Attachment 2.);*

On March 25, 2015 Investigator John W. Diwik and Senior Investigator Daniel Haxton interviewed Esposito at Plaza 61 in Aurora, IL. Esposito was accompanied by his union steward, [REDACTED], who was present during the entire interview. At the time of the interview, Esposito was still off on a medical leave, having reported a shoulder injury on 12/18/2014. Based on a more recent and thorough review of the usage of R-18, Esposito was questioned about 18 occurrences in which he had driven his Tollway vehicle, R-18 to his residence during business hours from 01/01/2014 to 02/04/2015. He was shown an Excel spreadsheet which documents the visits to his residence. *(See Attachment 3.)* Previously Esposito admitted to going to his residence on three occasions with his Tollway vehicle during work hours to retrieve his cell phone and lunch.

As it relates to the remaining 15 occurrences, he explained that 3 or 4 occurrences were the result of [REDACTED]

[REDACTED] Esposito never made the Tollway aware of this medical condition.

Esposito acknowledged that he had gone home for several reasons including the following: to retrieve his Tollway issued cell phone, to retrieve his lunch, to change his clothes, to retrieve medications and to meet a repairman who was to service his water softener. Esposito acknowledged that he knows he wasn't supposed to drive R-18 to his residence while he was working.

**CONCLUSION:**

The investigation conducted by Investigators of the OIG has determined there is reasonable cause to believe that Sam Esposito failed to report damage to the body of his Tollway vehicle, R-18, even though he knew he had damaged the vehicle. The cost to repair the unreported body damage was \$2,198.06. It should be noted that a broken window on the right side rear door was reported as being broken by Esposito at the time it was damaged in July of 2014. The cost for that repair was subtracted from the Vehicle/Equipment Damage Estimate dated 01/22/2015, which resulted in a balance of \$2,198.06. A copy of that estimate is attached. *(See Attachment 4.)*

Esposito readily acknowledged driving his Tollway vehicle to his residence on three occasions without first obtaining authorization when first interviewed. The OIG, utilizing the Tollway AVL, Global Positioning System (GPS) later tracked and confirmed that Esposito went to his residence no less than eighteen times between 01/01/2014 and 02/04/2015.

The distance from Tollway Plaza #61, 240 Mettel Road, Aurora, IL 60505 where Esposito parks Tollway vehicle R-18, and Esposito's residence, [REDACTED] is approximately 18 miles one way. The round trip distance is approximately 36 miles. Eighteen round trips would total to 648 miles.

In mitigation, Esposito only remained at his residence for a short time on each of the occasions before apparently resuming his duties. Esposito was unable to explain the reason for most of the other visits to his residence.

At the time of the first interview on February 25, 2015 Esposito was asked if he wished to write an apology to the Tollway for his actions. He stated that he did wish to write an apology and a copy of that written statement is attached. (*See Attachment 5.*)

## **FINDINGS:**

### **Employees: Sam Esposito**

#### **Allegation Number 1:**

It is alleged that Sam Esposito failed to immediately report damage to a Tollway vehicle as outlined in the Tollway Vehicle Policy Manual.

#### **Violation of Illinois Tollway Vehicle Manual, Vehicle Operation, Drivers Responsibilities.**

##### *Section N. REPORTING OF DAMAGE TO VEHICLES*

*Immediately report damage to a Tollway vehicle to the Driver's Supervisor and complete all accident/damage reporting requirements outlined herein.*

#### **Finding: Sustained**

Finding sustained in that the OIG has reasonable cause to believe Sam Esposito conducted himself with disregard for Tollway Policy and Procedures in that he failed to immediately report damage to his assigned Tollway vehicle, R-18, as outlined in the Tollway Vehicle Policy Manual.

#### **Allegation Number 2:**

It is alleged that Sam Esposito participated in the unauthorized use of a Tollway vehicle as outlined in the Tollway Vehicle Policy Manual.

#### **Violation of Illinois Tollway Vehicle Manual, Vehicle Operation, Vehicle Use.**

*Section A. UNAUTHORIZED USE OF A TOLLWAY VEHICLE*

*Unauthorized use of a Tollway vehicle may result in immediate disciplinary action up to and including termination. Unauthorized use may also result in suspension of all privileges to operate a Tollway vehicle and may result in an employee paying for damages to a vehicle or vehicle operating costs. A) Use of a Tollway vehicle for personal reasons other than those approved in this policy.*

**Finding: Sustained**

Finding sustained in that the OIG has reasonable cause to believe Sam Esposito conducted himself with disregard for the Tollway Vehicle Policies in that he utilized a Tollway vehicle for personal reasons on at least eighteen occasions when he drove to his residence during the work day.

**RECOMMENDATIONS:**

**Sam Esposito**

It is the recommendation of the Office of the Inspector General that sufficient reasonable cause has been shown to support discipline, up to and including dismissal of employee Sam Esposito for violations of Illinois Tollway Vehicle Policies.