



Illinois State Toll Highway Authority

Office of the Inspector General

SUMMARY ACTIVITY REPORT

For the period March 1, 2018 through August 31, 2018

Theodor J. Hengesbach
Inspector General

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OFFICE OF THE INSPECTOR GENERAL
Theodor J. Hengesbach – Inspector General

SUMMARY ACTIVITY REPORT

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

From: Theodor J. Hengesbach, Inspector General

Date: September 27, 2018

Re: Office of the Inspector General Summary Activity Report for the Period Spanning
March 1, 2018 to August 31, 2018

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 the Illinois Senate confirmed this appointment in February 2017. The appointment runs through June 30, 2020.

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.

OIG derives its authority and direction from the Illinois Toll Highway Act² and the Illinois Administrative Code.³

By statute, OIG's jurisdiction extends to Tollway officials, Tollway employees, and Tollway contractors and vendors.⁴ As a general rule, OIG does not become involved in private disputes,

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.

² 605 ILCS 10/8.5.

³ ILL. ADMIN. CODE title 2, sec. 3430 (2011).

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.

INVESTIGATIONS

OIG is staffed with an Inspector General, a Deputy Inspector General, a Senior Investigator, 2 Investigators and an Administrative Assistant. The Inspector General, Deputy Inspector General, Senior Investigator, and both Investigators are certified by the National Association of Inspectors General. The Inspector General, Deputy Inspector General, and Senior Investigator are also certified by 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.

OIG conducts 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, and serves as liaison to law enforcement entities.⁵

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), an Investigative Assistance case (IA)⁷ or a declination. OIG can also refer matters to Tollway management, law enforcement 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. OIG also receives a number of complaints and calls relating to I-PASS 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 Furthermore, state and federal Whistleblower laws prohibit retaliation against individuals who provide information to or cooperate with an OIG investigation.

⁴ See 605 ILCS 10/8.5(d).

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 30-day extensions may be approved by the Inspector General.

⁷ Investigative Assistance matters include requests for information from law enforcement, regulatory agencies, or other Inspectors General.

⁸ See 605 ILCS 10/8.5(k)(1).

One way OIG receives complaints is via the Tollway OIG Hotline (866-786-5544). During this reporting period, there were 93 incoming calls, for an average of 15 calls per month.

In mid-October 2017, OIG rolled out a new online electronic form that allows individuals to provide information to OIG in a secure, confidential manner. This form can be accessed through the OIG webpage, and it is encrypted upon submission and delivered directly to a secure OIG email account. During this reporting period, OIG received 31 online submissions.

From March 1, 2018 through August 31, 2018, OIG took action in 139 new matters:

Preliminary Investigations	24 opened 26 closed (8 converted to Investigations, 6 converted to Referral, 1 converted to Review, 11 closed no further action)
Investigative Assistance	1 case opened ⁹ 1 case closed
Investigations	10 opened 9 closed (6 sustained, 1 not sustained, 2 referred)
Reviews	3 opened 0 closed
Referral – Law Enforcement	3 matters referred
Referral – Management	50 matters referred
Referral – Other Entity	2 matters referred
Declined	7 matters
Calls referred to Customer Service	39

As of August 31, 2018, the following matters were pending:¹⁰

Preliminary Investigations	7
Investigative Assistance	0
Investigations	8
Reviews	7

⁹ On October 1, 2017, responsibility for responding to law enforcement subpoena requests for Tollway records transitioned from OIG to the Legal Department.

¹⁰ These numbers include carry-over from previous reporting period. Note the number of pending preliminary investigations reported in the March 2018 SAR should have been 10 not 11.

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 of investigations (without confidential or identifying information) along with the final disposition of OIG recommendations are provided in semi-annual reports. 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 advisories 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 summaries¹¹ of sustained OIG cases concluded between March 1, 2018 and August 31, 2018.

OIG Investigations Resulting in Personnel Actions

Discharge/Termination/Resignation

IG-18-003 Customer Service Representative

OIG completed an investigation into allegations that a Customer Service Representative (CSR) engaged in a scheme to improperly settle a patron's \$23,240.70 violation debt for \$1,411.30, and also pocketed more than \$588 of the \$2000.00 paid by that patron. The investigation, conducted jointly with the Illinois State Police District 15, established reasonable cause to find that the CSR violated numerous Tollway policies and criminal statutes 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 some of the money paid by a patron to settle a Tollway debt.

The CSR resigned from the Tollway before being interviewed. Subsequently, the CSR was charged with four felony criminal charges that are pending in Cook County Circuit Court. OIG issued a summary report of investigation on August 3, 2018 recommending that the Tollway consider the CSR 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 I-PASS transponders and accounts only be permitted one license plate.

¹¹ 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.

The Tollway response was expected on August 31, 2018 and received on September 19. The Tollway placed the CSR on the Do Not Hire List, and agreed to review the process to identify safeguards that could be implemented to prevent similar fraudulent settlement schemes. The Tollway declined to limit I-PASS accounts to just one license plate, stating that it would have a “significant impact upon operations as well as our customers and is not warranted at this time.”

IG-18-011 Summer Temp-Toll Collector

OIG completed an investigation into allegations that a Summer Temp – Toll Collector (Summer Temp – TC) stole money in June and July 2018. Toll Audit provided a Toll Collection Performance Report that reflected cash shortages ranging from \$98.00 to more than \$600.00 on 11 out of 12 days she worked between June 16 and July 1, 2018. Toll Audit also provided video recordings of the Summer Temp – TC during his/her shifts that showed them handling currency in suspicious ways, such as removing currency from the money tray, placing it under the keyboard or in a drawer under the booth counter and later putting that money in his/her vest or pocket. Further investigation identified additional shortages between July 2 and July 11.

When interviewed by OIG investigators on July 13, 2018, the Summer Temp – TC denied taking the money and claimed any money s/he put in his/her pockets was his/hers, but could not explain the shortages other than to claim to have misclassified some vehicles. Despite these denials, the documentary and video evidence support a finding of reasonable cause to believe that the Summer Temp – TC stole at least \$4,500 in Tollway revenue. Subsequently, OIG learned that Toll Operations terminated the Summer Temp - TC effective July 17, 2018.

Based on this investigation, had the Summer Temp – TC not been discharged, OIG would have recommended discharge. OIG issued a summary report of investigation on August 3, 2018 recommending that that the Tollway consider the Summer Temp – TC ineligible for re-hire.

OIG provided information to the Lake County State’s Attorney’s Office, which issued an Arrest Warrant for the Summer Temp – TC on Theft and Official Misconduct charges.

The Tollway response was expected on August 31, 2018; on September 21, 2018 the Executive Office reported that they are reviewing the report and will respond shortly.

Suspension/Counseling

IG-2017-008 Toll Collector and District Supervisor

An OIG investigation found reasonable cause to support findings of Tollway policy violations by an Acting Plaza Manager (APM) who, over the course of several months improperly punching in for work many days without authorization at a different plaza than assigned that was closer to the APM’s home, which resulted in receipt of over 15 hours of paid overtime. In addition, this investigation also identified shortcomings by the District Supervisor who failed to input notes in the Kronos timekeeping system comments section on days that the APM had been authorized to stop at a different plaza before starting work, and for improperly authorizing the APM to punch in at an unassigned plaza before reporting for temporary assignments.

On November 9, 2017, OIG issued a summary report of investigation recommending that the APM be disciplined up to and including discharge for falsifying time keeping records, neglect of duty, failure to report delays/tardies, and failure to follow Tollway policies and procedures. In addition, OIG recommended the Tollway impose discipline on the District Supervisor for failure to follow Tollway timekeeping and supervisor policies.

On December 13, 2017, Tollway Operations responded that it agreed with the OIG findings and had proposed corrective action that had been internally appealed by the APM. On June 25, 2018 the Tollway provided a final response indicating that, following the employee's appeal, the APM was given a 10-day suspension, denied a promotion and placed on a 6-month probationary period, after which promotion may be considered if performance meets standards.

Tollway Operations concurred with OIG's recommendation regarding the District Supervisor, and imposed a 1-day suspension for failure to appropriately document all times the APM was directed to punch in or out when working in other locations.

IG-17-013 Senior Toll Collector

OIG completed an investigation that provided reasonable cause to believe that a Senior Toll Collector (STC) violated Tollway policy by neglecting their duties by leaving \$400 in US Currency in an employee locker at their assigned plaza and failing to submit toll revenue at the end of the shift.

The STC could not explain the missing money and denied taking it when initially interviewed by OIG. But approximately a month and a half after being interviewed by OIG investigators, the STC claimed to have found the missing money in a locker in the Counting Room at the plaza. OIG confirmed through interviews and video that the STC had located a bag of money with their name on it in one of the plaza lockers.

Several months after being interviewed a second time by OIG investigators, but before OIG completed its investigation, the STC retired. OIG issued a summary report of investigation on May 8, 2018 recommending that, had the STC not retired, Toll Operations impose discipline for neglect of duties in failure to secure Tollway funds. Tollway Operations responded on June 6, 2018 that it concurred with OIG's recommendation to place a copy of its report in the STC's personnel file with a notation of Do Not Hire.

IG-18-004 General Manager

OIG completed an investigation into an allegation that a current employee who formerly served as a General Manager in Business Systems improperly diverted a Tollway check into their personal bank account in 2012. The check had been issued by the Illinois Comptroller as payment for tolls incurred by CMS and was been issued to the Tollway c/o the employee personally. The OIG investigation established reasonable cause to believe that the employee violated Tollway policy by endorsing that check intended as payment to the Tollway and deposited it into their personal bank account in 2012. The employee told OIG they mistakenly thought the check was a travel reimbursement payment. OIG found that, while the evidence showed that this was likely a one-time occurrence, the employee was at least negligent and failed to act reasonably given their position as General Manager and their years of experience.

OIG issued a summary report of investigation on June 18, 2018 recommending that the Tollway: 1) take appropriate disciplinary action against the employee; 2) seek to recoup \$402.46; and, 3) credit this recoupment towards CMS's I-PASS account. Finally, OIG recommended that the Tollway review all revenue-intake processes and discontinue the practice of allowing payments to the Tollway to be made in care of any individual employee, particularly those who directly process payments and have authority to adjust customer accounts or settle debts owed to the Tollway.

In its response, dated July 27, 2018 and received August 10, 2018, Business Systems reported that the employee returned the money as requested, which was credited to the CMS account. In addition, Business Systems reported that it considered the incident to be a mistake because the employee infrequently handled Tollway payment checks and infrequently received travel reimbursements, so the employee was given a verbal counselling. Business Systems indicated that the concerns about individual employees being included as payees on Comptroller checks intended to pay Tollway debt is an issue that it will address with the Comptroller in consultation with Tollway Internal Audit.

OIG Investigations Resulting in Administrative Recommendations

IG-17-009 – Temporary Employees and Hiring

OIG completed an investigation into an allegation that a candidate for a Seasonal Toll Collector position was treated differently than other candidates during processing because they were a temporary employee assigned to the Tollway's Administration Department.

The worker was assigned to perform clerical work for the Tollway's Administration Department. In February 2017, they applied and were selected for a Seasonal Toll Collector position. As part of the background check process, the worker submitted to a drug and alcohol test that identified marijuana in their system.

The complaint alleged that the worker received preferential treatment because: a) they were not removed from their Tollway assignment as a temporary employee; and, b) the HR Processing Log did not accurately reflect that they had tested positive, which allegedly allowed them to continue to be eligible for other Tollway positions.

As detailed in the summary report of investigation issued on July 25, 2018, the OIG investigation did not establish reasonable cause to find that Administration personnel intentionally provided preferential treatment to the worker. However, our investigation did identify pervasive misunderstandings and/or inconsistent application of processes within the Administration Department at that time, particularly at the supervisory level, that established reasonable cause to support a finding of mismanagement. Most of these problems resulted from nonexistent or incomplete written guidance. OIG outlined several recommendations, including:

- Ensuring that temporary workers receive and acknowledge that they are bound by Tollway workplace policies;
- Reviewing and updating the Standard Operating Procedures respecting the post-selection review background process to more clearly define roles and responsibilities;

- Standardizing the level and types of background checks/drug and alcohol tests required for different types of employees (i.e. temporary workers, consultants, state employees) including written guidance addressing the impact of adverse results on an applicant's future application; and
- Establishing consistent recording and tracking of information about candidates, especially those who have been deemed ineligible for hire.

In its response of August 22, 2018, Tollway Administration said that it will develop and distribute written guidelines for temporary workers/consultants working for the Tollway. Tollway Administration also indicated that it will establish a policy respecting the length of time an applicant is ineligible for consideration if they test positive in a Tollway pre-employment drug/alcohol screen. In addition, Administration said it will improve its tracking of background review results for candidates and consultants, and ensure consistent terminology for those determined to be ineligible for hire. Finally, Administration reported that it is developing a Do Not Hire procedure.

Management Referrals Resulting in Administrative Actions

RF-18-041

An OIG investigation determined that allegations that equipment selected for installation in a vertical construction project had been improperly substituted were Not Sustained. However, in the course of the investigation, OIG was unable to identify a defined practice or set documentation reflecting a review and approval for this equipment specification and change, which could leave such equipment changes in future vertical construction projects vulnerable to mistakes by, or improper influence over, the final product choice.

OIG referred the matter to Engineering to review this issue and consider implementing a more defined process for reviewing, approving, and documenting such equipment change requests for future vertical construction projects, especially where the change in equipment would impact multiple Tollway building projects.

The Department of Engineering responded that while the proper processes were followed, it did recognize that improvements could be made, including:

- Adding language to the DSE and CM Manual to explain how the Tollway expects an approved equal material, product or equipment to be reviewed and evaluated.
- Providing training to the CM, DSE and Tollway staff on how the review and approval of an equal material, product or equipment is expected to be addressed; and
- Creating an independent eBuilder process, that can be used and tracked independently when a contractor is submitting an equal alternative material, product or equipment.

RF-18-047

OIG initiated an investigation after learning that a check issued to a Tollway vendor had been sent to the vendor's previous address and that the check had been cashed by someone not affiliated with the vendor. Our investigation did not establish reasonable cause to believe that specific Tollway personnel acted intentionally or negligently to allow this check to be sent to the wrong address. In addition, we learned that the Tollway did not lose any money and that the vendor eventually received full payment. However, our investigation did identify potential vulnerabilities in the invoice processing system that involves multiple departments (Engineering, Procurement, and Finance) but appears to lack specific ownership of certain key elements, and we referred the matter to Tollway management to review and improve the process.

The Executive Office responded that it agreed with IG findings and recommendations, and noted that the problem with the underlying scenario resulted from a combination of human error and disparate systems being used to track and maintain elements of vendor data. Specifically, information relating to an inactive vendor was outdated and efforts to update that information were not done in all systems necessary to identify that the information had changed since the vendor was deactivated.

The Executive Office expressed confidence that the implementation of the new SAP financial management system should alleviate many of these problems, but promised to better document the expected inter-departmental communication procedures. Specifically, the user departments will be informed in writing that they must provide to the Department of Procurement accurate and verified vendor information upon establishment of every contract, and the Finance Department (Accounts Payable) will notify the user department and Procurement if it identifies any discrepancies in vendor information such as payment addresses not matching vendor invoices.

Management Referrals Resulting in Corrective Action

RF-18-015 Acting Plaza Manager

Toll Operations reported that after receiving the OIG summary report of investigation in IG-17-008, it identified records reflecting numerous incidences of excessive tardiness by another Acting Plaza Manager (APM). In addition, the records reflected 20 unauthorized 'punch ins' and 'punch outs' from unassigned locations, which allowed the APM to avoid being tardy on 14 of those days and to qualify for overtime to which s/he was not entitled on 5 occasions. Toll Operations reported that it had spoken with the APM's supervisor who indicated that they had not authorized the APM to report at different plaza. Because it appeared to have all information necessary to act, OIG referred the matter to Toll Operations, which reported that the APM was subsequently given a 10-day suspension.

RF-18-022 Equipment Operator Laborer

OIG received a letter from a patron who alleged that on March 16, 2018, at approximately 11:35 p.m. while driving through a construction zone at the 290/88 interchange, a Tollway plow truck driver acted in an intimidating manner by blowing the horn, slamming the blade of the plow onto

the pavement multiple times, and announcing over the speaker that they were reporting the patron.

OIG referred the matter to Engineering. Engineering reported that it interviewed the EOL who admitted that, in a desire to get around traffic to continue plowing, they applied the truck horn, and “accidentally” dropped the plow once or twice.

Engineering determined that the EOL’s actions were “inappropriate and [constituted] conduct unbecoming of a Tollway employee,” and issued a written warning advising that further similar conduct may result in more severe disciplinary action.

RF-18-045 Senior Toll Collector

OIG opened a preliminary investigation after being informed by Administration that a Senior Toll Collector (STC) had not reported two prior arrests from early 2017 as required by Tollway policy. Administration subsequently reported that the STC had previously been suspended for 3 days, from October 21, 2017 to October 23, 2017, for failure to notify their supervisor and complete the Mandatory Report of Arrest form for another arrest.

During the course of our inquiry, OIG found that the STC was regularly driving to work at their assigned plaza on a revoked driver’s license. Subsequently the STC received a traffic citation from an ISP District 15 Trooper who observed the STC driving to their assigned plaza.

OIG tracked the status of the STC’s ISP citation, and learned that on June 1, 2018, they pleaded guilty to driving on a suspended or revoked license. The STC was sentenced to 30 days in jail (with credit for 2 days served) in the Cook County Detention Center.¹²

OIG also found that Tollway Kronos records reflected that the STC was on FMLA leave from May 26, 2018 through June 19, 2018. Documents also show that this leave was approved on May 25, 2018 to care for a shoulder injury.

OIG referred this matter to Toll Operations and Administration to take appropriate action to: 1) determine if the STC had reported their recent incarceration as required by Chapter 7, Section K of the Tollway’s Employee Policies and Procedures Manual, and 2) thoroughly review the STC’s FMLA leave request and approval for possible fraud.

In its response, Toll Operations reported that it confirmed 1) that the STC had failed to report the recent incarceration, and 2) that the FMLA leave request was actually based on a verified medical diagnosis.

As a result, Toll Operations decided to enter into a Last Chance Agreement (LCA) with the STC that included the following terms:

¹² After referring the matter on June 8, OIG learned that the STC had been released on June 13 with good time credit.

- Agreement by parties to allow the STC to return to work with a time-served unpaid suspension of 30 days;
- Agreement by the STC that any DUI or driving while suspended arrest or failure to report other arrest, convictions or sentencing will result in termination;
- Agreement by the STC that a failure to obtain a driver's license or hardship license by December 31, 2018 will result in termination;
- Specific work assignment requirements for the next 26 week shift period; and
- Agreement by the STC and the Union that if the Tollway establishes a violation of any provision of the LCA, it will have just cause for discharge.

RF-18-048 Senior Toll Collector

Toll Audit provided OIG with documentation reflecting that a Senior Toll Collector (STC) had a \$99.85 cash variance shortage following a shift. OIG referred the matter to Operations. Operations reported that it reviewed video footage that did not show any cause for the shortage, and that the STC's collection history did not reflect patterns of misuse. Operations imposed a 1-day suspension.

RF-18-049 Senior Toll Collector

Operations advised OIG that it had received an anonymous complaint that a Senior Toll Collector (STC) had been observed engaging in suspicious behavior including leaving money out of the drawer during collection activities, and shielding them self from the camera's view while in the counting room. Operations indicated that after a shift, a supervisor looked at the STC's money drawer and found a number of Susan B. Anthony dollar coins and two-dollar bills. There was no report of revenue shortages, so OIG referred the matter to Operations.

Operations reported that, following its review of relevant video footage, it identified several violations of Tollway policy, and imposed a 5-day suspension for unsecured funds, and a 2-day suspension for unauthorized use of cellphone in the toll booth.

RF-18-050 Toll Collector

OIG received an allegation that a Toll Collector (TC) failed to provide change to a patron and refused to answer questions or respond to the patron for more than 15 minutes; instead the TC fiddled with their personal cell phone. The patron provided a video of the incident. OIG referred the matter to Toll Operations. Toll Operations responded that it reviewed the patron's video as well as Tollway video footage, which established cause to discharge the Toll Collector. Following the disciplinary process the Toll Collector was terminated for multiple violations of Tollway policy.

RF-18-051 Equipment Operator Laborer

On April 26, 2018, the Administration Department notified OIG that an EOL had submitted a timely Mandatory Employee Report of Criminal Arrest following an arrest for driving under the influence. In the course of tracking the status of this matter, OIG determined that the EOL likely had not reported the full terms of the resulting plea agreement as required by the Tollway Policies and Procedures Manual.

Specifically, the EOL informed Administration that the case had been resolved following a guilty plea and provided the Administration Department with a court order indicating that a proposed summary suspension of their driver's license had been rescinded.

However, OIG found court records that identified other orders that had been entered on the same day as part of the EOL's sentence, but which appear to have not been included in the materials the EOL provided to Administration. These other orders indicate that the EOL pleaded guilty to reckless driving in violation of 625 ILCS 5/11-503(A)(1), a Class A misdemeanor. In addition, the EOL was sentenced to one-year supervision (from May 29, 2018 to May 28, 2019), and mandatory DUI Treatment, 100 hours of community service, use of a SCRAM alcohol detection device on their vehicle and abstinence from alcohol use for 60 days.

OIG referred the matter to Engineering and Administration to determine if the EOL had provided sufficient notification about the outcome of the criminal case, and to evaluate if any administrative or disciplinary action should result from the Reckless Driving conviction.

Engineering responded that the circumstances did not support discipline for the EOL's reckless driving conviction, because it was off-duty conduct. However, it did impose a 3-day suspension because the EOL failed to provide complete documentation or notification respecting their sentence as required by Tollway policy.

RF-18-059 Toll Collector

Toll Audit provided OIG with documentation reflecting that a Toll Collector (TC) had a \$102.68 cash variance shortage following a shift. OIG referred the matter to Operations. Operations reported that it reviewed available documentation, and spoke to the TC. Operations imposed a 1-day suspension after determining that there was no reasonable explanation for the missing money.

Management Referrals Resulting in No Action

RF-18-055 (Toll Operations)

OIG received a complaint that at a Manager in Operations was unfairly treating a subordinate more harshly than other subordinates. The complainant consented to allow the matter to be referred to Toll Operations. Toll Operations reported that, based on its review and consulting with the General Manager, it found that the employee, who conceded to having some performance issues, was being treated like others with similar performance issues. Under the circumstances, Toll Operations determined that any further management action was not appropriate.

Customer Service Referrals

During the reporting period, OIG referred 32 matters involving disputes over Toll Violations/Fines or other I-PASS-related concerns to Business Systems. To date OIG has received responses from Business Systems reflecting resolution of 31 of those referrals. The response date for the remaining referral is in mid-October.

Update on Law Enforcement Actions

In the course of its work, OIG works with outside law enforcement on matters related to the Tollway. One matter resulted in criminal convictions in this reporting period.

IG-16-007

In late 2016, OIG assisted the Freeport Police and the Stephenson County State's Attorney's Office in an investigation and prosecution of a former Tollway call-taker (employed by a temporary agency) and an accomplice who were charged with misappropriation of identity after a credit card number was used by the accomplice to make an unauthorized online purchase of merchandise in excess of \$300.00. OIG identified and provided records to establish that, the day before the unauthorized purchase, the credit card holder had used the same card to make an adjustment to their I-PASS account in a transaction that was handled by the former call taker. The call taker resigned from the temporary agency before they could be interviewed by OIG investigators and before charges were filed.

OIG learned that on June 2018, the former call taker and the accomplice each pleaded guilty to one count of Identity Theft, a Class 4 Felony (720 ILCS 5/16-30(a)(3)). The former call taker was sentenced to serve 2 days imprisonment (time-served), 24 months supervision/conditional discharge, and was assessed court fines and costs. The accomplice was sentenced to serve 120 days imprisonment (9 days credited), 2 years of probation, and was assessed court costs and fines. In addition, both were jointly ordered to pay restitution to the card-issuing bank in the amount of \$385.86 within one year.

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 discussions and meetings with Tollway stakeholders including Internal Audit, Diversity, Finance, ISP, the Equal Employment Officer, and Executive staff about common issues and opportunities for collaboration.
- Collaborating with Communications to develop an orientation video emphasizing the core value of integrity.
- Meeting with new managers during orientation to discuss the role of OIG, and reinforce the common goal of fostering and enhancing integrity in Tollway operations.
- Providing input to the Chairman, Administration, Legal, and Executive on proposed Tollway policy and procedure revisions.
- Publishing one redacted Summary Report of Investigation.