



OFFICE OF THE INSPECTOR GENERAL
Illinois State Toll Highway Authority

NOTICE OF POSTING
OIG Case # IG-18-003
Respondent: Shaunta Gardner

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 15 days to provide suggested redactions or a written response. Respondent provided no response.

The OIG issued a Summary Report of Investigation following an investigation that established reasonable cause to find that Customer Service Representative (CSR) Shaunta Gardner (Gardner) violated several Tollway policies and criminal statutes when she added, or attempting to add, a license plate to customer accounts without proper authorization in an attempt to dismiss toll violations and negotiate a settlement for a patron. Gardner was recorded several times calling the Customer Service Toll Free Number line attempting to add the license plate to three different customer accounts using the same or similar last names as a patron who had \$23,240.70 in toll violations. Further investigation, including review and analysis of Gardner's phone records, Call Center recorded phone calls, available Oasis video footage and associated customer service transactions, revealed that Gardner reduced the patron's violations from \$23,240.70 to \$1,411.30. Illinois State Police District 15 Investigations interviewed the patron who advised that she paid a total of \$2,000.00 in cash which left a balance of more than \$500.00 that was unaccounted for and never received by the Tollway. Gardner's actions resulted in a \$21,829.40 loss to the Tollway. Gardner was arrested by Illinois State Police District 15 Investigations and indicted on four felony counts. Subsequent to her arrest, Gardner resigned from the Tollway.

Based on these findings, the OIG recommended that Gardner be considered ineligible for re-hire. In addition, OIG recommended that the Tollway review the toll violation settlement procedures to develop additional safeguards and oversight of this process. The ability to add license plates to established accounts as a method of dismissing violations provides an opportunity for fraud and this investigation identifies a potential weakness in this system. OIG recommended that the Tollway allow only one license plate for each I-PASS account. Gardner was placed on the do not re-hire list. The Tollway is reviewing ways to prevent this type of manipulation of the settlement process, but declined to limit each I-PASS account to one license plate, as imposing a "significant impact on our operations as well as our customers."

On November 28, 2018 Gardner pleaded guilty in Cook County Circuit Court to one count of Official Misconduct, a Class 3 Felony (720 ILCS 5/33-3(a)(2)), and one count of Computer Fraud, a Class 4 Felony (720 ILCS 5/1 7-50(a)). *State of Illinois v. Shaunta Gardner*, 18CR0838101. The court's sentence included a two-year term of probation, 60 hours of community service, and restitution to the Tollway, which was forwarded to the Tollway.



**OFFICE OF THE INSPECTOR GENERAL
SUMMARY REPORT OF INVESTIGATION
OIG Case # IG-18-003
August 3, 2018**

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 November 2, 2017, OIG received a complaint that Customer Service Representative (CSR) Shaunta Gardner (Gardner) had been adding, or attempting to add, a license plate to customer accounts without proper authorization in an attempt to dismiss toll violations and negotiate a settlement for a patron. Gardner was recorded several times calling the Customer Service Toll Free Number line attempting to add the license plate to three different customer accounts using the same or similar last names as a patron who had \$23,240.70 in toll violations. Further investigation, including review and analysis of Gardner's phone records, Call Center recorded phone calls, available Oasis video footage and associated customer service transactions, revealed that Gardner reduced the patron's violations from \$23,240.70 to \$1,411.30. Illinois State Police District 15 Investigations interviewed the patron who advised that she paid a total of \$2,000.00 in cash which left a \$588.70 balance that was unaccounted for and never received by the Tollway. Gardner's actions resulted in a \$21,829.40 loss to the Tollway. Gardner was arrested by Illinois State Police District 15 Investigations and indicted on four felony counts. Subsequent to her arrest, Gardner resigned from the Tollway.

OIG's investigation established reasonable cause to find that Gardner violated several Tollway policies and criminal statutes. Based on these findings, OIG would have recommended termination had she not resigned; thus, OIG recommends that Gardner be considered ineligible for re-hire. In addition, OIG recommends that the Tollway review the toll violation settlement procedures to develop additional safeguards and oversight of this process. The ability to add license plates to established accounts as a method of dismissing violations provides an opportunity for fraud and this investigation identifies a potential weakness in this system. OIG recommends that the Tollway allow only one license plate for each I-Pass account.

II. APPLICABLE RULES, REGULATIONS, LAW

A. Illinois Tollway Policy and Procedure 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. Employees of the Tollway shall act in the Tollway's best interest and not act for their personal benefit or for any other private interest that

conflict with the public's trust. Each Tollway employee is required to be familiar with the Tollway's Code of Ethics and must comply with all applicable federal, state and local laws.

B. Illinois Tollway Policy and Procedure Manual Chapter 7. Employee Conduct and Discipline: Section A: "Employee Conduct" provides in relevant part:

To ensure orderly operations and provide the best possible work environment, the Tollway expects employees to follow rules of conduct that will protect the interests and safety of both the employees and the organization. Violations of the rules of conduct may result in disciplinary action, up to and including discharge. The rules of conduct include, but are not limited to, the following:

- Failure to follow Tollway or Departmental policies or procedures
- Inattention or failure to perform a duty
- Neglect of duties
- Other conduct unbecoming a Tollway employee
- Unauthorized personal use of telephones, mail system, or other Tollway equipment
- Use of the employee's official position for personal gain
- Violation of the Tollway Code of Ethics, or other official laws

C. Illinois Tollway Policy and Procedure 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 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.

D. Illinois Compiled Statutes 720 ILCS 5/17-50 (a) (1) Computer Fraud:

- (a) A person commits computer fraud when he or she knowingly:
 - (1) Access or causes to be accessed a computer or any part thereof, or a program or data, with the intent of devising or executing any scheme or artifice to defraud, or as part of a deception;

E. Illinois Compiled Statutes 720 ILCS 5/33-3 (a) (2) Official Misconduct:

- (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;

F. Illinois Compiled Statutes 720 ILCS 5/17-51 (a) (2) Computer Tampering:

- (a) A person commits computer tampering when he or she knowingly and without the authorization of a computer's owner or in excess of the authority granted to him or her:
 - (2) Accesses or causes to be accessed a computer or any part thereof, a computer network or a program or data, and obtains data or services;

G. Illinois Compiled Statutes 720 ILCS 5/16-1 (a) (1) (A) Theft:

- (a) A person commits theft when he or she knowingly:
 - (1) Obtains or exerts unauthorized control over property of the owner:
 - (A) Intends to deprive the owner permanently of the use or benefit of the property;

III. BACKGROUND

A. Subjects/Parties Involved

1. Shaunta Gardner, Customer Service Representative

Gardner was hired January 6, 2014 as a Customer Service Representative. She worked in the Customer Service area of the Business Systems Department at the O'Hare Tollway Oasis. Gardner had been disciplined at least twice during her tenure, once in 2014 and once in 2016 for accuracy deficiencies in her work.

Tollway records reflect that Gardner identified her cellular phone number as (██████████)-9856 and listed her emergency contact as ██████████ South Wentworth Avenue, Riverdale, Illinois.

IV. SUMMARY OF INVESTIGATION

A. Documents

1. Toll Violation Payment and Settlement Guidelines

Section B.1 of the Tollway's Settlement Guidelines provides that in instances where an I-Pass or recognized transponder tolling account holder adds a license plate of a violator to their account after the date of the initial Notice, the violator will be entitled to a settlement under this subsection only (1) if the name and/or address on the Notice and the account match.

2. Signed Acknowledgement/s of Tollway Policies and Procedures

Acknowledgement, Disclaimer and Receipt signed by Shaunta Gardner on April 6, 2017 for the appropriate use of and access to the Tollway's computerized customer service systems, RITE and ATS Systems, including VPS, CSC and HOST.

Acknowledgement, Disclaimer and Receipt signed by Shaunta Gardner on October 20, 2016 for the Tollway's Personnel Policies and Procedures manual.

3. ██████████ Torrez-Lopez Toll Violation Notices and Account information

Toll Violation Notices mailed to ██████████ Torrez-Lopez reflect a debt of \$23,240.70 based on toll violations, penalties and fines.

The receivables reports and receipts for payments made by ██████████ Torrez-Lopez were obtained from the Customer Service Center and reflect the payment applied of \$1026.40 and \$384.90 totaling: \$1411.30.

4. T-Mobile Phone Records

T-Mobile Phone Records were obtained for the phone number ██████████-9856 for the date range of October 24, 2017 – November 6, 2017. The subscriber for the number was ██████████ ██████████ South Wentworth Avenue, Riverdale, Illinois. Records indicated that the number was used to call the Tollway's Customer Service Center, (800) 824-7277, on three different occasions on October 31, 2017 and November 1, 2017. The times and duration of these calls closely corresponds with Tollway Customer Service Center records and recordings.

5. ISP Report/s

The Illinois State Police provided records from their investigation. These reports detail investigative activity related to this case, which is summarized below.

An investigative report dated March 1, 2018 summarizes an interview of ██████████ Torrez-Lopez in which she confirmed that she gave \$2,000.00 to Gardner, as instructed by Gardner, to take care of her approximately \$21,000.00 in missed tolls, penalties and late fees. Torrez-Lopez stated that she did not receive a receipt for the transaction.

An investigative report dated March 8, 2018 indicates that Torrez-Lopez identified Gardner in a photo lineup.

An investigative report dated May 7, 2018 documents the arrest and subsequent interview of Gardner. During the interview, Gardner denied any wrongdoing but when asked if she knew where the agent was going with his line of questioning Gardner replied in the affirmative with an "mmmhmmm". Additionally, when asked further questions Gardner replied indicating, "If you have it, you already know".

The report also reflected that when Gardner was being finger printed and processed, she made an unsolicited comment stating, "I didn't think I was hurting anyone because I was trying to use old accounts that weren't being used anymore."

6. Cook County Circuit Court Records Case Number: 18CR-8381

OIG obtained records indicating a four-count felony indictment against Gardner.

Count 1. Official Misconduct/Forbidden Act

In that Gardner, in her official capacity as a public employee to wit: customer service representative of the Illinois State Toll Highway Authority, knowingly performed an act which she knows she is forbidden by law to perform to wit: computer fraud in violation of 720 ILCS 5/17-50 (a) (1). In violation of 720 ILCS 5/33-3 (a) (2).

Count 2. Official Misconduct/Forbidden Act

In that Gardner, in her official capacity as a public employee to wit: customer service representative of the Illinois State Toll Highway Authority, knowingly performed an act which she knows she is forbidden by law to perform to wit: computer tampering in violation of 720 ILCS 5/17-51 (a) (2). In violation of 720 ILCS 5/33-3 (a) (2).

Count 3. Computer Fraud/Access Data

In that Gardner knowingly accessed a computer or any part thereof, or a program or data, as part of a deception to wit: she knowingly accessed the Illinois State Toll Highway Authority computer data records of ██████████ Torrez, ██████ Lopez, and ██████ Lopez to obtain personal identifying information in order to falsely represent herself as those three individuals in calls to the Illinois State Toll Highway Authority's customer service call center in order to add a license plate to the accounts of those three individuals. In violation of 720 ILCS 5/17- 50 (a) (1).

Count 4. Computer Tampering/Obtain Data

In that Gardner knowingly and in excess of the authority granted to her by a computer's owner to wit: the Illinois State Toll Highway Authority accessed a computer or any part thereof, a computer network, or program or data, and obtained data to wit: she knowingly accessed the Illinois Tollway's computerized customer records in excess of her authority granted to her in her employment with the Illinois State Toll Highway Authority and obtained personal identifying information of ██████████ Torrez, ██████ Lopez, and ██████ Lopez. In violation of 720 ILCS 5//17-51 (a) (2).

B. Interviews

1. ██████████

On November 14, 2017 at approximately 4:10 p.m. OIG Investigator Haxton interviewed, ██████████ Customer Service Manager, as a witness. In summary ██████ made the following statements:

██████ received a complaint on October 31, 2017 from an I-Pass customer, ██████ Torrez, who stated she received an email indicating an Illinois license plate had been added to her I-Pass account, but, it wasn't her plate, she lives in Indiana and does not have an Illinois license plate.

█████ said the plate was removed from the account and she initiated an investigation. █████ determined that the plate that was added to the I-Pass account was Illinois Registration: █████ which had toll violations associated with in in the name of █████ Torrez-Lopez of █████ █████ Chicago, Illinois █████. █████ reviewed the violations and noted that Gardner was listed as the user who had gone into the violations system to attempt to dismiss the violations.

█████ reviewed the recorded telephone call based on who took the call at that time. That first call came in on October 31, 2017 at approximately 11:59 a.m. The caller put the violator license plate onto █████ Torrez's I-Pass account. █████ found two additional calls from November 1, 2017 as a result of comments made in the violations system. The three calls sounded like the caller was the same person according to █████. The second call that came in at approximately 8:01 a.m. the caller attempted to put the violator license plate onto █████ Lopez's I-Pass account. But, the I-Pass account was suspended so the caller was unable to have the violations dismissed. The third call that came in at approximately 8:28 a.m. the caller put the violator plate on █████ Lopez's I-Pass account and the violations were subsequently dismissed. During the third call, █████ stated that she could hear the caller talking to someone about adding tags (I-Pass Transponders) to their account as if they were a customer service representative. The phone number of the caller showed as unknown.

C. Audio Recordings

1. Customer Service Center Calls from October 31, 2017 – November 1, 2017

On October 31, 2017, a call was made at 11:52 a.m. from a blocked telephone number to the Illinois Toll Highway Authority's Call Center. The caller identified themselves as I-Pass account holder █████ Torrez and added Illinois License Plate Number █████ to the account.

On November 1, 2017, a call was made at 8:01 a.m. from a blocked telephone number to the Illinois Toll Highway Authority's Call Center. The caller identified themselves as I-Pass account holder █████ Lopez and added Illinois License Plate Number █████ to the account. The caller ended the call shortly after learning that the I-Pass account was suspended.

On November 1, 2017, a call was made at 8:28 a.m. from a blocked telephone number to the Illinois Toll Highway Authority's Call Center. The caller identified themselves as I-Pass account holder █████ Lopez¹ and added Illinois License Plate Number █████ to the account.

In each of the phone calls, the caller was able to provide identifying and security verification information to the call taker.

D. Video Recordings (O'Hare Oasis)

1. Video recordings from November 1, 2017 8:00 a.m. to 8:09 a.m. and 8:27 a.m. to 8:59 a.m.

¹ Attempts by OIG to contact █████ Lopez were unsuccessful.

On November 1, 2017, Gardner is seen exiting the camera's view during the times that the aforementioned phone calls are initiated. During the second call made on November 1, 2017 the caller [Gardner] is heard asking someone how many tags² he or she needs. Gardner is seen assisting a customer during the second phone call to customer service.

E. Chart of Telephone Calls

Based on its review and analysis of the available documentation, the OIG created the following chart comparing T-Mobile phone records and the UIC Customer Service Center phone calls for the dates of October 31, 2017 and November 1, 2017.

Date	T-Mobile Call Time	Call Center Call Time	Call Duration	Call End Time
10/31/17	11:51:21	11:52:00	00:06:42	11:58:03
11/01/17	08:00:27	08:01:00	00:09:17	08:09:44
11/01/17	08:27:15	08:28:00	00:31:53	08:59:08

IV. ANALYSIS

OIG's investigation established that [REDACTED] Torrez-Lopez owed \$23,240.70 in tolls, penalties and fines which she settled by giving \$2,000.00 in cash to Gardner. Tollway records reflect that Gardner applied \$1,411.30 to settle Torrez-Lopez's debt. Gardner violated Tollway policy by among other things: accessing patron account information without authorization, impersonating a patron to get a license plate added to a patron account, improperly settling a patron toll violation debt and retaining money paid by a patron to settle a Tollway debt.

Settlement guidelines provide that in order to add a violator's license plate to an I-Pass account and dismiss their violations, the violator and account holders' names and or addresses must match. Thus, in order for Gardner to effectuate her scheme, she needed to find an account of a patron who had a similar last name to [REDACTED] Torrez-Lopez. Evidence, including telephone records, establishes that Gardner tried three times before she was able to add Torrez-Lopez's license to a valid Tollway account.

Gardner did so by calling the Customer Service Call Center while she was working posing as an I-Pass Account holder attempting to add the license plate, number [REDACTED], of Violation Patron [REDACTED] Torrez-Lopez.

On her first attempt, the actual account holder, [REDACTED] Torrez, was notified via email that a license plate was added to her I-Pass Account. Torrez immediately contacted the Tollway to challenge the license addition and had it removed from her account. On her second attempt,

² I-Pass Transponders are often referred to by Customer Service Representatives as "tags".

Gardner tried putting Torrez-Lopez's plate on a suspended I-Pass account belonging to ██████ Lopez and that was unsuccessful because the account was suspended.

On her third and final attempt, Gardner was successful in putting Torrez-Lopez's plate on an active I-Pass account belonging to ██████ Lopez. By doing so, Gardner was able to get supervisory approval to settle Torrez-Lopez's debt which allowed her to dismiss most of Torrez-Lopez's \$23,240.70 in violations reducing the amount to \$1,411.30.

Illinois State Police interviewed Torrez-Lopez who stated that she paid Gardner \$2,000.00 in cash for which she did not receive a receipt. Tollway records and video recordings establish that Gardner applied and generated receipts for the amount of \$1,411.30. However, the balance of \$588.70 was never turned into the Tollway and has not been accounted for.

As a result of Gardner's scheme, the Tollway was deprived of \$21,829.40 in toll violations that Gardner dismissed as part of her scheme, in addition to the \$588 that Torrez-Lopez paid to Gardner to settle her debt but which was never deposited into the Tollway account.

Gardner did not admit to her actions to ISP but the evidence is overwhelming that she engaged in this scheme and the OIG finds there is reasonable cause to believe that Gardner violated numerous Tollway policies and state laws by her actions.

V. RECOMMENDATIONS

OIG would have recommended termination of Gardner's employment; however, subsequent to her arrest she resigned from her position. Therefore, we recommend that she be considered ineligible for re-hire.

OIG recommends that the Tollway review the toll violation settlement procedures and develop additional safeguards and oversight of this process. The ability to add license plates to established accounts as a method of dismissing violations provides an opportunity for fraud and this investigation identifies a potential weakness in this system. OIG recommends that I-Pass transponders and accounts only be permitted one license plate.

VI. PERSONNEL/RULE(S), REGULATION(S), LAW(S) VIOLATIONS

As detailed more fully above, the OIG investigation has established reasonable cause to find that Gardner violated the following laws, rules, and regulations:

- A. Illinois Tollway Policy and Procedure Manual Chapter 1. General Policies and Responsibilities: Section A: "Fundamental Principles"**
- B. Illinois Tollway Policy and Procedure Manual Chapter 7. Employee Conduct and Discipline: Section A: "Employee Conduct"**
- C. Illinois Tollway Policy and Procedure Manual Chapter 7. Employee Conduct and Discipline: Section L: "Theft and Misappropriation"**

- D. Illinois Compiled Statutes 720 ILCS 5/17-50 (a) (1) Computer Fraud**
- E. Illinois Compiled Statutes 720 ILCS 5/33-3 (a) (2) Official Misconduct**
- F. Illinois Compiled Statutes 720 ILCS 5/17-51 (a) (2) Computer Tampering**
- G. Illinois Compiled Statutes 720 ILCS 5/16-1 (a) (1) (A) Theft**