



OFFICE OF THE INSPECTOR GENERAL
Illinois State Toll Highway Authority

NOTICE OF POSTING
OIG Case # IG-2017-005
Respondent: Latoy C. Barnes

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 her fifteen days, until January 31, 2018, to provide suggested redactions or a written response. Respondent provided no response.

OIG issued a summary report on August 21, 2017 that described its investigation, which provided reasonable cause to find that Respondent stole \$1,200 in Tollway revenue. Respondent admitted to OIG investigators that she took the money without authorization; she then resigned and subsequently submitted a check to the Tollway for \$1,200. Respondent resigned after her interview; had she not resigned, the OIG would have recommended her discharge. OIG also recommended that the Tollway consider including credit history checks, in accordance with Illinois and federal law, as part of an individualized assessment of candidates selected for Toll Collector vacancies.

The Tollway responded that because of the high volume of Toll Collectors hired each year, it would be an "immense administrative challenge" to implement such a review because there is "[no] model to determine whether debt is a necessary predictor of theft" so any review would be subjective. The Tollway did agree to raise the issue with the workforce and hiring process consultant to identify options for identifying candidates at risk for dishonesty.

The OIG referred the matter to the DuPage County State's Attorney's Office, and Respondent was indicted on two counts of felony Official Misconduct and one count of felony Theft. That case is pending.



**OFFICE OF THE INSPECTOR GENERAL
SUMMARY REPORT OF INVESTIGATION
OIG Case # IG-2017-005
August 21, 2017**

This report provides a summary of evidence set out in the attached investigative materials, and the Office of the Inspector General's (OIG's) analysis of that evidence. An index of these investigative materials is attached.

I. INTRODUCTION

On June 14, 2017, the OIG received information from Toll Audit about a \$1,208.30 cash shortage in the deposit made by Toll Collector Latoy C. Barnes at the end of her shift on May 28, 2017 at Plaza 52. Toll Audit also reported some suspicious activity reflected in the booth video and provided OIG with relevant video clips. OIG's investigation determined that there is reasonable cause to find that Barnes stole \$1,200 in Tollway revenue, and Barnes admitted that she took the money without authorization. Barnes resigned and subsequently submitted a check to the Tollway for \$1,200. Had Barnes not resigned, the OIG would have recommended her discharge. OIG has referred the matter to the DuPage County State's Attorney's Office for prosecution.

II. APPLICABLE RULES, REGULATIONS, LAW

A. The Illinois State Toll Highway Authority Employee Policies and Procedures Manual, Chapter 1: General Policies and Responsibilities, Section A: "Fundamental Principles", provides in relevant part:

The Tollway requires public trust and confidence in its employees. Integrity is essential. Employees must act according to the highest ethical principles and standards, in accordance with the Tollway's Code of Ethics, the State of Illinois Code of Personal Conduct, and all applicable local, state and federal laws imposing standards of ethical behavior. Employees should avoid all situations that could give the appearance of conflict of interest or impropriety. Violations will be grounds for discipline up to and including discharge.

B. The Illinois State Toll Highway Authority Employee Policies and Procedures Manual, Chapter 7: Employee Conduct and Discipline, Section A: Employee Conduct, provides in relevant part:

The Tollway expects employees to follow rules of conduct that will protect the interests and safety of both the employees and the organization. The rules of conduct include, but are not limited to, the following:

- Failure to follow Tollway or Departmental policies or procedures, including safety rules
- Neglect of duties

C. The Illinois State Toll Highway Authority Employee Policies and Procedures Manual, Chapter 7: Employee Conduct and Discipline, Section L: Theft and Misappropriation, provides in relevant part:

Any employee who commits theft or misappropriation of Tollway property, participates in the theft or misappropriation of property belonging to others while on duty or present on Tollway premises, or has knowledge of such a theft or misappropriation and fails to promptly report it, may be subject to discipline up to an including discharge.

In making the determination to discipline a Tollway employee for theft or misappropriation, the following factors shall be considered:

- Whether the employee is in a position of trust and his/her integrity may reasonably be questioned.
- Whether the employee has responsibility for public funds and his/her honesty may reasonably be called in to question.
- Whether the employee has brought discredit upon the Tollway and his/her continued employment would erode the public's confidence in the Tollway.
- Whether the employee has had unexplained cash shortages as evidenced by audit reports.

D. Illinois Criminal Code, Theft (720 ILCS 5/16-1), provides in relevant part:

(a) A person commits theft when he or she knowingly:

(1) Obtains or exerts unauthorized control over property of the owner.

(b) Sentence

(4.1) Theft of property from the person not exceeding \$500 in value, or theft of property exceeding \$500 in value and not exceeding \$10,000 in value, is a Class 2 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

E. Illinois Criminal Code, Official Misconduct (720 ILCS 5/33-3), provides in relevant part:

(a) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he or she commits any of the following acts:

(2) Knowingly performs an act which he knows he is forbidden by law to perform.

(b) A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his or her office or employment or position as a special government agent. In addition, he or she commits a Class 3 felony.

III. BACKGROUND

A. Subject

Latoy C. Barnes served as a Seasonal Toll Collector from May to December, 2013. In January, 2014, Barnes was hired as a permanent part time Toll Collector. Since that time she has primarily been assigned to Plaza 52, located at 370 Meyers Road, Oak Brook, Illinois 60523. Her personnel file reflects several disciplinary actions ranging from oral counseling/re-training to a three-day suspension. In addition, documentation also shows that Barnes has occasionally served as Collector in Charge (CIC) with various supervisory responsibilities. Barnes resigned her position on June 20, 2017 following her OIG interview.

IV. SUMMARY OF INVESTIGATION

A. Documents

1. Toll Services Notification Report Toll Collector Activity for Latoy Barnes, dated June 15, 2017, reflects a cash variance¹ of minus \$1,208.30 on her May 28, 2017 deposit.
2. Unusual Occurrence Report (UOR), dated May 28, 2017, reflecting 6 unpaid tolls, nothing was noted that would explain the cash shortage.
3. Collector's Deposit (TC-14), dated May 28, 2017, for Latoy Barnes, reflecting the deposit of 545 One-dollar bills and 18 Five-dollar bills, along with various coinage. The deposit slip does not include any Twenty-dollar bills.

B. Video Footage

Video recordings from May 28, 2017 of Latoy Barnes working in her tollbooth show Barnes separating out, and appearing to count, a stack of Twenty-dollar bills, wrapping them in paper and placing them in a deposit bag. Subsequently, Barnes picked up the deposit bag containing the wrapped Twenty-dollar bills, turned her back to the camera and appears to be bent over the bag. No Twenty-dollar bills were turned in or counted by the Tollway's money room from Barnes' toll collection activity on that date.

C. Interviews

1. Latoy Barnes

On June 20, 2017, OIG Investigators interviewed Latoy Barnes (Barnes), part time Toll Collector providing her voluntary advisements for union employees, orally and in writing, which she acknowledged understanding. Barnes was asked, orally and in writing, for consent to audio record the interview. Barnes consented to have the interview audio recorded.

¹ A cash variance occurs when the Toll Collector's deposit does not match the revenue anticipated based on the independent electronic data; the variance could be a shortage or an overage.

In summary, Barnes provided the following information:

Barnes said that her schedule changes regularly depending on Tollway needs. Her collector duties entail assisting customers and collecting tolls, although she has occasionally been assigned to be Collector in Charge, which entails some supervisory responsibilities. She received training when she began as a temporary collector and received re-training while she was a part time collector. Barnes is familiar with the operational workings of a collector. She acknowledged that she has received discipline for leaving money in her drawer, leaving the safe unlocked and, most recently, for failing to drop/deposit her money in the safe.

Barnes described her personal finances as “horrible,” and explained that she had recently gone through a divorce and was taking care of two of her three children on her own. She said she did not have any other source of income and claimed to be able to pay her bills; although she did admit that she currently has a wage garnishment for rent resulting from an eviction. Barnes admitted that she has borrowed money from her co-workers in the past, and said she used the money to pay bills, get gas or get something to eat. She also borrowed money to help her son with a legal issue. Barnes acknowledged that she filed bankruptcy in 1997, 2003 and 2014 because of her financial difficulties.

Barnes said she knew that the toll plazas were equipped with video surveillance cameras. She recalled working on May 28, 2017, which was a holiday weekend. Initially, Barnes denied any knowledge of a \$1200 cash shortage from that day. However, after OIG investigators described her actions as captured on video, and informed her that no Twenty-dollar bills ended up being deposited, she admitted to taking the \$1200. Barnes said she used the money to pay her rent at a hotel where she was living with her sons. Barnes said she intended to pay the money back with her paycheck and was willing to pay the money back if given an opportunity.

Following her OIG interview, Barnes provided a written statement, and indicated that she wanted to resign so she was escorted to the office of [REDACTED], Chief of Operations.

V. INVESTIGATIVE ANALYSIS AND RECOMMENDATIONS

OIG’s investigation established that Barnes committed theft of \$1,200 of Tollway revenue on May 28, 2017, and Barnes admitted to OIG investigators that she did so. Barnes subsequently resigned and submitted a check for \$1,200 as restitution. Had she not resigned, the OIG would have recommended discharge. OIG has referred this matter to the DuPage County State’s Attorney’s Office for prosecution.

In the course of the investigation, OIG learned that Barnes had filed for bankruptcy three times, most recently in 2014, and she admitted having many financial troubles, which ultimately lead to her stealing Tollway revenues. Since Toll Collectors have custody and unsupervised access to Tollway revenue in the form of cash and personal checks, often in large amounts, the OIG recommends that during the hiring process the Tollway consider reviewing credit history, in accordance with Illinois and federal law, as part of an individualized assessment of selected candidates’ suitability for these positions.