

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: CURTIS THOMPSON ) OEIG Case: 12-00407

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Curtis Thompson at his last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

**FINAL REPORT**

**I. INTRODUCTION**

On March 8, 2012, the Office of Executive Inspector General (OEIG) received a complaint against Curtis Thompson, Senior Public Service Administrator for the Illinois Department of Central Management Services (CMS). The complaint alleged that Mr. Thompson obtained leave pursuant to the Family and Medical Leave Act (FMLA) in order to engage in political activity.

The OEIG investigation revealed that even though Mr. Thompson sought FMLA leave for the purpose of caring for his sick father in Alabama, in reality, Mr. Thompson sought FMLA leave in order to work on [a State legislative campaign, hereinafter “the campaign”]. The investigation established that during Mr. Thompson’s absence, he worked on the [campaign] and was paid over \$9,000 for his work. When Mr. Thompson learned of the OEIG’s investigation, he claimed to CMS and the OEIG that he had resigned from CMS (State employment) in early

February 2012, even though he had submitted an FMLA request seeking leave for the period February 1-29, 2012. CMS had no record of the resignation.

In any event, effective March 21, 2012, CMS terminated Mr. Thompson because, among other things, “CMS [had] reason to believe that [his] stated reasons for seeking leave were false.”

The OEIG concludes that Mr. Thompson applied for FMLA leave under false pretenses in order to engage in political activity. Because CMS has already terminated Mr. Thompson, the OEIG recommends that CMS amend the terms of his discharge to include no right of reinstatement to State employment.

## **II. BACKGROUND**

### **A. Curtis Thompson**

Mr. Thompson began working for the State in 2004 at the Illinois Department of Human Services. In 2010, Mr. Thompson became a Senior Public Service Administrator for CMS.

As set forth below, Mr. Thompson contends that he sent a letter of resignation to CMS in early February 2012. CMS formally terminated him effective March 21, 2012.

### **B. Family and Medical Leave Act**

Eligible CMS employees may seek and obtain leave under FMLA for approved reasons, such as to “care for [a] spouse, child, or parents if they have a ‘serious health condition.’” CMS Policy Manual, Leaves of Absence, § 2.17 (February 2, 2012). Although FMLA leaves of absence may be unpaid, employees receive other benefits, such as being restored to the same or equivalent position when they return from leave, and being able to maintain health insurance coverage. *Id.* As part of the application process for FMLA leave, employees are required to submit a Family Members Serious Health Condition form (FMLA Form). The FMLA Form contains an employee certification section wherein the employee certifies that the information provided is true to the best of his or her knowledge.

## **III. INVESTIGATION**

The OEIG’s investigation included interviews of Mr. Thompson, [the candidate], [the candidate’s field manager], and Mr. Thompson’s supervisor at CMS. The investigation also included surveillance of and telephone calls to [the campaign] office, and the review of documents obtained from CMS relating to Mr. Thompson’s leave request and purported resignation, among other documents.

#### IV. FACTS

Based on its investigation, the OEIG sets forth the following statement of facts.

##### A. Curtis Thompson Seeks a Leave of Absence Under the FMLA

On January 27, 2012, Mr. Thompson sought a leave of absence from his employment at CMS for the stated purpose of caring for his ailing father in Alabama. Mr. Thompson made an initial leave request by sending an email to CMS stating:

“[N]eed to take time off to take care of my Dad and family. I am seeking time under FMLA. Can the approved FMLA from August 2011 be used?. [sic] It is the same health condition. He is just in need of 24 hour care.”<sup>1</sup>

Mr. Thompson then submitted signed Official Leave Request forms dated January 27, 2012, seeking leave from February 1 through February 29, 2012.

CMS personnel informed Mr. Thompson that he was eligible for the requested leave, but that he would be required to submit FMLA Forms (in addition to the Leave Request forms). During February 2012, CMS contacted Mr. Thompson several times to tell him to send the requested FMLA Forms to substantiate his request. In particular, on February 24, 2012, CMS sent Mr. Thompson an email stating:

“You were given a deadline of 2/23/12 to provide the documentation and to date it has not been received. Your absences will be considered unauthorized beginning 2/16/12. ... You will need to respond ... or be subject to discipline up to and including discharge.”

On March 1, 2012, after the requested leave period had expired, CMS received the FMLA Forms from Mr. Thompson.<sup>2</sup>

##### B. Mr. Thompson Spends His Leave Time Working for [the campaign]

The investigation revealed that Mr. Thompson spent time between February 1 and 29, 2012 working for the [campaign] in Illinois rather than with his ailing father in Alabama. [The candidate] told investigators that Mr. Thompson was retained to assist with campaign activities such as gathering voter data. [The candidate] also told investigators that Mr. Thompson told him that he would need to take leave time from his job in order to start working for his campaign. [The candidate] also told investigators that Mr. Thompson made one trip to Alabama to visit his sick father. [The candidate’s field manager] recalled that Mr. Thompson visited his father in Alabama on possibly two occasions.

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<sup>1</sup> Mr. Thompson had taken a leave of absence in August 2011, also based on the need to care for his ill father.

<sup>2</sup> One of the forms was illegible, and CMS requested that Mr. Thompson replace it. On March 2, 2012, CMS received two replacement forms via fax. The fax stamps indicate that Mr. Thompson was in the Chicago area, not Alabama, on February 16, 2012 and March 2, 2012.

Mr. Thompson continued to work for [the campaign] through February and until at least mid-March 2012. Records reveal that [the campaign] paid Mr. Thompson a \$1,500 retainer in January 2012, and subsequently paid him:

- \$2,000 on February 3, 2012;
- \$2,000 on February 17, 2012;
- \$2,000 on March 4, 2012; and,
- \$2,000 on March 17, 2012.

OEIG investigators learned via surveillance and telephone calls that Mr. Thompson was present at [the campaign] office and was using its telephone and computer on March 16, 2012, and was in [redacted] on March 20, 2012 working for [the campaign].

### **C. Mr. Thompson Learns of the OEIG Investigation**

On March 20, 2012, the day of the Illinois primary election [redacted], investigators placed calls to [the campaign] office and asked to speak with Mr. Thompson. Investigators learned that Mr. Thompson was in [redacted], IL. Later that same day, at about 5:25 p.m., an OEIG investigator telephoned Mr. Thompson to schedule an interview. During the conversation, Mr. Thompson told the investigator that he had resigned from CMS about one month earlier. OEIG investigators later discovered that about 40 minutes after speaking with the OEIG investigator, Mr. Thompson emailed his CMS supervisor contending that he had resigned from CMS “on or about” February 13, 2012.<sup>3</sup> Specifically, on March 20, 2012 at 6:04 p.m., Mr. Thompson sent the following email:

“[I] have received a couple of really weird calls lately. Did you receive my letter of resignation on or about February 13, 2012. I have not heard from you to ask any questions since I left you a voicemail regarding my return to the state[.] Please give me a call if there are questions.  
Deacon Curtis”

On March 21, 2012, Mr. Thompson’s CMS supervisor sent him an email stating that CMS had not received his (February 13, 2012) resignation letter and asking Mr. Thompson to send it to CMS. Mr. Thompson later responded that he would fax in his resignation letter.

Mr. Thompson later provided OEIG investigators with a handwritten document regarding his resignation. The resignation was dated February 1, 2012, and stated:

“[P]lease accept this letter of resignation from my position with Central Management Services[.] Please let me know if there are questions[.] Thanks Curtis Thompson.”

However, Mr. Thompson’s CMS supervisor told investigators that Mr. Thompson did not mention his resignation until he sent the March 20, 2012 email. The supervisor said that CMS never received a resignation letter from Mr. Thompson. Moreover, after being shown a copy of

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<sup>3</sup> As discussed below, during Mr. Thompson’s interview he stated that the email to his supervisor should have referenced the date *February 3* and not *February 13*.

the handwritten “resignation letter” dated February 1, 2012, the supervisor told investigators that he did not recognize the letter and said he never received it.<sup>4</sup>

[The candidate’s field manager] told investigators that, on or about March 26, 2012, Mr. Thompson told him that he was no longer employed with the State. [The candidate’s field manager] said he was shocked to hear that Mr. Thompson left CMS and thought it was odd because there was no more money [in the [campaign] fund] to pay staff.

**D. OEIG Investigators Interview Mr. Thompson**

On April 12, 2012, OEIG investigators interviewed Mr. Thompson. Following is a summary of what Mr. Thompson said in response to questions.

*i. Mr. Thompson’s Purported Resignation from CMS*

Mr. Thompson stated that, toward the end of January 2012, he requested FMLA leave for February 1 – 29, 2012 because his family in Alabama had been notified that his father had no more than two weeks to live. He said that, on February 1, 2012, despite having asked for leave, he sent a resignation letter to his CMS supervisor. He stated that, in addition to sending a letter, he left his supervisor a voice mail, but his supervisor never called him back.

OEIG investigators showed Mr. Thompson the March 20, 2012 email he sent to his supervisor at 6:04 p.m., relating to his resignation. Mr. Thompson was reminded that March 20 was also the day an OEIG investigator had called him at approximately 5:30 p.m. The email states in part, “Did you receive my letter of resignation on or about February 13, 2012. I have not heard from you...since I left you a voicemail regarding my return to the state.” Mr. Thompson stated that the email should have stated *February 3*, not *February 13*. Mr. Thompson also stated that his supervisor informed him that CMS did not receive the letter of resignation, so he faxed his supervisor the letter sometime around March 21, 2012.

Mr. Thompson acknowledged that, in response to requests from CMS, he sent an FMLA Form to CMS on March 2, 2012. He also confirmed that he had faxed the FMLA Form to the hospice (in Alabama), to be signed by his father’s physician, from [the campaign] office (in Illinois) on February 16, 2012, and faxed the FMLA Form to CMS from the Halsted Currency Exchange (in Illinois) on March 2, 2012. Mr. Thompson further confirmed that the FMLA Form stated as the reason for the leave request: “Aid while father is in Hospice Care.”

Investigators then asked Mr. Thompson about the email that CMS sent him on February 24, 2012 stating that his failure to provide documentation regarding his leave request could result in him being “subject to discipline up to and including discharge.” Investigators asked Mr. Thompson why, if he had already resigned, he did not reply that he was no longer an employee and was not subject to discipline. Mr. Thompson responded that he did not remember seeing the

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<sup>4</sup> Mr. Thompson’s supervisor also stated that Mr. Thompson never mentioned any secondary employment and did not submit a secondary employment form. Mr. Thompson’s personnel file does not contain outside employment documentation or a resignation letter.

February 24, 2012 email, and said that he thought the medical paperwork was necessary for days he took off in January.

*ii. Curtis Thompson's Alabama Trips*

OEIG investigators asked Mr. Thompson several questions about his whereabouts during the months of January, February, and March 2012. Mr. Thompson stated that he traveled to and from Illinois and Alabama, but could not recall how many trips he made, how he traveled (by airplane or automobile), or the dates of those trips, other than recalling that he was in Illinois on February 14 and March 20, 2012, and in Alabama on March 25 - 26, 2012.

*iii. Curtis Thompson's Political Campaign Work*

Mr. Thompson stated that he began working as a "consultant" for [the campaign] during the second week of February 2012, around February 6 or 7. Mr. Thompson stated that he did not begin working for [the campaign] until after he had resigned from CMS, but he later stated that he did work for [the campaign] during a weekend in January 2012. Mr. Thompson stated that he was at the campaign office a lot, but could not recall how often.

Mr. Thompson also said he was paid for his [campaign] work, and described the payment as a "stipend" that represented reimbursement for expenses, mainly gas and mileage.

*iv. Curtis Thompson's Insurance Benefits*

Mr. Thompson stated that he received State insurance, but was unsure when the coverage ended. Mr. Thompson said that he assumes the coverage ended on January 30, 2012.<sup>5</sup>

## **V. ANALYSIS**

Based on the foregoing facts, the OEIG concludes that Mr. Thompson:

(a) violated CMS policy that FMLA leave cannot be used for the purpose of seeking or taking other employment;

(b) failed to disclose or obtain approval for outside employment; and

(c) engaged in conduct unbecoming a State employee.

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<sup>5</sup> The State in fact paid well over \$1,000 for Mr. Thompson's health benefits in March 2012. The State is currently in the process of recouping those funds.

**A. Mr. Thompson Improperly Obtained a Leave of Absence for the Purpose of Seeking or Taking Employment with [the campaign]<sup>6</sup>**

CMS employees cannot take FMLA leave “for the purpose of seeking or taking employment elsewhere or operating a private business.” CMS Policy Manual, Leaves of Absence, § 2.17. Mr. Thompson violated that policy. He falsely requested FMLA leave to take care of his ailing father, but instead used the leave time to take employment with [the campaign]. On January 27, 2012, Mr. Thompson informed CMS that he needed “to take time off to take care of [his] Dad and family[,]” and that he was seeking FMLA leave because his dad was in need of 24-hour care. Mr. Thompson subsequently submitted an FMLA Form that stated he will provide: “Aid while father is in Hospice care.” Mr. Thompson signed this form, certifying that the information was true to the best of his knowledge.

Mr. Thompson’s purpose for taking FMLA leave was not the 24-hour care of his father; rather Mr. Thompson sought to use FMLA leave in order to be able to work for a political campaign.<sup>7</sup> Indeed, prior to submitting his FMLA leave request, Mr. Thompson secured his position with [the campaign], received \$1,500 from [the campaign], and informed the candidate that he would take a leave from his work in order to work for the [the campaign].<sup>8</sup> Mr. Thompson then worked for [the campaign] in January, February, and March 2012.

In his interview, Mr. Thompson claimed that he had resigned in the beginning of February, thus implying that the FMLA request was not a false statement and that he was not on leave at all during the month of February, but was no longer employed by CMS. However, the evidence reveals that Mr. Thompson did not resign from CMS in early February 2012. First, Mr. Thompson’s supervisor received no correspondence regarding Mr. Thompson’s resignation until March 20, 2012, within an hour after the OEIG initially contacted Mr. Thompson about an interview. To date, neither Mr. Thompson’s supervisor, nor anyone at CMS, has ever received a letter of resignation from Mr. Thompson.

Second, Mr. Thompson’s own conduct belies any contention that he regarded himself as being no longer employed by CMS during the month of February 2012. For example, Mr.

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<sup>6</sup> The OEIG considered whether Mr. Thompson’s political activities might have violated the State Officials and Employees Ethics Act (Ethics Act), which prohibits employees from engaging in political activity during compensated time. The Ethics Act defines “compensated time” as “any time worked by or credited to a State employee that counts toward any minimum work time requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.” 5 ILCS 430/1-5. In this case, there is no doubt Mr. Thompson engaged in political activity. However, it is unclear if Mr. Thompson engaged in prohibited political activity during “compensated time” as defined in the Ethics Act. On the one hand, the OEIG concludes that Mr. Thompson did not terminate his employment with CMS until March 21, 2012. On the other hand, it appears that Mr. Thompson was not approved for FMLA leave and therefore might have been on an unauthorized (and uncompensated) absence, not a leave of absence, in February 2012. Thus, under the unique circumstances of this matter, the OEIG will not expend additional resources for the purpose of concluding whether or not Mr. Thompson engaged in political activity during compensated time.

<sup>7</sup> The OEIG is not suggesting that Mr. Thompson’s father did not need medical care. Rather, the OEIG concludes that Mr. Thompson used his father’s illness as a pretext for taking time off to conduct political work.

<sup>8</sup> Although the OEIG uncovered evidence that Mr. Thompson did travel to Alabama on some occasions to visit his father, those visits do not negate the finding that he spent most of his supposed leave time in Illinois working on [the campaign] and that his father’s illness was not the true reason or basis for his FMLA leave request.

Thompson received emails from CMS that discussed discipline, including possible discharge, for his failure to submit the proper paperwork to support his leave request. Yet, he remained silent about his so-called “resignation,” and, instead, submitted an FMLA Form on March 2, 2012 to support his leave request. If Mr. Thompson had truly resigned in early February 2012, there would be no reason for him to have to submit documents on March 2, 2102 to support any leave request.

Finally, Mr. Thompson told [the candidate] that he needed to take a leave from his job in order to assist on [the campaign], not that he would resign from his job.<sup>9</sup>

Mr. Thompson requested a leave of absence for an impermissible purpose – taking outside employment – but falsely represented that the purpose of his leave request was to aid his ill father in Alabama.

Accordingly, the allegation that Mr. Thompson violated CMS policy by seeking and obtaining leave for the purpose of taking outside employment is **FOUNDED**.

**B. Mr. Thompson Failed to Disclose or Obtain Approval for Outside Employment**

CMS policy provides that “[a]ny employee wishing to hold outside employment must submit a written request to his or her immediate supervisor . . . .” *CMS Policy Manual, Conflicts of Interest*, § 3.4. There is no evidence that Mr. Thompson ever made a request for approval of his outside employment at [the campaign].

Therefore, the allegation that Mr. Thompson violated CMS policy by not disclosing or seeking approval for his outside employment is **FOUNDED**.

**C. Mr. Thompson Engaged in Conduct Unbecoming a State Employee**

CMS policy prohibits State employees from engaging in “[c]onduct unbecoming a CMS employee.” *CMS Policy Manual, Rules of Conduct*, § 1.2. CMS further prohibits employees from “making a false report, written or oral, including applications . . . .” *Id.* Mr. Thompson sought FMLA leave on a fraudulent basis, submitted a false FMLA Form, and attempted to cover up his fraudulent activity by stating that he had resigned.

Therefore, the allegation that Mr. Thompson engaged in conduct unbecoming a State employee is **FOUNDED**.

## **VI. CONCLUSIONS AND RECOMMENDATION**

As a result of its investigation, the OEIG issues the following findings:

- **FOUNDED** – Mr. Thompson violated CMS policy § 2.17 when he sought FMLA leave for the purpose of seeking or taking employment elsewhere.

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<sup>9</sup> Although the OEIG concluded that Mr. Thompson provided untruthful statements during his interview, he was not a State employee at the time of his interview, and thus not subject to a finding of non-cooperation.



- **FOUNDED** – Mr. Thompson violated CMS policy § 3.4 by not disclosing or seeking approval from CMS for his outside employment.
- **FOUNDED** – Mr. Thompson violated CMS policy § 1.2 when he submitted false reports to CMS to support his leave request, sought FMLA leave on a fraudulent basis, and attempted to cover up his fraudulent activity by stating that he had resigned, conduct which is unbecoming a State employee.

This investigation reveals that Curtis Thompson is not suitable for State employment. In light of the fact that CMS has terminated Mr. Thompson, the OEIG recommends that CMS amend Mr. Thompson's discharge to include no right to reinstatement to State employment.

No further investigative action is needed and this case is considered closed.

Date: **October 31, 2012**

Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
32 W. Randolph Street, Ste. 1900  
Chicago, IL 60601

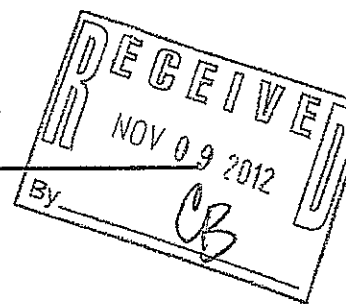
By: **Christine P. Benavente**  
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Supervising Investigator, #122



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**OEIG RESPONSE FORM**

Case Number: 12-00407

Due Within 20 Days of Receipt of Report

Please check the box that applies.

- We have implemented all of the OEIG recommendations.  
(Provide details regarding action taken.)

See attached letter.

- We will implement all of the OEIG recommendations but will require additional time.  
We will report to OEIG within 30 days from the original return date.  
(Provide details regarding action planned / taken.)

(over)

We are implementing one or more of the OEIG recommendations, however, we plan to depart from other OEIG recommendations.

(Provide details regarding action planned / taken and any alternate plan(s).)

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We do not wish to implement any of the OEIG recommendations.

(Explain in detail why and provide details of any alternate plan(s).)

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
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Signature 

Jay Brown

Print Name

CMS, Ethics Officer  
Print Agency and Job Title

Nov. 8, 2012

Date



CONFIDENTIAL

November 2, 2012

Ricardo Meza, Executive Inspector General  
Office of Executive Inspector General  
32 West Randolph, Suite 1900  
Chicago, Illinois 60601

RE: OEIG Case No. 12-00407

Dear Executive Inspector General Meza:

We have reviewed the Office of the Executive Inspector General's Final Report regarding the above-referenced matter. Please accept this letter as CMS' response.

Curtis Thompson was a 4d3 exempt employee who never held certified status. His transaction at time of separation was processed as a termination/non-certified. Because he never held certified status, he has no reinstatement rights.

Should you have any questions please contact our Ethics Officer, Jay Brown, at :

Sincerely yours,

Malcolm Weems  
Director