



Illinois State Toll Highway Authority

Office of the Inspector General

SUMMARY ACTIVITY REPORT

For the period September 1, 2016 through February 28, 2017

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Inspector General

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<https://www.illinoistollway.com/about/office-of-inspector-general>




OFFICE OF THE INSPECTOR GENERAL

Theodor J. Hengesbach – Inspector General

SUMMARY ACTIVITY REPORT

To: The Office of the Governor
The Board of Directors of the Illinois State Toll Highway Authority
The State of Illinois General Assembly

From: Theodor J. Hengesbach, Inspector General 

Date: March 23, 2017

Re: Office of the Inspector General Summary Activity Report for the Period Spanning
September 1, 2016 to February 28, 2017

INTRODUCTION

We provide this report pursuant to Section 8.5 of the Toll Highway Act (the Act).¹ The Act created the Office of the Inspector General (OIG) and the Governor-appointed position of Inspector General. On November 9, 2015, Governor Bruce Rauner appointed Theodor J. Hengesbach to this position, and on February 9, 2017 the Illinois Senate confirmed this appointment.

MISSION AND JURISDICTION

OIG's mission is to foster effectiveness and efficiency in Tollway administration and operations by promoting integrity and accountability of the Tollway board, Tollway employees, and Tollway contractors and vendors. In furtherance of its mission, OIG strives to detect, deter, and prevent fraud, waste, abuse, corruption, misconduct, and mismanagement.

By statute, OIG's jurisdiction extends to Tollway officials, Tollway employees, and Tollway contractors and vendors.² As a general rule, the OIG does not become involved in private disputes, labor-management issues, or litigation. Matters investigated by OIG may also fall within the jurisdiction of other agencies (e.g., federal, state, or local law enforcement, other inspectors general, etc.). In such cases, the Inspector General is authorized to refer matters or work jointly with these other agencies to investigate allegations of wrongdoing.

¹ 605 ILCS 10/8.5(m) provides: The Toll Highway Inspector General shall provide to the Governor, the Board of the Authority and the General Assembly a summary of reports and investigations made under this Section no later than March 31 and September 30 of each year. The summaries shall detail the final disposition of the Inspector General's recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The summaries shall also include detailed, recommended administrative actions and matters for consideration by the Governor, the Board of the Authority, and the General Assembly.

² See 605 ILCS 10/8.5(d).

OIG derives its authority and direction from the Illinois Toll Highway Act³ and the Illinois Administrative Code.⁴

INVESTIGATIONS

OIG is currently staffed with an Inspector General, a Deputy Inspector General, a Senior Investigator, and an Administrative Assistant. There are currently two vacant Investigator positions. The Inspector General, Deputy Inspector General and Senior Investigator are certified by the National Association of Inspectors General and the Association of Certified Fraud Examiners. In addition, the Inspector General and the Senior Investigator are members of the Board of Directors for the Illinois Chapter of the Association of Inspectors General. In addition to conducting administrative and criminal investigations of alleged violations of law, rule or regulation, and misconduct or mismanagement, OIG also reviews Tollway policies and procedures, and employment and hiring files.⁵ Furthermore, OIG provides assistance to law enforcement entities.

COMPLAINTS

OIG receives complaints from the general public, Tollway officials and employees, vendors, bidders, and anonymous sources; OIG can also self-initiate investigations and reviews. Complaints are screened and assessed to determine the most appropriate action, which can include opening a Preliminary Investigation (PI),⁶ an Investigation (IG), a Review (R), or an Investigative Assistance case (IA)⁷ or declination. OIG can also refer matters to Tollway management or another appropriate entity.

Factors that impact these decisions include: the reliability and accuracy of information based on OIG's knowledge of the subject matter; the nature of the conduct alleged and the ability to independently verify the allegations; the age of the conduct complained of; the likely impact on Tollway operations; and the availability of investigative resources. Finally, OIG receives a number of calls relating to IPASS concerns or toll violations that are referred to Tollway Customer Service Managers.

By law, the identity of any individual providing information or reporting possible or alleged misconduct to OIG may not be disclosed without consent of that individual or as otherwise required by law.⁸ In addition, state and federal Whistleblower laws prohibit retaliation against individuals who provide information to or cooperate with an OIG investigation.

One way OIG receives complaints is via the Tollway OIG Hotline (866-786-5544), and during this reporting period there were 83 incoming calls.

³ 605 ILCS 10/8.5.

⁴ ILL. ADMIN. CODE title 2, sec. 3430 (2011).

⁵ See 605 ILCS 10/8.5(f).

⁶ A Preliminary Investigation is initiated to conduct limited-scope inquiries to determine the next appropriate action. Generally, these inquiries are open for 30 days, although one 30-day extension may be approved by the Inspector General.

⁷ Investigative Assistance matters include tracking of employee arrests and requests for information or subpoenas from law enforcement, regulatory agencies, or other Inspectors General.

⁸ See 605 ILCS 10/8.5(k)(1).

From September 1, 2016 through February 28, 2017, OIG took action in 120 new matters:

Preliminary Investigations	13 opened 16 closed (6 converted to Investigation, 1 converted to Referral)
Investigative Assistance	77 cases opened 80 closed
Investigations	6 opened (6 converted from PI) 8 closed
Reviews	1 opened 1 closed
Referral – Law Enforcement	1 matter referred
Referral – Management	20 matters referred
Declined	2 matters

As of February 28, 2017, the following matters were pending:⁹

Preliminary Investigations	5
Investigative Assistance	1
Investigations	3
Reviews	1

REPORTS OF FINDINGS

Summary reports detailing sustained findings and/or recommendations are submitted to the Board Chair, the Executive Director and appropriate management officials, and set forth investigative findings and recommendations for corrective action. As required by law, narrative summaries (without confidential or identifying information) are provided in semi-annual reports, while final summary reports resulting in discipline of more than 3 days are publicly released in redacted form on the OIG website. OIG also issues Management Advisory Reports to the Board Chair, the Executive Director and appropriate management officials, which describe operational concerns observed by OIG in the course of its activities. Summaries of these notifications and management responses will be provided in the semi-annual reports.

There are no recommended administrative actions or matters for consideration by the Governor, the Board of the Authority, or the General Assembly during this period.

The following are summaries¹⁰ of sustained OIG cases concluded between September 1, 2016 and February 28, 2017.

⁹ These numbers include carry-over from previous reporting period.

¹⁰ These summaries are intended to illustrate the general nature and outcomes of these cases for public reporting purposes and thus may not contain all allegations and/or findings for each case.

IG-2016-003

An OIG investigation established that an Equipment Operator Laborer (EO/L) violated Tollway policy by engaging in secondary employment for several weeks in December 2015 with a tow company that does business with the Tollway without notifying or receiving prior approval from the Department Chief.

OIG recommended discipline and suggested revisions to the Tollway's secondary employment request and approval process.

Engineering issued a verbal reprimand to the employee.

Administration agreed to review recommended changes to the secondary employment notification and approval process, and indicated that changes would be implemented by the end of the First Quarter of 2017.

IG- 2016-004

An OIG investigation established that a Customer Service Representative violated Tollway policy by failing to notify the Tollway that their driver's license had been suspended; and operated a Tollway vehicle five times while that license was suspended.

OIG recommended discipline and suggested revisions to the Tollway's procedure for verifying employees drivers' licenses

Business Systems issued a verbal reprimand to the employee.

Tollway management is reviewing OIG recommendations and considering revisions to the employee drivers' license check process.

IG-2016-006

An OIG investigation was initiated after a Business Systems Manager brought concerns that video surveillance appeared to show Customer Service Representatives (CSRs) accepting cash from patrons at the O'Hare Oasis in violation of Tollway policy. OIG's investigation established that two Customer Service Representatives accepted cash and did so in a secretive manner that appeared intended to avoid detection. Both admitted accepting cash and gifts from patrons.

A third Customer Service Representative was implicated as having accepted cash and gifts, although that activity was not observed on the available video. When interviewed, the employee admitted accepting cash and gifts from patrons, and also admitted to violating Tollway policy to assist patrons by associating transponders with license plate numbers without proper documentation.

The Tollway placed all three CSRs on Suspension Pending Investigation, and subsequently initiated the disciplinary process by presenting charges seeking discharge and providing them an opportunity to respond. Two resigned and the third entered into a Last Chance agreement that

included a time-served suspension, location reassignment, and an acknowledgement that any future similar violation would result in termination.

The investigation further determined that two other CSRs accepted gifts from patrons in violation of Tollway policy. The employees admitted to OIG investigators that they accepted beverages from patrons.

One of them also admitted accepting \$20 from a patron, but only after asking and being given approval from a supervisor.

Business Systems provided verbal counseling to these employees and the supervisor who gave the approval.

OIG also recommended measures to avoid these situations in the future including installing signs indicating that no gifts or gratuities are permitted. The Tollway has begun making and installing signs at Customer Service facilities which read:

NO TIPS OR TOKENS OF GRATUITY ALLOWED
Compliments are always welcome at illinoistollway.com

IG-2016-009

OIG issued a summary report recommending discipline for a Senior Toll Collector for violating Tollway policy by comingling personal and Tollway funds. Specifically, toll booth video surveillance showed the employee remove currency from their shirt pocket and place it into the cash drawer and then remove currency from the cash drawer and fold it into their hand. In addition, Toll Audit records reflect a shortage of \$154 in the employee's cash drawer on the same date. The employee admitted to the OIG that they were the person in the video and could not explain their actions, but denied stealing any money. Following review of the OIG report, the Tollway placed the employee on Suspension Pending Investigation. After being given a chance to respond to the Tollway's charges of misconduct, the employee retired.

IG -2016-010

OIG issued a summary report recommending discipline for a Senior Toll Collector for violating Tollway policy by comingling personal and Tollway funds. Specifically, toll booth video surveillance showed the employee remove currency from the cash drawer and then place it into their pants pocket. In addition, Toll Audit records reflect a shortage of \$239 in the employee's cash drawer on the same day. The employee admitted to the OIG that they were the person in the video, but claimed to not remember doing it and further claimed to not have stolen any money. Following review of the OIG report, the Tollway placed the employee on Suspension Pending Investigation. After considering the employee's response to misconduct charges, Operations discharged the employee.

IG-2016-011

OIG issued a Summary Report recommending discipline for a Toll Collector for violating Tollway policy by engaged in tax preparation services for others outside of work without prior

notification or approval to engage in secondary employment. Following its investigation, OIG determined that the employee was aware of Tollway's policy requiring prior supervisory notification and approval before engaging in secondary employment, but had neither sought nor received such approval.

Operations imposed a one-day suspension.

MANAGEMENT REFERRALS

RF-2016-013

OIG referred a complaint to Operations that it received from a patron about a rude Toll Collector. Operations reported to the OIG that it reviewed the matter and determined that the Toll Collector was experiencing personal issues that were impacting the employee's work.

Operations counselled the employee.

RF-2016-014

OIG referred information it received from Toll Audit about a cash shortage of more than \$100 in a Toll Collector's cash drawer.

Operations reported to the OIG that after reviewing the matter and discussing it with the employee, the employee was given a one-day suspension.

RF-2016-034

OIG referred information to Operations that it received from Toll Audit about three significant cash shortages in a Toll Collector's cash drawer in October and November 2016 totaling more than \$400.

Operations reported to the OIG that the Toll Collector could not explain the missing money and Operations discharged the employee.

UPDATES ON LAW ENFORCEMENT REFERRALS

In the course of its work, OIG refers potential criminal matters that do not involve Tollway employees or vendors to appropriate law enforcement. The Summary Activity Report dated September 23, 2016 included information about two matters referred to ISP, District 15 that resulted in Criminal prosecutions. Those matters have been completed as described below.

Unauthorized Use of I-PASS Transponder

OIG received information regarding an I-PASS transponder that had been lost following an automobile accident was being used by a vehicle not associated with the patron's account and without the patron's authorization. OIG obtained records that identified a possible suspect, and referred the matter to ISP, District 15. Based on information provided by OIG, ISP located the suspect and made an arrest. ISP determined that the suspect used a second stolen transponder,

and charged him with two counts of theft. The defendant pleaded guilty to both counts, and was sentenced to 12 months of conditional discharge, 100 hours of community service and restitution to the victims for each count.

Fraudulent Toll Violation Notices

OIG received a complaint that a patron had received Notice of Toll Violation purportedly from the Tollway. Although the notice looked similar to official Tollway notices, it included non-Tollway contact information and payment instructions. OIG provided information to ISP, District 15, which conducted an investigation that identified a juvenile suspect who has been petitioned on multiple counts of felony forgery. The defendant pleaded guilty to one count of forgery.

GENERAL SUMMARY OF OTHER ACTIVITY

In addition to investigatory activities described above, the Inspector General and OIG staff members have engaged in ongoing projects, including:

- Engaging in regular meetings with Tollway stakeholders including Diversity, Internal Audit, and the Equal Employment Officer to discuss common issues and areas for collaboration.
- Working with Tollway Information Technology to address OIG technology needs and develop a secure electronic complaint intake solution.
- Improving outreach efforts by working with Communications to develop new orientation materials to publicize the OIG Hotline and encourage reporting.
- Publishing three reports.