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Ms. Laurie Eby, Executive Director

Legislative Ethics Commission

420 Stratton Office Building

Springfield, IL 62706

RE: Ms. Cassandra Matz

Ms. Eby:

Please find Ms. Matz's response to the Founded Summary Report for Case 18-027.

As set forth more fully below Ms. Matz disagrees with the findings of the Legislative Inspector General for among the following reasons: (1) Ms. Matz was denied due process due to the conflicts of interest inherent in the legislative inspector general process; (2) Ms. Matz was denied due process as a result of the actual conflict of interest of the Senate President predetermining guilt before the summary report was issued; (3) the Legislative Inspector General failed to interview Ms. Matz's witnesses and failed to consider mitigating or exculpatory evidence; (4) the conduct as alleged was inadvertent. Ms. Matz concurs with the recommendation that criminal charges are not warranted.

First, the Procedural History section is incomplete and reveals the bias with which the investigation was conducted. The harassment as alleged by Ms. Matz was not isolated to June 11, 2018. Senator Hastings' discriminatory and harassing requirements that he placed on Ms. Matz – but no other employees – since October 2017, were not “management questions.” Senator Hastings engaged in a campaign of harassment against Ms. Matz including demanding Ms. Matz return to work a week after her injury even though she had not been released by her physician and was in pain, imposing a new start and end time for Ms. Matz, requiring her to be in the office from 8:30am to 4:30pm (even though the office did not open until 9:00am) and to clock in and out at the beginning of the day, at lunch, and at the end of the day by emailing Senator Hastings, requiring Ms. Matz attend training other employees were not required to attend, requiring her to photograph where she was when her duties took her out of the office, berating her, and placing a surveillance camera pointed at her desk.

Moreover, the clarifications that were made by Ms. Matz and her attorney that the allegations were not sexual harassment were because Ms. Matz's allegations were made near the time that sexual harassment allegations against Madigan were gaining attention. The hope was that the legislature would be as interested in eradicating other forms of

bullying, harassment, and discrimination despite not having a hashtag movement and media attention.

The procedural history section also omits that Senator Hastings ordered Ms. Matz back to work on October 3, 2018. Ms. Matz, through her attorney, informed Senator Hastings that she was unable to return to work due to Senator Hastings' continued harassment and retaliation against her. Within a half hour of this report, Senator Hastings terminated Ms. Matz's employment.

The procedural history section also states that the complaints of cases 18-026 and 18-027 were investigated concurrently. However, the 36-page report regarding Ms. Matz's complaint is not set to be published. There is an inherent conflict of interest in that the Ethics Commission is compiled of Senator Hastings' peers, including Senator Cullerton who, in October 2019, while this investigation was pending, donated \$30,000 in campaign funds to Senator Hastings to attempt to defeat Ms. Matz's claims.

Second, OSP investigators never requested to interview Ms. Matz after letters and exhibits were provided by Ms. Matz's counsel. And as far as she is aware, none of the witnesses that she provided were interviewed by OSP or by the Legislative Inspector General.

Third, the EEOC dismissal letter is an administrative gate-keeping function and completely irrelevant to the strength of Ms. Matz's claims of discrimination and harassment. Courts prohibit these letters from being presented to juries because they are of little probative value and prejudicial without a full explanation of how the EEOC operates and the amount of resources the EEOC has to investigate claims. See e.g., *See Naeem v. McKesson Drug Co., Inc.*, No. 95C5425, 2001 WL 1141803, at *1-2 (N.D. Ill. Aug. 14, 2001); *Lyons v. Freeman Decorating Servs., Inc.*, No. 05 C 50243, 2009 WL 10697507, at *6 (N.D. Ill. Dec. 23, 2009). Ms. Matz's discrimination claims are pending in the Circuit Court of Cook County. The Illinois Attorney General has not filed a motion to dismiss these claims. The hearing on the Ethics Act claim is scheduled for January. No decision has been rendered on the validity of the Illinois Attorney General's motion.

Fourth, the Summary of the Evidence section specifically excludes evidence presented by Ms. Matz showing that Senator Hastings initiated political discussions with staff, used his email address and Senate field office for political business, and was well aware of the emails in 2016 and 2017 and did not counsel or discipline Ms. Matz. The report does not address this evidence.

Additionally, Ms. Matz provided contact information for several witnesses. The Summary of the Evidence section does not discuss any interviews with witnesses.

Fifth, the Analysis section does not address Ms. Matz's allegations that Senator Hastings initiated this Complaint with the Legislative Inspector General for retaliatory and discriminatory purposes.

As Outreach Coordinator and Chief of Staff, as well as a constituent herself, Ms. Matz's job was to use contacts to quickly correct unresolved problems for constituents on the Senator's behalf and drum up support and visibility in the district for the Senator. As evidenced by the fact that the report found only 4 emails that are alleged to violate the prohibition on political activity, out of 6,000 emails reviewed over a 5-year period. It is clear that Ms. Matz generally strove to maintain the separation between government and political activities. The few instances cited by the report were inadvertent and inconsequential and do not demonstrate an intentional violation of the Ethics Act.

The report correctly assesses that Ms. Matz is not technologically savvy. Ms. Matz has at least 6 different email addresses for Senator Hastings, including hastings@senatedem.illinois.gov, which is an official state email address. Additionally, Ms. Matz had 3 different email addresses herself. Senator Hastings never provided Ms. Matz an office cell phone, so she had to use her personal cell phones for personal business, campaign business, and government business. Ms. Matz explained to the investigator that these circumstances caused inadvertent "criss-cross" in communications.

Because the report has deficiencies as discussed herein, the conduct described in the report was inadvertent and there is an unresolved question as to whether Senator Hastings initiated this Complaint with the Legislative Inspector General for retaliatory and discriminatory purposes, Ms. Matz objects to the publication of this report.

Sincerely,

A handwritten signature in black ink that reads "Heidi Karr Sleper". The signature is written in a cursive, flowing style.

Heidi Karr Sleper