



OFFICE OF THE INSPECTOR GENERAL
Illinois State Toll Highway Authority

NOTICE OF POSTING
OIG Case # IG-2017-004
Respondent: Billy J. Parker

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 18, 2017, to provide suggested redactions or a written response. Respondent provided no response.

OIG issued a summary report on May 19, 2017 recommending discipline for Respondent for three Tollway policy violations: failing to maintain a valid driver's license on two occasions, and operating a Tollway vehicle while his license was suspended. In addition to recommending discipline for Respondent, the OIG made recommendations for improvements to the Tollway's driver's license verification process. In its responses, the Tollway and the employing department, Procurement, agreed with the OIG's findings and outlined the corrective steps taken or expected to be taken.

Procurement noted that Respondent had been placed on suspension once it discovered Respondent's license had been suspended for failure to provide proof of insurance. That suspension lasted 10 days, and he was allowed to return to work after he provided documentation that his license was valid. Respondent was subsequently suspended once Procurement learned that his license had been suspended as a result of his arrest in Indiana. The second suspension lasted 20 days. Respondent was allowed to return to work after he provided proof that his license suspension had been rescinded as part of a plea deal in his Indiana case.

In light of this prior corrective action, Procurement imposed, and Respondent did not grieve, a time-served suspension of 30 days which it categorized as 3 days for not notifying the Tollway that his license had been suspended for failure to provide proof of insurance, 10 days for operating a Tollway vehicle while his license was suspended, and 17 days for failing to notify the Tollway that his license had been suspended as a result of his Indiana arrest. As part of its agreement, Procurement also required Respondent to report to a licensed drug and alcohol counselor and satisfy any recommended treatment and testing.

Procurement formalized this discipline and corrective action in a written memorandum executed by Respondent and the Tollway on October 30, 2017.



**OFFICE OF THE INSPECTOR GENERAL
SUMMARY REPORT OF INVESTIGATION
OIG Case # IG-2017-004
May 19, 2017**

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

I. INTRODUCTION

On March 9, 2017 the Chief [REDACTED], [REDACTED] notified the Office of Inspector General (OIG) that Driver Messenger Billy J. Parker (Parker) had reported that on March 5, 2017 he was arrested in Indiana and issued citations for Operating While Intoxicated, Driving on a Suspended License, and Refusal to Submit to a Chemical test. OIG's Preliminary Investigation confirmed the Indiana charges and verified that Parker's position requires a CDL license as a condition of employment. A review of Illinois Secretary of State records revealed that, since September 2016, Parker's license has been suspended two times. Further investigation determined that Parker never notified the Tollway that his license had been suspended either in 2016 for failure to maintain insurance, or in March 2017 as a result of his refusal to submit to a Chemical Test following his Indiana arrest, in violation of Tollway policies. In addition, because Parker failed to notify the Tollway of his prior insurance-related suspension, he was allowed to operate Tollway vehicles for several months in late 2016 and early 2017 even though his license was suspended, also in violation of Tollway policies.

OIG's investigation has developed evidence that provides reasonable cause to find that Parker violated several provisions of the Tollway Employee Policy and Procedure Manual and the Tollway Vehicle Code and recommends that the Tollway impose discipline up to and including discharge. Finally, our investigation identified weaknesses in the Tollway's process for verifying the status of employee driver's licenses and recommends review and consideration of several areas for improvement.

II. APPLICABLE RULES

**A. Illinois Tollway Employee Policies and Procedures Manual (September 1, 2016)
Chapter 7 – Employee Conduct and Discipline,
Section A – Employee Conduct.**

Provides in relevant part:

“[T]he Tollway expects employees to follow rules of conduct that will protect the interests and safety of both the employees and the organization. Violations of these rules may result in disciplinary action, up to and including discharge. The rules of conduct include, but are not limited to, the following [relevant provisions]:

Failure to follow Tollway or Departmental policies or procedures, including safety rules.

**This document is confidential and may only be viewed with the express authorization of
the Illinois State Toll Highway Authority's Inspector General**

Failure to timely report loss, suspension, revocation or restriction of license required for position.
Improper use of Tollway vehicle or personal vehicle for Tollway purpose.
Other conduct unbecoming a Tollway employee.
Unsafe or improper use of equipment or vehicles.”

Chapter 7 – Employee Conduct and Discipline,
Section K – Arrest, Criminal Indictment or Criminal Conviction.

Provides in relevant part:

“Unless more immediate notification is otherwise required herein, any employee arrested or indicted of any crime, other than petty traffic offenses or municipal code violations, must notify his/her supervisor, complete the Mandatory Report of Arrest/Indictment form, and submit it to the Chief of Administration within three (3) business days of the arrest or indictment.”

“Failure to report any arrest or indictment may result in disciplinary action up to and including discharge.”

Chapter 6 – Use of Tollway Property/Employee Responsibilities,
Section E – Vehicle Operation.

Provides in relevant part:

“Many Tollway staff positions require permanent or occasional use of a Tollway vehicle to fulfill aspects of their job duties. Employees must maintain the appropriate class driver’s license, and provide proof of licensure upon request. Employees shall immediately notify their Supervisor if his/her license becomes invalid, suspended, revoked, or lost, or if any circumstance exists that may threaten their driver’s license status.”

“Failure to follow the provisions of this manual or the vehicles manual may result in discipline up to and including discharge.”

B. Illinois Tollway Vehicle Policy Manual (April 2012)
Vehicle Operation, Driver’s License Requirements:

Provides in relevant part:

“It is each Tollway vehicle operator’s responsibility to maintain a valid drivers [*sic*] license that is appropriate for the vehicle they are operating.” (Vehicle Manual, p. 4).

“It is the Tollway vehicle operator’s responsibility to notify their supervisor immediately if one of the following occurs:

- A. Their drivers [*sic*] license is revoked or suspended.
- B. The operator has an action pending that may cause them to lose their drivers [*sic*] license.”

[other sections not relevant and omitted] (Vehicle Manual, p. 4-5).

* * *

“Tollway vehicle operators who knowingly operate a Tollway vehicle without a valid drivers [*sic*] license or whose drivers [*sic*] license verification indicates there is a suspension, revocation or pending action, may be subject to disciplinary action up to and including termination.” (Vehicle Manual, p. 5).

C. State and Municipal Teamsters and Chauffeurs Union Collective Bargaining Agreement with Tollway (October 1, 2014 - February 28, 2018)

Provides in relevant part:

“Section 6.4(A) SNOW EMERGENCY CALL IN. An employee who is called in prior to the start of his/her normal shift hours for snow emergency shall be permitted to work the duration of his/her normal shift hours, but not in excess of twelve (12) consecutive hours.

2. The Employer will then seek volunteers from all non-Engineering Department bargaining unit employees covered by the agreement holding a Class "B" CDL with Air Brake endorsement on or after February 14, 2011...

5. All bargaining unit employees hired into non-Engineering bargaining unit positions on or after the ratification date of this Agreement by the Union will be required to possess and maintain a Class "B" CDL with Air Brake endorsement and shall be made available for snow removal.” (Teamsters Agreement, p. 5)

III. BACKGROUND

A. Complaint

On March 9, 2017, █████ sent an email memorandum to Inspector General Theodor Hengesbach providing notification that, in compliance with Tollway policies and procedures, Parker had informed his supervisors that he had been arrested in Indiana on March 5, 2017. The attached case summary indicated that Parker received citations for: driving while suspended, OWI¹ operating a vehicle while intoxicated endangering a person, a bumper height violation, vehicle equipment violation and refusal to submit to a breath or chemical test. Also attached was the Mandatory Employee Report of Criminal Arrest/Indictment dated March 8, 2017.

¹ Indiana’s OWI law is similar to Illinois DUI law. Compare 625 ILCS 5/11-501 (Driving While Under Influence) with IN Code Sec. 9-30-5 et seq. (Operating Vehicle While Intoxicated).

B. Subject – Billy J. Parker, Driver Messenger

Tollway records reflect that Parker began working for the Tollway in October 1992 as an EO/L in the Engineering Department. Parker transferred to the Sign Shop as a Sign Maker/Hanger in December 2002. On September 19, 2013, he received a written warning for poor job performance/failure to follow procedure/failure to notify supervisor of an absence before start of shift. On March 13, 2014, he received a suspension for a violation of the drug and alcohol policy. There are no details about the March suspension in the file; only the fact that it occurred. Parker transferred to the Procurement Department as a Driver Messenger in December 2014 and assigned to the Central Warehouse (CW). Throughout his tenure with the Tollway, Parker has served in positions represented by the State and Municipal Teamsters and Chauffeurs Union.

IV. INVESTIGATIVE ACTIVITY

A. Documents

1. Personnel File Billy J. Parker

OIG reviewed Parker's Tollway Personnel file and identified the following relevant records:

a. Position Description

The Position Description expressly requires Driver Messengers, like Parker, to "Possess and maintain a valid Illinois Class "B" CDL Driver's License."² Driver Messengers work in the Procurement Department and report to the Messenger Services Supervisor.

b. Employee Information Update Form

Parker submitted an Employee Information Update form on December 18, 2013, listing his address as [REDACTED] [REDACTED] Illinois. His emergency contact is his [REDACTED] who lives at the same address.

c. Acknowledgement Forms

Parker acknowledged receipt of the Vehicle Procedure and Operator's Manual³ on November 14, 2002. He acknowledged receipt of the Tollway's Personnel Policies and Procedures Manual (revised January 1, 2005) on December 20, 2004. Parker signed a Tollway Vehicle Operators Drivers (sic) License Number Submittal Form on August 9, 2004, which notified him that his driver's license would be checked electronically and quotes the Tollway's Personnel Policies and Procedures Manual, Chapter 7, Section E, Vehicle Operation, which stated he must maintain a valid driver's license with the endorsements needed for the position he holds.

² As noted above, this requirement is also specified in the Teamsters Collective Bargaining Agreement. *See* Section 6.4(a)(5).

³ This now entitled the Illinois Tollway Vehicle Policy Manual.

2. Electronic Driver License Verification Error Reports

OIG obtained the following records from Administration:

a. November 21, 2016

Report from [REDACTED] to Billy Parker and [REDACTED]. The Report is not signed and has a handwritten note “not at work”. A driving abstract for Parker that is attached shows a stop (suspension) in effect for SR22 insurance effective September 3, 2016. The abstract run date was October 17, 2016.

b. March 13, 2017

An unsigned report from [REDACTED] to Billy Parker and [REDACTED]. The attached driving abstract for Parker shows a stop in effect for SR22 insurance effective September 3, 2016. The abstract run date was March 1, 2017.

c. Additional Driving Abstracts

Additional driving abstracts run at the request of Administration as part of their regular electronic verification of employees’ driver’s licenses. Parker’s driver’s license was checked on July 28, 2016 and showed no stops in effect.

3. Kronos Records

Tollway Kronos records reflect that Parker was off work starting February 3, 2016 to December 7, 2016 for various types of Workers’ Compensation-related leave. He was on Suspension/Vacation from March 15, 2017 through March 28, 2017.

4. Illinois Secretary of State Records

OIG obtained the following Illinois Secretary of State (SOS) records reflecting Parker’s driver’s license status:

a. Notice of Suspension - Insurance

The SOS issued a Notice dated January 2, 2014 addressed to Billy J. Parker, [REDACTED], [REDACTED] Illinois informing Parker that his license would be suspended effective April 2, 2014. The Notice cited Parker’s November 13, 2013 arrest in DuPage County that resulted in Parker being placed on “supervision for a Mandatory Insurance Offense or for having been convicted of a third or subsequent offense for Operating an Uninsured Vehicle.” The Notice advised Parker that he was required to establish proof of his future financial responsibility (SR22 insurance) for 36 months. In addition, the notice informed Parker that such proof of insurance must be accepted by the SOS prior to the date of suspension to avoid the suspension of his driving privileges.

b. Notice of Suspension - Insurance

The SOS issued a Notice dated August 17, 2016 addressed to Billy J. Parker, [REDACTED] Illinois informing Parker that his driving privileges would be suspended effective September 3, 2016 because the SOS had not received the renewal of Parker's required financial responsibility filing.

c. Notice/Order of Suspension - Refusal to Submit to Test Following DUI Arrest

The SOS issued a Notice/Order addressed to Billy J. Parker, [REDACTED] Illinois informing Parker that his license was suspended for one year effective March 30, 2017 and ending March 30, 2018. The Notice advised that the action was taken "as a result of this office [SOS] being notified of your [Parker's] refusal to submit to the chemical test or tests requested following your [Parker's] lawful arrest for driving under the influence" on March 5, 2017.

d. Proof of Financial Responsibility - Insurance

The SOS issued a letter dated March 22, 2017 addressed to Billy J. Parker at [REDACTED] Illinois informing Parker that it had accepted the proof of financial responsibility (SR22) submitted on Parker's behalf. Parker provided this document to Administration, which forwarded it to the OIG.

5. Warehouse Delivery Records

OIG requested and received delivery and vehicle usage records from Procurement. Among the records provided were:

a. Operational Vehicle Monthly Usage Log Sheets (Vehicle Log)

On the January 2017 vehicle log, Parker is a listed driver. On the February 2017 vehicle log, Parker is a listed driver, but a post-it note was attached with unknown person's handwritten note that reads: "inside office". On the March 2017 vehicle log Parker is a listed driver and a post-it note was attached with unknown person's handwritten note that reads: "Did not use was in office someone used it did not log miles."

b. Messenger Service Delivery Confirmation Forms

On the following dates, Parker signed the form as the messenger: December 13, 2016; December 19, 2016; December 21, 2016; December 22, 2016; December 30, 2016; January 4, 2017; January 13, 2017.

6. Illinois State Police, District 15, Citations

On April 19, 2017 the Illinois State Police, District 15 arrested Parker as he drove from work and issued two citations: Driving while license suspended and No front plate on vehicle. The court date listed on the tickets is June 19, 2017.

7. Suspension Memorandums

OIG received the following records from Administration:

a. March 14, 2017 - Suspension from Work

Memorandum from [REDACTED] to Parker informing Parker that he was being suspended without pay because his driver's license was suspended, and because the Driver Messengers are required to maintain a valid Class "B" CDL. Parker was suspended "pending the outcome of your challenge with the Secretary of State." The suspension was issued to Parker by Deputy Chief of Procurement [REDACTED]

b. April 25, 2017 - Suspension Pending Investigation

Memorandum from [REDACTED] to Parker informing Parker that he was being suspended without pay effective immediately for his failure to have a valid driver's license in violation of Chapter VI, Section E, Vehicle Operation.

8. Esurance Email

On March 13, 2017 Parker sent an email to [REDACTED], [REDACTED] and [REDACTED] forwarding a July 11, 2016 email to Parker from Esurance confirming that he was insured by Esurance as of July 11, 2016. The email had his policy number and instructions for sending additional information, but no policy terms are listed.

9. Court documents from State of Indiana v. Billy J. Parker, Cause # 46DO4-1703-CM-000585, LaPorte (IN) County Superior Court #4

The OIG reviewed records from LaPorte County Superior Court including a March 10, 2017 Order for Ignition Interlock Installation and for Stay of Administrative License Suspension in Indiana, which permitted Parker to operate a vehicle in Indiana if it is equipped with an ignition control device, and ordered the Indiana Bureau of Motor Vehicles to "take no action to suspend Defendant's driving privileges which would otherwise be suspended pursuant to [Indiana law]. This Order does not apply to any employer owned vehicles. Further, this Order does not apply to any CDL endorsements."

10. Additional CDL Documents

The following documents reflecting the resolution of Parker's Indiana case and the status of his Illinois license were provided by Administration or obtained by OIG:

a. SOS Receipt

Receipt for a temporary CDL driver's license, which expires on August 10, 2017 and lists the address of Billy Parker as [REDACTED], [REDACTED] IL.

b. Order of Probation, Superior Court #4, LaPorte (IN)

The Order dated May 8, 2017 requires Parker to pay various fees and obtain alcohol counseling through an approved program. Parker pled guilty to Reckless Driving, a class B misdemeanor. His sentence included a 60 days suspended sentence, 180 days probation with 15 enumerated conditions of probation including travel and other restrictions, such as: "8. You shall not buy, possess, have under your control, or consume any alcoholic beverage. You shall not be in any place where alcoholic beverages are present without prior approval from your probation officer."

c. Driving Abstract

A driving abstract run on May 16, 2017 for Parker's driver's license number shows no stops in effect and that a disqualification was rescinded.

B. Interviews

1. [REDACTED]

On May 3, 2017, OIG Investigators interviewed [REDACTED] [REDACTED] Manager, providing him non-union administrative advisements, orally and in writing, which he acknowledged understanding. [REDACTED] was asked, orally and in writing, for consent to audio record the interview. [REDACTED] consented to have the interview audio-recorded.

In summary, [REDACTED] stated the following:

[REDACTED] started working for the Tollway in November 2015. He has been in the [REDACTED] Manager position since that time. Prior to that, he was a Client Manager for Central Management Services (CMS) where he was responsible for consolidating office space at the Thompson Center and Bilandic Building and eventually took over managing additional State properties. His current duties at the Tollway include: overseeing several Buyers, data entry clerks, the uniform warehouse, 5 warehouse employees, 2 support staff and 8 Driver Messengers.

The Warehouse has 6 box trucks and a delivery van which is usually used to drive downtown to UIC and the Thompson Center to pick up mail. The box trucks do not require a CDL to drive. There are some mail delivery routes they run every day, but the rest of the mail is done "on call".

Driver Messengers use Operational Vehicle Monthly Usage Log Sheets (Vehicle Log) when they use pool cars, but not for the delivery trucks. They started using Vehicle Logs in January 2017 to track who was using the vans, but the forms are not required and are not turned into Fleet. The Messenger Service Delivery Confirmation forms, Daily Shipping and Receiving Logs and any attached paperwork are kept in case they need to track a delivery, but at the end of the month they get stapled together and are filed. They are not used unless there is a problem; e.g. someone saying something was not delivered. [REDACTED] said that prior to January 2017, when Parker took over maintaining the paperwork, the delivery paperwork was not in order and not all forms were kept appropriately.

Parker told [REDACTED] about his arrest in Indiana and [REDACTED] reported that information to his supervisors. Parker told him that he was at a party at a casino in Indiana and pulled into a gas station to close his eyes and take a nap, someone asked him for a cigarette and the guy tried to rob him. He drove out of the gas station and left a bumper and the police pulled him over and wrote him a ticket for leaving the scene of an accident, no insurance, DUI and another citation [REDACTED] could not recall. Parker told [REDACTED] Chief of Procurement [REDACTED] and [REDACTED] that he did not know his license was suspended for not having insurance. Parker switched insurance companies to Esurance and he claimed they failed to notify the SOS of his insurance.

The Tollway suspended Parker until his insurance and license issues were clear. [REDACTED] sent the paperwork submitted by Parker to [REDACTED] and Human Resources and Labor Relations said he could come back to work. After he came back to work, Parker was pulled over leaving work at the Central Administration building. Parker told [REDACTED] about the arrest and that the police officer said his license was suspended.⁵ [REDACTED] told his supervisors at Procurement and [REDACTED] about the arrest, and he understood that Parker had been suspended until he got his license back.

[REDACTED] explained that sometime in February of last year Parker hurt himself on the job and had surgery, and he only came back to work in December 2017. So the time-frame he could have been driving without a license wasn't very large. Parker was not driving box trucks, but he was driving the Tollway van from December 2017 until his first arrest.

Usually, once a year around June, they would ask to see employees' driver's licenses to see if they are valid. [REDACTED] did not know how the Tollway checks the driver's licenses of its employees. When shown a copy of the November 21, 2016 Electronic Driver License Verification Error Report (Report) addressed to Parker and [REDACTED] from Administration Manager [REDACTED], he said he had never seen the Report and the handwriting at the bottom "not at work" was not his. He had never seen a Report like that before, ever, for any of his employees. He had not seen the Report dated March 13, 2017 either.

⁴ [REDACTED] did not have Parker fill out the mandatory notification of arrest form because he claimed that he did not know the form existed.

⁵ As with the first arrest, [REDACTED] did not have Parker fill out the mandatory notification of arrest form because he claimed that he did not know the form existed.

2. [REDACTED]

On May 4, 2017, OIG Investigators interviewed [REDACTED] [REDACTED] Manager, providing her non-union administrative advisements, orally and in writing, which she acknowledged understanding. [REDACTED] was asked, orally and in writing, for consent to audio record the interview. [REDACTED] did not consent to have the interview audio-recorded.

In summary, [REDACTED] stated the following:

[REDACTED] has worked for the Tollway for 21 years; 11 years in Finance/Payroll and the last 10 years in Administration. Her duties as [REDACTED] Manager includes: overseeing CIS and the mail room, customer relations, processing invoices, participate on the Criminal Review Board Committee, overseeing cell phones and other miscellaneous duties per [REDACTED] her immediate supervisor.

One of [REDACTED] duties is to run quarterly checks on employees' driver's licenses and issue the Electronic Driver License Verification Error Report (Report) memorandum when necessary. The SOS and the Tollway enter the driver's license numbers manually because the process is not computerized. There is no written procedures for this, but [REDACTED] described the process to run these reports which involved using MAR reports, sending lists to the SOS, processing approximately 700 abstracts that are returned from SOS, and creating/updating a spreadsheet.

When the supervisors send the Reports back to her, they don't always tell her what action they're taking. She asserted that isn't her responsibility to track departmental actions. She files the completed forms. [REDACTED] said that, in the past, Engineering would write on the form that the employee was out on leave, like IOJ, and would send the form back to her unsigned. She now checks if the employee is on extended leave first and, if the employee is out, she does not send the Report to the supervisor. She puts the Report in a file and does nothing else with it. The next time the quarterly report is run a new Report would be sent.

[REDACTED] did not send the November 21, 2016 Electronic Driver License Verification Error Report to [REDACTED] because she could tell from Tollway records that Billy Parker was out on IOJ. She identified her handwriting on the memorandum "not at work". Based on her experience with Engineering, she did not send the report.

[REDACTED] did not know if the March 13, 2017 Electronic Driver License Verification Error Report was sent. She could not recall if she did this for [REDACTED] or not. She recalled [REDACTED] asking about the driving abstract but not much else. She said that when [REDACTED] asks for a report she figures that something is being done and stops her verification process. She did not ask [REDACTED] about Parker's reports.

C. Timeline of Relevant Events

In order to more clearly understand the events relevant to this matter, the following timeline was developed based on records and interviews:

Date	Event
3/13/14	Parker suspended from work for a violation of the drug and alcohol policy.
4/2/14	Effective date of SOS Notice of Suspension for insurance offense; must obtain and maintain proof of his future financial responsibility (SR22 insurance).
2/3/16	Parker off work on Workers' Compensation leave.
7/11/16	Date of Esurance email regarding insurance policy.
7/28/16	Driver's License check conducted by Administration showed no stops in effect for Parker.
9/3/16	Effective date of SOS Notice of Suspension because Parker did not send documentation of the renewal of his financial responsibility filing (SR22 insurance). Letter dated 8/17/16.
11/21/16	Electronic Driver License Verification Error Report shows Parker's license was suspended; never delivered to Parker or [REDACTED].
12/7/16	Parker returns to work.
3/5/17	Parker arrested in Indiana for DUI, Driving Suspended and other offenses.
3/8/17	Mandatory Employee Report of Criminal Arrest/Indictment submitted for Parker's Indiana arrest.
3/9/17	Administration Memorandum regarding arrest and Parker no longer driving at work.
3/10/17	Order Granting Ignition Interlock Installation and for Stay of Administrative License suspension; from LaPorte Superior Court No. 4, Indiana.
3/13/17	Parker forwards Esurance email to [REDACTED], [REDACTED] and [REDACTED] showing receipt for policy dated 7/11/16.
12/7/16 to 3/5/17	Based upon Warehouse Delivery Records and [REDACTED] statements, Parker was driving Tollway vehicles during this time.
3/13/17	Electronic Driver License Verification Error Report shows Parker's license was suspended; never delivered to [REDACTED].
3/14/17	Suspension Memorandum to Parker.
3/15/17 to 3/28/17	Parker off work on suspension. Kronos comments indicate Parker was allowed to use paid vacation time during this suspension.
3/22/17	SOS letter accepting proof of financial responsibility (SR22).
3/30/17	SOS Notice/Order of Suspension for refusal to submit to the chemical test following his arrest for DUI.
4/19/17	Parker issued citations for driving suspended and no front license plate shortly after pulling out of CA parking lot.
4/25/17	Suspension Pending Investigation Memorandum to Parker.
6/19/17	Court date for ISP driving while suspended ticket.

V. ANALYSIS

As a Driver Messenger, Parker is required to maintain a valid CDL as a requirement of his position. On two occasions since September 2016 his license was suspended by the Illinois Secretary of State, and notice of those suspensions was sent to Parker's [REDACTED] address. Since at least 2005, all Tollway employees who drive in the course of their Tollway work have been required to inform their supervisors if their driver's license is suspended, and must possess a current and valid driver's license if they operate Tollway vehicles.

The OIG has determined that reasonable cause exists to find that Parker: failed to notify the Tollway about the suspension of his driver's license for insurance violations; drove Tollway vehicles while his license was suspended for insurance violations between December 7, 2016 and March 5, 2017; and failed to notify the Tollway about the suspension of his driver's license for his refusal to submit to chemical tests.⁶

In January 2014, SOS notified Parker in a Notice sent to his [REDACTED] address that due to prior insurance issues, his license would be suspended in April if he did not provide proof that he maintained SR22 insurance. That Notice advised Parker that if he failed to file proof of SR22 insurance, his driver's license would be suspended.

SOS sent a Notice dated August 17, 2016 to Parker's [REDACTED] address notifying him that he had failed to file his SR22 insurance and that his license would be suspended on September 3, 2016. Parker's subsequent Driving Abstracts list a stop (suspension) of his license effective September 3, 2016.

Based on emails and information from [REDACTED], it appears that Parker has claimed that he did not know his driver's license had been suspended in 2016. But Parker's claim of ignorance is inadequate because all of the notices and letters from the SOS were mailed to Parker at his [REDACTED] address – the same address he has provided to the Tollway. In addition, the fact that Parker provided the Tollway with a copy of the March 22, 2017 SOS letter (sent to the same address) accepting proof of his SR22 insurance demonstrates that he does receive mail from the SOS.

The driving abstracts attached to the November 21, 2016 and March 13, 2017 Electronic Driver License Verification Error Reports (Reports) prepared by [REDACTED] also list the effective date of the stop (suspension) on Parker's driver's license as September 3, 2016. However, [REDACTED] did not send either of these Reports to the department. Parker was out on injury leave at the time of the November Report, so it was never sent and no follow up occurred. In fact, [REDACTED] did not know the forms or process to check driver's licenses existed. The March Report also was not sent, although Parker's insurance suspension was known to all involved by that date because of the March arrest.

⁶ Parker did notify the Tollway of both of his arrests; although [REDACTED] explained that he did not know about the Mandatory Employee Report of Criminal Arrest/Indictment form so he did not give it to Parker, and it does not appear that such a form was completed for April 19 arrest.

The insurance suspension was effective September 3, 2016 and was not lifted until Parker provided verification of SR22 insurance in mid-March 2017. Kronos records indicate that Parker returned to work on December 7, 2016. Warehouse delivery records reflect that Parker made deliveries and used Tollway vehicles between December 7, 2016 and March 5, 2017, and [REDACTED] confirmed that Parker was driving a Tollway van to make deliveries during this time.

The SOS sent Parker a Notice to his [REDACTED] address informing him that his driver's license and privilege to drive in Illinois was suspended from March 30, 2017 until March 30, 2018 for his refusal to submit to the chemical test or tests requested following his DUI arrest on March 5, 2017. Parker is an Illinois resident and has an Illinois CDL, therefore the Illinois SOS, applying Illinois law, has jurisdiction over Parker's Illinois driving privileges. The Indiana courts do not have the authority to order the Illinois SOS to take, or not take, any action. Once Parker's failure to submit to a test was reported to the Illinois SOS, his driver's license was suspended pursuant to Illinois law. Parker should have informed his supervisors of this suspension. On April 19, 2017, ISP arrested Parker for driving on a suspended license based on the stop in effect for his refusal to submit to a chemical test following his March 5 arrest.

On May 15, 2017 Parker submitted a receipt from the SOS for a new CDL and an Order of Probation for Reckless Driving from the Superior court No. 4, LaPorte County Indiana. The OIG confirmed that Parker has obtained a valid CDL. The Indiana Judge rescinded the DUI and the refusal to submit to a chemical test which provided the basis for the suspension. Although Parker now has a valid Illinois license, he still had the obligation to provide notice to the Tollway of his suspensions and to not operate a Tollway vehicle without a valid license.

VI. RECOMMENDATIONS

This investigation has determined that there is reasonable cause to find that Billy J. Parker:

- Failed to notify the Tollway about the suspension of his driver's license for insurance violations;
- Drove Tollway vehicles while his license was suspended for insurance violations between December 7, 2016 and March 5, 2017; and
- Failed to notify the Tollway about the suspension of his driver's license for the DUI refusal to submit to chemical tests.

Based upon the findings as described in this report, the OIG recommends that the Tollway impose discipline up to and including discharge. Tollway management should also be aware that Parker is serving probation for his Indiana case that requires completion of approved alcohol counseling and compliance with several specific conditions. Should Parker fail to comply with these conditions, the Indiana court could impose more stringent penalties that could cause the Illinois Secretary of State to take further action respecting his driving privileges. In addition, Parker still has outstanding citations for driving on a suspended license resulting from his arrest by ISP that could also impact his driving privileges.

During the course of our investigation, we identified concerns and deficiencies with the driver's license verification and reporting of arrests processes.

Among issues for consideration:

1. The current driver's license verification process is not effective and is not serving its intended purpose of ensuring that employees who drive Tollway vehicles are properly licensed to drive, for the safety of Tollway employees and the motoring public, and to reduce potential Tollway liability.⁷

- a. The Tollway should implement a single, coordinated process for the review and tracking of driver's license status by both Administration and the various departments. The current lack of ownership of the process has resulted in inadequate notification and tracking for the suspension of driver's licenses.
- b. The policy should include directions to supervisors on what they are supposed to do with the Electronic Driver License Verification Error Reports, including what options are available and what steps need to be taken if an employee does not have the appropriate, valid license. It is important that everyone involved in the process understand why this policy exists and why it is important to follow up on any concerns, especially the immediate supervisors for employees who are required to maintain a valid driver's license for their position.
- c. Consult with the Secretary of State and ISP to identifying ways to more easily obtain employee drivers' license information, preferably electronically.

2. The Tollway should continue training and reminders for all employees about Tollway policy respecting reporting arrest and indictments, and the need to complete the Mandatory Employee Report of Criminal Arrest/Indictment in a timely manner. The Tollway should also remind all supervisors of their responsibility to ensure that employees complete these forms and provide all related documentation and updates.

⁷ See also recommendations in OIG case IG-2016-004, and findings in Audit # 16-006-IA, Administrative Support Services Cycle Audit.