IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE:	SETH WILSON,	)	OEIG Case #12-01390
	HAROLD MORGAN, and	)	
	ARACELI DE LA CRUZ	)	

OEIG FINAL REPORT (REDACTED)

Below is an amended 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 this amended 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 Seth Wilson, Harold Morgan and Araceli De La Cruz at their last known addresses.

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

AMENDED FINAL SUMMARY REPORT

I. ALLEGATIONS AND SUMMARY

On July 25, 2012, the Office of Executive Inspector General (OEIG) discovered that, between June 9 and July 17, 2012, the Chicago Transit Authority's (CTA) now defunct Office of Inspector General (OIG) opened and conducted an investigation into allegations that [CTA

Official][1] and General Manager of Recruitment and Workforce Planning Seth Wilson[2] engaged in misconduct relating to:

- the inappropriate transfer of an employee;
- the circumvention of a disciplinary discharge process;
- favoritism; and
- hiring improprieties.

The alleged improprieties involved CTA employee Delores McClendon, who lives with and has a child with Mr. Wilson.[3] Pursuant to Article 75 of the State Officials and Employees Ethics Act (Ethics Act),[4] the OEIG assumed the investigation.

II. BACKGROUND

Below is an organizational chart for this investigation, as well as a summary of the CTA-OIG's investigation, its investigative findings, and its proposed recommendations.

A. Organizational Chart of Relevant CTA Employees

The organizational chart below illustrates the hierarchal relationship that the employees discussed in this report have with one another. This chart is not an exhaustive list of every CTA employee; rather, it only lists those employees whose position and influence were of significance in the termination hearing and transfer of Ms. McClendon into the Safety and Security Department.[5]

Of the CTA employees listed on the chart, [Employee 3],[6] Mr. Wilson, and Ms. McClendon are the only CTA employees still employed with the CTA. Many of the individuals interviewed during this investigation no longer serve in their original positions. For clarity in this Final Report, the OEIG will only refer to the positions held by the CTA employees at the time of the alleged incidents.

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[1] [Pursuant to 5 ILCS 430/20-52, the Commission exercises its authority to redact the identity of the CTA Official since the allegations against the official are unfounded.]

[2] Mr. Wilson was General Manager of Recruitment and Workforce Planning at the time of the alleged incidents, but now works as Director of Workforce Productivity.

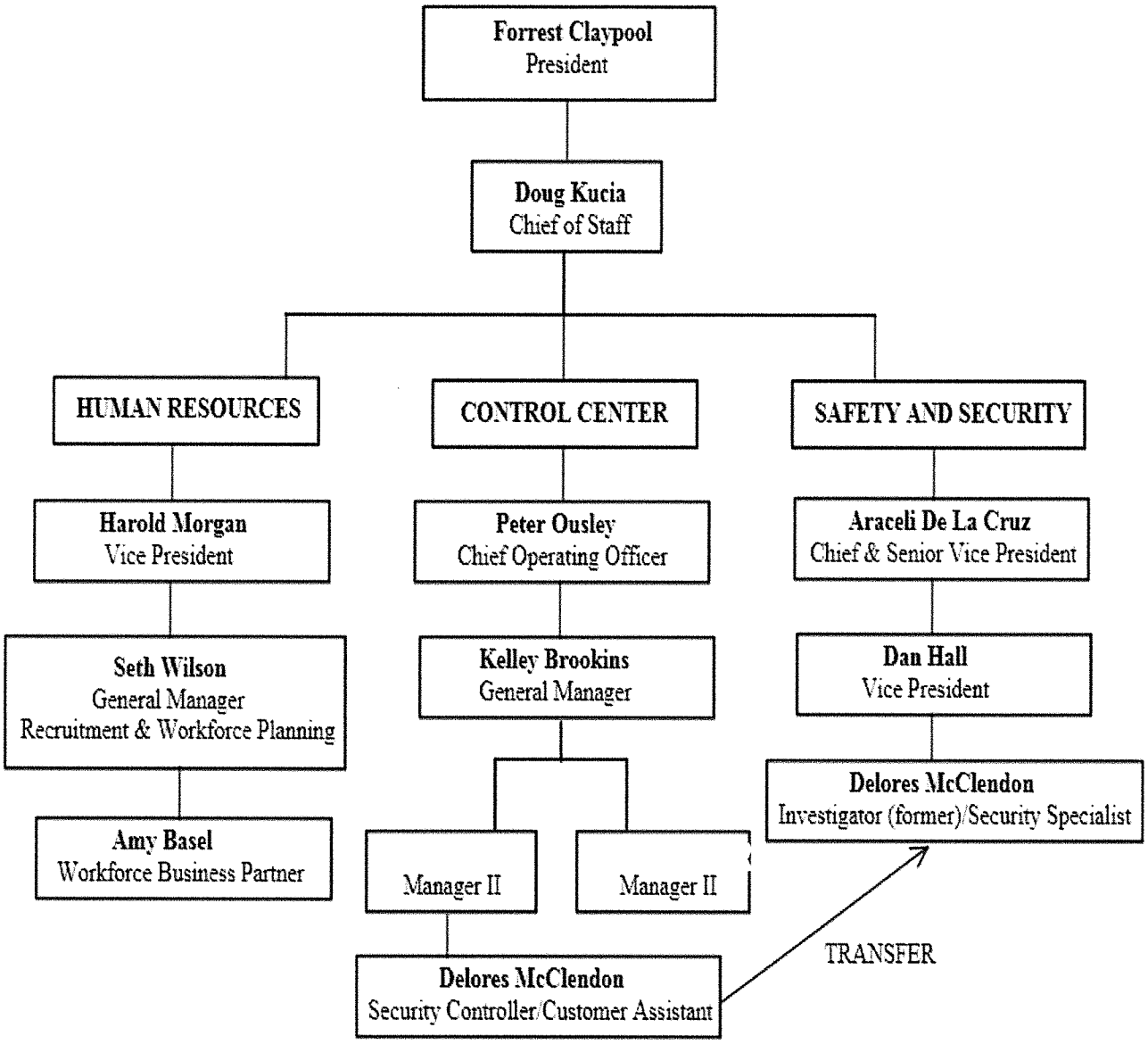
[3] Even though the original complaint referenced an employee who has "personal connections with a Human Resources official," during his OEIG interview, Mr. Wilson referred to Ms. McClendon as his domestic "partner" and explained that he and Ms. McClendon have a child together. Although he wore a wedding ring on his left ring finger, Mr. Wilson confirmed that he and Ms. McClendon are not legally married.

[4] 5 ILCS 430/75-5.

[5] [Employee 1] is the only employee mentioned in this report who is not listed on the chart.

[6] [Identifying information redacted.]

OEIG Chart of Employee Positions During Investigated Time Period



B. Summary Of The CTA-OIG's Investigation

A review of the CTA-OIG investigative file revealed that the CTA-OIG interviewed various persons and, based upon those interviews, discovered the following, in summary:

First, in April 2012, CTA Control Center employee Delores McClendon had been absent from work and needed medical clearance from an outside vendor to return.

Second, on Saturday, April 28, 2012, Ms. McClendon visited a CTA vendor facility in order to obtain medical clearance and reportedly displayed "gross misconduct" by screaming and threatening to have the vendor facility employees terminated from their jobs.

Third, three of the CTA vendor facility employees complained to CTA management and provided written statements regarding Ms. McClendon's behavior on April 28, 2012.

Fourth, when Ms. McClendon's supervisor asked her to submit a report on the alleged incident, she submitted a falsified report to management.

Fifth, as a result of the incident at the vendor facility and the falsified report, Ms. McClendon was scheduled for a termination hearing on May 29, 2012.

Sixth, prior to the termination hearing, Ms. McClendon submitted an application and interviewed for the investigator vacancy in the Safety and Security Department.

Seventh, Ms. McClendon lacked the required education and work experience based upon the delineated requirements for the investigator position.

Eighth, on May 29, 2012, Ms. McClendon attended her termination hearing; however, before the hearing could conclude, it was postponed for another week. On that same day, Ms. McClendon was offered the investigator position, which she accepted.

Ninth, Ms. McClendon moved into her new position on May 30, 2012 and her termination hearing was dismissed without reaching a conclusion.

From May 30 until July 17, 2012, Ms. McClendon worked under the "investigator" title, even though she was performing tasks not specific to the investigator role; rather, she performed tasks consistent with the "security specialist" position that the Safety and Security Department anticipated creating but had not yet done. On July 17, 2012, the same day the CTA-OIG completed its investigation into the aforementioned allegations, Ms. McClendon's title changed from "investigator" to "security specialist," which remains her current CTA position.

C. The CTA-OIG's Five-Page Memorandum And Proposed Recommendations

As noted above, on July 17, 2012, the CTA-OIG concluded its investigation with a five-page memorandum. The CTA-OIG stated, among other things:

> "the investigation confirmed that several policies and regulations were violated and that the manner in which [Delores McClendon's reassignment] was handled created the appearance of impropriety."

In addition, the CTA-OIG stated that, although the HR department violated CTA policies by reassigning Ms. McClendon "despite a lack of qualifications" into a position that had yet to be created, the reassignment "was done in good faith for the primary purpose of resolving a personnel dispute [. . . .]" The CTA-OIG recommended that CTA upper management "*take whatever action is deemed appropriate*," as well as clarify when HR personnel can use its discretionary authority and involve itself in matters affecting "relatives or domestic partners."

The CTA-OIG's memorandum did not make any reference or findings with regard to the individuals who effectuated Ms. McClendon's transfer, specifically:

- General Manager of Recruitment and Workforce Planning Seth Wilson,
- Vice President of Human Resources Harold Morgan,[7] or
- Chief of Safety and Security Araceli De La Cruz.[8]

III. OEIG INVESTIGATION

After acquiring jurisdiction of this investigation, the OEIG decided to focus on what action, if any, CTA employees engaged in regarding the circumstances surrounding Security Controller / Customer Assistant Delores McClendon's transfer and whether any action taken was inconsistent with CTA policy. The OEIG discovered that Mr. Wilson, Mr. Morgan, and Ms. De La Cruz did take actions inconsistent with CTA policy.

A. Delores McClendon's Incident At The CTA Vendor Facility

The OEIG investigated Security Controller / Customer Assistant Delores McClendon's actions at the CTA vendor facility on April 28, 2012 and the events that followed. In accordance with CTA policy, Ms. McClendon needed medical clearance from the CTA vendor facility prior to returning to work from medical leave. On April 28, 2012, Ms. McClendon appeared at the facility. After waiting approximately 45 minutes, according to OEIG interviews and the written statements of the vendor facility employees, Ms. McClendon began arguing with the vendor staff, causing a disturbance. According to the vendor facility employees, while screaming and swearing at the staff, Ms. McClendon threatened that "Doug"[9] from the CTA would have them all fired.[10] The vendor staff documented the incident and notified the CTA soon thereafter.

B. Seth Wilson's Description Of Incident At The CTA Vendor Facility

The OEIG interviewed CTA General Manager of Recruitment and Workforce Planning Seth Wilson. Mr. Wilson stated that he was on the phone with Ms. McClendon during most of her wait and, based on what he heard of the conversation between Ms. McClendon and the vendor employees, the allegation that she committed "gross misconduct" was untrue.

Mr. Wilson told investigators that Ms. McClendon's supervisor, General Manager of the Control Center Kelley Brookins, "really didn't like [Ms. McClendon] at all." Mr. Wilson alleged that Ms. Brookins contacted someone at the vendor facility after she heard about the April 28, 2012 incident to have them write "a letter" against Ms. McClendon to use as the basis for initiating a termination proceeding against her.

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[7] Mr. Morgan left the CTA in August 2012.

[8] Ms. De La Cruz now works [redacted].

[9] The OEIG determines that "Doug" was in reference to CTA Chief of Staff Doug Kucia.

[10] On November 3, 2015, the OEIG issued a Final Summary Report. In the Amended Final Summary Report, this sentence was amended from "According to vendor facility employees' written statements" to "vendor facility employees" in order to reflect what vendor employees had stated in their OEIG interviews and written statements.

The OEIG informed Mr. Wilson that [Employee 1][11] initiated the investigation into Ms. McClendon's alleged behavior after he received written statements from three vendor facility employees, who voluntarily submitted the statements without conferring with Ms. Brookins. Mr. Wilson stated that he "wasn't aware of that." Mr. Wilson then told investigators that the employees' statements were "inaccurate" and that the reason the vendor employees complained was due to the CTA being "very aggressive on [the vendor facility]" for extended wait times, adding that he recalled a particular day when he and Mr. Kucia gave the vendor facility a "good chewing out" for its poor service.

C. Harold Morgan's Conversation With Seth Wilson

At his OEIG interview, Vice President of Human Resources Harold Morgan stated that, even though he never witnessed it, he learned from "thirty" CTA employees that Ms. Brookins was a "yelling, screaming nutcase"; however, when asked to name these "thirty" CTA employees, Mr. Morgan stated that he could not recall any names. Mr. Morgan stated that he learned about the tension between Ms. Brookins and Ms. McClendon at one of his weekly HR department meetings. He confirmed that Mr. Wilson attended these meetings and could have been the one to convey this information to him. Mr. Morgan stated that he told Mr. Wilson to stay out of Ms. McClendon's transfer process. Mr. Morgan informed investigators that he got involved because "the obvious reason, Seth [Wilson] was my head of talent acquisition."[12]

Mr. Wilson stated that because he was upset that Ms. McClendon was facing potential termination, he "vented" to Vice President of Human Resources Harold Morgan about the tension between Ms. Brookins and Ms. McClendon. Mr. Wilson recalled Mr. Morgan saying, "Let's just move her," adding that he (Mr. Morgan) would take care of it. Mr. Wilson stated that he never asked Mr. Morgan for help.

D. Doug Kucia's Actions Related To Delores McClendon

The OEIG interviewed Chief of Staff Doug Kucia regarding his communications with Mr. Wilson, and the subsequent actions he took, prior to Ms. McClendon's reassignment. Below is a summary of relevant statements made by Mr. Kucia:

- Between May 14 and May 29, 2012, Mr. Wilson came into Mr. Kucia's office and, behind closed doors, asked for help in moving his "wife," (Ms. McClendon) to another CTA position because Ms. Brookins was trying to "get rid of her" due to a "personality conflict."[13]

- Mr. Kucia stated that former Chief Operating Officer Peter Ousley,[14] who oversaw the Control Center, agreed that Mr. Wilson's allegations were possible, describing

[11] [Employee 1] no longer works at the CTA.
[12] On November 3, 2015, the OEIG issued a Final Summary Report. In the Amended Final Summary Report, this sentence was changed and a quotation was added to accurately reflect the statement of Mr. Morgan. This change also resulted in the removal of "both Mr. Morgan and" on page 16 and an additional sentence regarding this issue on page 19.
[13] Mr. Kucia was unaware of any relationship between Mr. Wilson and Ms. McClendon prior to this conversation.
[14] Mr. Kucia mistakenly referred to Mr. Ousley as the Chief Transit Officer.

Ms. Brookins as having a "difficult personality." Mr. Kucia stated he relied on Mr. Ousley's opinion and did not ask anyone else about the alleged personality conflict.

- Mr. Kucia could not recall with certainty, but stated he *may have* given Ms. McClendon's resume to former Vice President of Safety and Security Dan Hall.[15]

- Mr. Kucia told former Chief of Safety and Security Araceli De La Cruz that Ms. McClendon would be a "good fit" in the department. Mr. Kucia added that he did not pressure Ms. De La Cruz to hire her; rather, he just suggested that she consider Ms. McClendon for a position.

Mr. Kucia stated that Mr. Wilson never informed him of Ms. McClendon's vendor facility incident or the falsified report to manager. Mr. Kucia stated that Mr. Wilson also did not inform him of Ms. McClendon's scheduled termination hearing, adding that, if he (Mr. Kucia) had known, he would have "ask[ed] a hell of a lot more questions." Mr. Kucia confirmed that the *only reason* he was involved in Ms. McClendon's reassignment was because *Mr. Wilson asked him for help.*[16]

During his OEIG interview, Mr. Wilson stated that he approached Mr. Kucia after speaking with Mr. Morgan in order to inform Mr. Kucia of Ms. McClendon's situation. Mr. Wilson initially stated that he did not recall making Ms. McClendon's situation the "sole purpose of that conversation"; however, later in the interview, Mr. Wilson stated, "this is a personal topic for me -- a very sensitive matter to me. I'm sure I probably closed the door, because I don't want the world to hear, you know, what I'm actually saying."

Mr. Wilson stated that he did tell Mr. Kucia about the incident at the vendor facility and the termination hearing. Mr. Wilson added that he did not ask Mr. Kucia for help, saying, "I wouldn't put him in that kind of a spot. I wouldn't ask [Mr. Kucia] for help." When asked again if he asked Mr. Kucia for help, Mr. Wilson responded, "I don't recall." Later in the interview, when asked the same question once again, Mr. Wilson responded, "Once again, I didn't -- don't recall asking for help. I wouldn't ask him for help."

E. The Decision Regarding Who Would Interview Delores McClendon

The OEIG interviewed Vice President of Safety and Security Dan Hall. Mr. Hall stated that he received Ms. McClendon's application directly from Mr. Kucia during a meeting in Mr. Kucia's office with Ms. De La Cruz and Mr. Kucia.[17] Mr. Hall stated, that although it was "not unusual" for applications to go through Mr. Kucia, he could not recall previously receiving any other applications from Mr. Kucia.

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[15] Mr. Hall was interviewed by the OEIG on March 11, 2013, and stated that he received Ms. McClendon's resume directly from Mr. Kucia. *See* Section E. Mr. Hall no longer works for the CTA.

[16] The CTA-OIG investigative report also indicates that Mr. Kucia only became involved because Mr. Wilson asked him for help.

[17] During her second OEIG interview, former Chief of Safety and Security Araceli De La Cruz could not recall if this meeting occurred; however, Ms. De La Cruz stated that she "would not doubt" Mr. Hall if he said that Mr. Kucia gave Ms. McClendon's application to him.

The OEIG interviewed former CTA Workforce Business Partner Amy Basel,[18] who acknowledged that she and Mr. Hall were the only two individuals who interviewed Ms. McClendon on May 24, 2012.[19] According to Ms. Basel, on that day, Mr. Wilson directed her to interview Ms. McClendon,[20] who was the only applicant interviewed for the vacant Safety and Security Department investigator position. In turn, Mr. Wilson covered Ms. Basel's previously scheduled appointments, which Ms. Basel stated was uncommon for him to do.

The OEIG asked Mr. Wilson if he instructed Ms. Basel to conduct Ms. McClendon's interview. At first, Mr. Wilson stated, "I don't know how [Ms. Basel] got assigned the actual job." When asked the same question again, however, Mr. Wilson responded, "I recall that Harold Morgan instructed Amy Basel to conduct the interview."

When the OEIG asked Mr. Morgan if he directed Ms. Basel to interview Ms. McClendon, he stated that he could not recall. Mr. Morgan stated, "I don't recall [Ms. Basel] being involved in it." During Ms. Basel's second OEIG interview, when OEIG investigators asked Ms. Basel if Mr. Morgan had any involvement in Ms. McClendon's hiring, Ms. Basel said "not that I know of," later adding that she could barely remember Mr. Morgan. Ms. Basel again stated that Mr. Wilson instructed her to interview Ms. McClendon.

The OEIG independently reviewed the visitor log for the CTA Human Resources Department on May 24, 2012, the day that Ms. Basel and Mr. Hall interviewed Ms. McClendon. The OEIG then reviewed the hiring applications for all individuals interviewed on this day and found that Mr. Wilson conducted three interviews: 9:00 A.M., 9:30 A.M., and 10:00 A.M. According to the visitor log, Ms. McClendon[21] arrived at 9:21 A.M., after which Ms. Basel conducted Ms. McClendon's interview with Vice President of Safety and Security Dan Hall.

F. The Interview And Evaluation Of Delores McClendon

OEIG investigators reviewed CTA policies and procedures concerning the standard interview process, as well as the process used to interview and hire Ms. McClendon.

1. Selection of the Most Qualified Applicants for An Interview

CTA Administrative Procedure 151 (AP 151) states that the CTA must "enforce a sourcing and selection process that will make a good faith effort to select the most qualified individuals for open positions" (emphasis added). The OEIG discovered a document that listed approximately 355 applications for the investigator vacancy in the Safety and Security Department, including nine internal applicants. The document listed Ms. McClendon as the last internal applicant to apply for the position.

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[18] Ms. Basel was terminated by Mr. Wilson on September 20, 2013 for hiring improprieties.

[19] Ms. Basel stated that three interviewers are typically involved in the interview process; however, Ms. McClendon's interview only had two.

[20] Initially, Ms. Basel thought Ms. McClendon's name was "Delores Franklin."

[21] On the visitor log for May 24, 2012, Ms. McClendon's name appears as "Delores Shwanna." "Shwanna" is Ms. McClendon's middle name. Ms. Basel confirmed that the email she received on this day notifying her that "Delores Shwanna" had arrived at the CTA was referring to Ms. McClendon.

When OEIG investigators asked Ms. Basel if Ms. McClendon was the most qualified applicant out of the pool of 355 applicants, she responded, "Absolutely not." Ms. Basel stated that she could pick out "a dozen applicants" who were more qualified, adding that Ms. McClendon was not qualified due to her lack of law enforcement background.

Mr. Wilson stated that he was unaware that approximately 355 applicants applied for the investigator vacancy that Ms. McClendon ultimately filled; however, he added that Ms. Basel should have known of the total number of applicants because she was the assigned recruiter for the investigator position. Mr. Wilson stated that he did not know if any of the 355 applicants were more qualified than Ms. McClendon, but confirmed that it is the CTA's policy to hire the most qualified individual.

2. Comparison of Delores McClendon's Resume to the Investigator Position Description

The investigator position description listed a series of requirements that an applicant must possess, including but not limited to: a bachelor's degree in law enforcement or related field, or a combination of training and experience relating to the investigator position; three or more years of investigative experience; and comprehensive knowledge of investigative techniques. When the OEIG reviewed Ms. McClendon's resume, however, it found that Ms. McClendon did not have any college degree, or any training or experience in conducting actual investigations.

OEIG investigators discovered that the CTA-OIG determined that Ms. McClendon did not meet the requirements of the position description, especially due to her lack of investigative experience. The CTA-OIG noted that over 20 sworn law enforcement officers were rejected for a previous vacancy because they lacked "in-depth, tactical investigative experience." In addition, Ms. Basel, Mr. Morgan, Ms. De La Cruz, and Mr. Kucia each confirmed during their OEIG interviews that Ms. McClendon's resume lacked the requirements delineated in the position description. Ms. Basel added that she would not have even selected Ms. McClendon for an interview.

When Mr. Wilson compared Ms. McClendon's resume to the job description for the investigator position; however, he stated that he believed Ms. McClendon "met the qualifications to be interviewed for the job position." Although Mr. Wilson acknowledged that Ms. McClendon did not meet all of the criteria listed on the position description, he stated, "There isn't anybody in any position that meets all the qualifications. It's impossible, you know. That's -- that's impossible." Mr. Wilson added that it was "very, very rare" for an applicant to fulfill all the requirements in a job description.

3. Work Record Review

Pursuant to CTA AP 151,[22] a recruiter "must contact the internal applicant's current manager for a work record review" and only those who meet this standard may continue in the hiring process. Ms. Basel added that the work record review occurs *prior* to scheduling an

[22] See AP 151, Section IV, Subsection A, Step 7.

interview. Ms. Basel explained that, if the work record review reveals that the applicant had a number of disciplinary violations, the recruiter would not schedule an interview.

During its investigation, the OEIG reviewed Ms. McClendon's investigator position hiring file and found no evidence of a work record review. The OEIG learned that Ms. McClendon's interviewers, Ms. Basel and Mr. Hall, were not aware of the significant number of disciplinary actions that Ms. McClendon has had during her CTA tenure.[23]

Ms. Basel stated that, because Mr. Wilson scheduled Ms. McClendon for an interview, he should have conducted the work record review; however, she believes that he did not conduct one. During her OEIG interview, General Manager of the Control Center Kelley Ms. Brookins stated that *no one* informed her about Ms. McClendon's pending transfer or the need to complete a work record review. In support of this, [Employee 3] explained that no one informed any of the Control Center managers that Ms. McClendon applied for a transfer. He described Ms. McClendon's transfer as *very unusual*, because her termination hearing was still pending.[24]

During his OEIG interview, Mr. Wilson stated that it was Ms. Brookins' responsibility to conduct the work record review for Ms. McClendon. When asked how Ms. Brookins could have completed the review if no one informed her that Ms. McClendon applied to transfer, Mr. Wilson responded that it "would not have been in the best interest" to allow Ms. Brookins to do the review because of the "hostile work environment." Mr. Wilson added that, if there were any disciplinary violations in Ms. McClendon's file, "I could assure you that Kelley Brookins was behind it."

4. CTA Code of Ethics Form Against Nepotism

The CTA Code of Ethics form, which affirms that the applicant is not related by blood or marriage, to anyone involved in the interview process, should have been signed prior to any interview. The OEIG reviewed Ms. McClendon's hiring file and were unable to locate a CTA Code of Ethics form signed by Ms. McClendon.

During her OEIG interview, Ms. Basel stated that she did not know why Ms. McClendon did not complete this form. During his OEIG interview, Mr. Wilson confirmed that it was "very, very unusual" that it was not completed for Ms. McClendon. He added that Ms. Basel should have ensured Ms. McClendon completed the Code of Ethics form.

5. Interview Questions

During interviews for vacancies at the CTA, applicants receive "organizational values" questions and a "position competenc[y]" question. The organizational values questions compose

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[23] The following are the disciplinary violations that Ms. McClendon received while working in the Control Center: Failed to Check Elevator (May 5, 2012); Late to Work (March 16, 2012); Failed to Contact the Police In Order To Complete A Report (December 31, 2010-January 1, 2011); Absent Without Leave (October 31, 2010); Late to Work (March 11, 2010); Failure to Complete Report (August 11, 2009); and Failure to Complete Report (June 10, 2009). Ms. McClendon's October 31, 2010 violation resulted in a three-day suspension and six-month probation.

[24] In addition, during his interview, [Employee 2] stated that, in his 32 years at the CTA, it was "unheard of" for an employee to move into a different position in lieu of potential termination.

50% of an applicant's final score. The other 50% is derived from the position competency question. The interviewers each give a score based on a predetermined rubric and then average the scores to obtain a "final score," which is used as a means of comparison with other applicants.

OEIG investigators reviewed the vacant investigator position filled prior to Ms. McClendon's interview, as well as the vacant position filled afterwards, and determined that all of the interviewed candidates received and were scored on both sets of questions. The OEIG then reviewed Ms. McClendon's score sheets and discovered that she was not asked the "position competenc[y]" question. [25] Ms. Basel confirmed that not asking the position competency question would affect Ms. McClendon's overall score. Ms. Basel stated that, due to Ms. McClendon's limited experience, she (Ms. McClendon) would not have known how to answer the position competency question and thus, asking the question would have negatively affected her score.[26]

In addition, Ms. Basel noted that Mr. Wilson was the one who directed her to *only* ask Ms. McClendon the organizational values questions, and not the position competency question. Ms. Basel stated that Ms. McClendon was the only applicant that she had ever interviewed, for any position at the CTA, who did not receive the position competency question. She confirmed that Mr. Wilson, and not Mr. Morgan, directed her to only ask the organizational values questions.

When asked if he instructed Ms. Basel to ask only the organizational values questions and not the position competency question, Mr. Wilson stated, "No, I don't recall." He then added, "first of all, I wouldn't instruct her to only do [organizational values] questions at all." Mr. Wilson stated that he believed Mr. Morgan directed Ms. Basel in this regard. Mr. Wilson then changed his response, stating that he did not think Mr. Morgan would instruct Ms. Basel not to ask the position competency question because "[Mr. Morgan] didn't know, you know, that level of detail for this hiring." Mr. Wilson stated that, due to Mr. Morgan's limited knowledge of the level of questioning asked during interviews, he (Mr. Morgan) would not have instructed Ms. Basel to refrain from asking that question. Mr. Wilson then denied instructing Ms. Basel to refrain from asking the position competency question. Mr. Wilson initially acknowledged that failing to ask the position competency question would skew Ms. McClendon's overall score; however, when asked the same question again, Mr. Wilson responded that he did not know.

6. Post-Interview Recommendation Form

The Post-Interview Recommendation Form (PIRF) is a document that lists at least three applicants and their respective interview scores, allowing hiring managers to "make an educated decision" on who to hire for a vacancy.[27] The OEIG found that Ms. McClendon's PIRF listed her as the *only applicant* with the words "qualified and recommended" instead of an overall

[25] During his OEIG interview, Mr. Kucia stated that he was unaware that Ms. McClendon's interviewers only asked her the organizational values questions. Mr. Kucia stated that he did not approve of this.
[26] The CTA-OIG noted that, if Ms. McClendon did receive the position competency question, Ms. McClendon's score would likely have been much lower than the required score to proceed in the process.
[27] This information was derived from Ms. Basel's interview.

score.

When the OEIG showed Ms. McClendon's PIRF to Ms. Basel, she stated that this was "not normal," adding that she believed Mr. Wilson created this PIRF. During her interview, Ms. De La Cruz said Ms. McClendon's PIRF should have had a numerical score instead of the words "qualified and recommended," and noted that her PIRF required two signatures but only had one. In addition, Ms. De La Cruz noted that it was unusual that Ms. McClendon was the only applicant listed on the PIRF.

When asked if he completed Ms. McClendon's PIRF, Mr. Wilson first replied, "No, [. . .] I don't recall completing this form at all. I do not." He then said, "I doubt if I created this form. I would -- I would say no." Mr. Wilson then rephrased his response once again, stating that he "doubted" that he created this form because he distanced himself from the process. Mr. Wilson stated that Ms. Basel *usually* created this form. When asked why Ms. McClendon's score was not listed on the form, unlike the PIRFs created for the investigator vacancies filled before and after Ms. McClendon's transfer, Mr. Wilson stated that a number value was not required, adding that it depends on the number of applicants. Mr. Wilson stated again that he did not know who completed this form. When asked why only one managerial signature appeared on Ms. McClendon's PIRF, Mr. Wilson stated that he did not know, but noted that the most important signature belonged to the department head, in this case, Mr. Hall.

G. Seth Wilson's Activity Following Delores McClendon's Interview But Prior To Her Termination Hearing

During the course of the investigation, OEIG investigators also interviewed Ms. McClendon's union representative, International Brotherhood of Electrical Workers Local 134 Business Representative Anthony Griffin. Mr. Griffin and Ms. Basel provided the following information to OEIG investigators, regarding Mr. Wilson's conduct between the time of Ms. McClendon's interview and her termination hearing:

- Between May 24 and 25, 2012, according to Ms. Basel, Mr. Wilson came into her office after she completed Ms. McClendon's interview and disclosed that Ms. McClendon is the "mother of his child." Ms. Basel confirmed that she did not previously know this fact or that Ms. McClendon was in the middle of a termination hearing prior to conducting the interview.[28]

- Ms. Basel recalled Mr. Wilson stating that he was going to hire Ms. McClendon into the investigator position to "*save [her] from being fired.*" According to Ms. Basel, Mr. Wilson added that CTA President Forrest Claypool[29] was aware of the situation and he was "fine with it."

- Between May 24 and 25, 2012, Ms. Basel forwarded an email to Mr. Wilson from a

[28] During his OEIG interview, Mr. Wilson confirmed that he did not inform Ms. Basel of Ms. McClendon's termination hearing prior to Ms. Basel conducting the interview. Mr. Wilson stated that Ms. Basel "may have known" about his relationship to Ms. McClendon due to their having interacted in social settings in the past.
[29] Mr. Claypool is no longer the President of the CTA.

CTA employee interested in the investigator vacancy that Ms. McClendon eventually filled. Mr. Wilson stated Ms. Basel could respond but directed her not to indicate that the position was filled. This email exchange occurred after Ms. Basel had completed Ms. McClendon's interview.

- Prior to May 29, 2012, Mr. Griffin stated that he received three letters in support of Ms. McClendon, one of which came from Mr. Wilson. Mr. Griffin stated that this was "highly unusual," adding that no CTA manager had previously called him to support an employee in a different department.

- Prior to May 29, 2012, the day of Ms. McClendon's termination hearing, Mr. Wilson called Mr. Griffin, stating he (Mr. Wilson) was "*fighting to retain* [Ms. McClendon] at the CTA," adding that Mr. Wilson was "certainly an advocate" and "supporter" for Ms. McClendon.

In contrast to Mr. Griffin's statement that Mr. Wilson called him prior to Ms. McClendon's termination hearing, Mr. Wilson stated that Mr. Griffin was the one who initiated the phone call. In regards to the letter, Mr. Wilson initially stated that he could not recall sending the letter to Mr. Griffin. When the OEIG asked Mr. Wilson about the phone call, he then changed his previous response and stated that he did provide Mr. Griffin with the letter. Mr. Wilson denied telling [Mr. Griffin or Ms. Basel] that he would hire Ms. McClendon into the investigator position in order to save her from termination.

H. Delores McClendon Is Recommended For The Investigator Position

On May 24, 2012, the same day as Ms. McClendon's interview, Mr. Hall recommended Ms. McClendon for the investigator vacancy in the Safety and Security Department.[30] When asked during his OEIG interview whether Ms. McClendon was the most qualified applicant for the investigator position, Mr. Hall responded, "I don't know. I only interviewed one person." According to Mr. Hall, Ms. McClendon's interview was the only one he conducted during his six years at the CTA. In addition, Mr. Hall confirmed that he was unaware of Ms. McClendon's scheduled termination hearing, and that his recommendation "probably" would have been different if he had known.

During each of Ms. Basel's OEIG interviews, she stated that, following Ms. McClendon's interview, she asked Mr. Hall what his thoughts were concerning Ms. McClendon. Ms. Basel recalled Mr. Hall responding with either "Do I really have a choice?" or "Does it really matter?" Ms. Basel stated that Mr. Hall's response "was weird."

During Mr. Wilson's OEIG interview, he stated that he spoke to Mr. Hall about Ms. McClendon's application for the investigator vacancy. When asked to identify when he spoke with Mr. Hall, Mr. Wilson stated, "It may have been, like, after [Ms. McClendon's] interview, after [Mr. Hall] realized that he is interviewing somebody, you know, interviewing [Ms. McClendon] rather, but I don't recall." Mr. Wilson added that he did not ask Mr. Hall for help.

[30] Mr. Hall could not recall if anyone asked or directed him to recommend Ms. McClendon, and added that Mr. Wilson was not involved. Mr. Wilson, however, did confirm meeting with Mr. Hall about the interview.

I. Delores McClendon's May 29, 2012 Termination Hearing

During her OEIG interview, General Manager of the Control Center Kelley Brookins confirmed that she conducted Ms. McClendon's termination hearing on May 29, 2012.[31] She stated that Ms. McClendon and her union representative Mr. Griffin, were the only other people in attendance.[32] Ms. Brookins described Ms. McClendon's behavior during the hearing as "uncooperative, confrontational, and combative."

Mr. Griffin told OEIG investigators that the hearing "went so quick" that "it seemed as if the managers were out to get Ms. McClendon." Mr. Griffin described Ms. McClendon's demeanor during the hearing as "emotional and upset" but "normal." He said that, while Ms. McClendon "maintained a level of professionalism," Ms. Brookins was "cold" and "wasn't receptive to our argument."

Although both Ms. Brookins and Mr. Griffin acknowledged that the hearing was postponed until June 5, 2012, each provided a different account as to why this occurred. Ms. Brookins stated that she decided to postpone the rest of the hearing because Ms. McClendon alleged that Mr. Morgan had documents that she needed for her defense. Ms. Brookins added that, in spite of Ms. McClendon's behavior at the hearing which would have justified termination, she postponed the hearing.[33] Mr. Griffin stated that he was the one who asked for a continuance because of Ms. Brookins' "cold" demeanor.

J. On The Same Day As The Termination Hearing, Delores McClendon Receives The Offer For The Investigator Vacancy

The OEIG interviewed Chief of Safety and Security Araceli De La Cruz regarding her decision to hire Ms. McClendon as an investigator. Ms. De La Cruz stated that she hired Ms. McClendon based on Mr. Hall's recommendation that Ms. McClendon would be a "good fit" for the position.[34] Ms. De La Cruz stated that she had the ultimate authority to hire Ms. McClendon and did not feel pressured to do so.

On May 29, 2012, *the same day as the termination hearing*, Mr. Morgan formally offered Ms. McClendon the investigator position, via letter, which she signed accepting the offer that day.[35] When asked if it was a coincidence that Ms. McClendon received this offer on the same day as her termination hearing, Mr. Wilson responded, "Was it -- uh -- was it -- was it a coincidence? No, I -- I don't -- I don't think it was a coincidence."

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[31] The OEIG interviewed Ms. Brookins on November 1, 2012. Ms. Brookins retired from the CTA in July 2012.

[32] During his OEIG interview, Mr. Griffin stated that [Employee 2] and another union representative were also present; however, [Employee 2's] last day of work was on May 16, 2012, which was approximately two weeks before Ms. McClendon's termination hearing.

[33] Ms. Brookins recalled Ms. McClendon referring to Mr. Wilson as her fiancé during the termination hearing. Prior to this admission, Ms. Brookins was unaware of any relationship between Ms. McClendon and Mr. Wilson.

[34] During Mr. Kucia's interview with the OEIG, he stated that he told Ms. De La Cruz that Ms. McClendon would be a "good fit."

[35] Ms. McClendon's annual salary at the Control Center was $68,744.00. The offer that she received for the investigator vacancy was for an annual salary of $55,000.00, amounting to a $13,744.00 pay decrease.

During his interview, Mr. Morgan confirmed that, although he signed the letter offering Ms. McClendon the investigator position, he did not draft the letter himself. Mr. Morgan stated that he had no influence over the date on which he signed it. When asked who gave him the letter to sign, Mr. Morgan responded, "whether my secretary gave it to me or -- or -- Seth [Wilson], I would have no idea." The OEIG determined that the letter itself was a template in which a CTA employee could fill in the proper information prior to submitting the offer to an applicant. The OEIG also determined that Mr. Wilson signed the offer sheets for investigator vacancies before and after Ms. McClendon's hiring.

When OEIG investigators asked if Ms. McClendon's transfer into a non-union position was standard practice, Mr. Griffin answered "*No, absolutely not.*" He then said union members do not receive transfers into non-union positions, especially during a termination hearing.

K. Delores McClendon's Title Changed From "Investigator" To "Security Specialist" on July 17, 2012, The Same Day The CTA-OIG Completed Its Investigation

During her first interview, Ms. De La Cruz stated that Ms. McClendon was "uniquely qualified" due to her CTA work experience; however, Ms. De La Cruz added that she hired Ms. McClendon with the intent that she serve in the position of "security specialist," even though that position did not exist or have an approved job description at the time. During her second interview, Ms. De La Cruz compared Ms. McClendon's resume to the investigator position description, and acknowledged that Ms. McClendon's qualifications do "not meet the requirements." When asked if it was inappropriate to hire someone into a position for which the applicant lacked the qualifications, Ms. De La Cruz responded, "Generally, yes." She added that she "hired [Ms. McClendon] as a security specialist, in my mind. [I] don't care what the paper says."

Mr. Wilson confirmed speaking to Ms. De La Cruz "probably" after Ms. McClendon's interview and after speaking with Mr. Hall. Mr. Wilson stated that Ms. De La Cruz "may have had some questions [concerning Ms. McClendon's candidacy]," which he answered. When asked if it was a coincidence that Ms. McClendon's title changed from investigator to security specialist on the same day the CTA-OIG completed its own investigation, Mr. Wilson said it was a "pure coincidence," adding that "title changes happen often" at the CTA.

IV. ANALYSIS

Based on its investigation, the OEIG concludes that Mr. Wilson's actions regarding the reassignment of his "partner," Ms. McClendon, violated various CTA policies and rules. In addition, the OEIG finds that Vice President of Human Resources Harold Morgan violated Chicago Transit Authority Administrative Procedure 151, and Chief of Safety and Security Araceli De La Cruz mismanaged the hiring of Delores McClendon when Ms. McClendon was hired into a position for which she was not qualified. The OEIG's findings are discussed below.

A. Seth Wilson's Efforts To Transfer Delores McClendon By Means Of His CTA Authority Gave An Appearance Of Impropriety

Pursuant to Ethics Ordinance of the Chicago Transit Authority (Ethics Ordinance), Section 2.1, "officers and employees have a special relationship of trust with the public and therefore must conduct themselves so as to avoid the appearance that they are violating the provisions of the Ethics Ordinance."[36] In order to determine whether the particular facts associated with an incident create the appearance of impropriety, a determination from "the perspective of a reasonable person with knowledge of the relevant facts" is required.[37]

Although Mr. Wilson repeatedly stated that he distanced himself from any action involving Ms. McClendon, "a reasonable person with knowledge of the relevant facts" would disagree. From the moment that he learned that Ms. McClendon faced potential termination, Mr. Wilson did anything but distance himself from the process. Although Mr. Wilson disputed some of these actions, the OEIG did not find him credible and thus, gave greater credence to the statements from other witnesses. As a result, the OEIG determines that Mr. Wilson did the following:

- spoke to Vice President of Human Resources Harold Morgan;
- spoke to Chief of Staff Doug Kucia, who stated that he only got involved because Mr. Wilson asked him for help;
- directed Workforce Business Partner Amy Basel to interview Ms. McClendon;
- directed Ms. Basel to not ask the position competency question;
- spoke to Vice President of Safety and Security Dan Hall after he interviewed Ms. McClendon;
- spoke to Chief of Safety and Security Araceli De La Cruz to provide answers to "some [of her] questions" regarding Ms. McClendon;
- personally telephoned International Brotherhood of Electrical Workers Local 134 Business Representative Anthony Griffin in support of Ms. McClendon; and
- submitted a letter to Mr. Griffin in support of Ms. McClendon.

Mr. Wilson's actions gave an appearance of impropriety because he used his position of authority and the relationships he developed with CTA upper management to assist his partner, Ms. McClendon, in bypassing a termination hearing and obtaining placement in a job for which her qualifications did not meet the basic requirements. Thus, this allegation is **FOUNDED**.[38]

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[36] Ethics Ordinance of the Chicago Transit Authority, Section 2.1.
[37] *Id.*
[38] The CTA-OIG also found that Mr. Wilson's actions gave an appearance of impropriety.

B. Seth Wilson Exercised Improper Influence When He Acted Within His Capacity As GM Of Recruitment And Workforce Planning To Transfer Delores McClendon

Pursuant to CTA Ethics Code, Section 2.3(a), "[n]o officer shall make, participate in making or in any way attempt to use his/her position to influence any CTA decision or action in which he/she knows or has reason to know that he/she has an economic interest distinguishable from that of the general public."

In spite of Ms. McClendon's acceptance of the investigator position resulting in a pay decrease, the transfer was still significantly more favorable than the alternative, which would have been termination and no income. As highlighted in the aforementioned section, Mr. Wilson used his position to facilitate the process by which Ms. McClendon moved into a new position in lieu of potential termination. Mr. Wilson had an "economic interest distinguishable from that of the general public" due to the fact that he and Ms. McClendon live together and raise two children. If Ms. McClendon lost her job, the lack of income would have greatly affected both Mr. Wilson and Ms. McClendon's livelihood.

What is also important to reiterate are Mr. Morgan's and Mr. Kucia's statements that neither would have gotten involved in Ms. McClendon's transfer if it were not for Mr. Wilson. Mr. Wilson recruited Mr. Kucia to help him move his "partner" so that she could avoid termination and continue earning an income from the CTA, even if the investigator position that she filled was one for which she lacked the basic requirements. Although Mr. Wilson disputed some of these actions, the OEIG did not find him credible and thus, gave greater credence to the statements from other witnesses. As a result, the OEIG determined that Mr. Wilson directed Ms. Basel not to ask Ms. McClendon the position competency question - a question that Ms. McClendon lacked the experience and knowledge to adequately answer - in order to ensure she passed the interview process.

Because of Mr. Wilson's relationship with Ms. McClendon, his interest in ensuring that she kept her employment, and the actions he took in his capacity as GM of Recruitment and Workforce Planning, Mr. Wilson exercised improper influence with respect to Ms. McClendon's transfer. Therefore, this allegation is **FOUNDED**.

C. Seth Wilson's Advocacy On Behalf Of Delores McClendon Did Not Violate The CTA Ethics Ordinance

Pursuant to CTA Ethics Code, Section 2.14(a)(i), "[n]o office or employee shall employ, *advocate for employment*, or supervise, in any CTA department in which said officer or employee serves or over which he/she exercises authority, supervision, or control, any person who is a *relative* of said officer or employee."[39] (Emphasis added.) In regards to the term "relative," CTA Ethics Ordinance 1.1(bb) defines it as including anyone related by blood or marriage, as well as "the [employee's] fiancé or fiancée."[40]

[39] Ethics Ordinance of the Chicago Transit Authority, Section 2.14(a)(i).
[40] Ethics Ordinance of the Chicago Transit Authority, Section 1.1(bb).

In spite of the fact that Mr. Wilson wore a wedding ring on his left ring finger, the OEIG could not confirm that Mr. Wilson and Ms. McClendon are legally married. Although it is questionable whether Mr. Wilson and Ms. McClendon actually presented themselves as husband-wife or fiancé-fiancée, the OEIG was unable to obtain sufficient evidence to this extent.

Although the OEIG believes that Mr. Wilson violated the spirit of the ordinance because he and Ms. McClendon reside together and have a child, based on the CTA's narrow definition of relative, the OEIG cannot make a finding that the ordinance was violated. Thus, this allegation is **UNFOUNDED**.

D. Seth Wilson Failed To Cooperate During His OEIG Interview

The Ethics Act requires all State employees under the OEIG's jurisdiction, including Mr. Wilson, to fully cooperate with any of OEIG's investigations. The "[f]ailure to cooperate includes, but is not limited to, intentional omissions and knowing false statements." From the moment his OEIG interview began, Mr. Wilson was adamant that he was not involved in transferring Ms. McClendon, kept his distance, and never stated to anyone that he would save Ms. McClendon from being fired. In order to believe Mr. Wilson, however, the OEIG would have to discount the statements made by numerous witnesses, including Mr. Griffin, Mr. Kucia, Mr. Morgan, and Ms. Basel.

1. International Brotherhood of Electrical Workers Local 134 Business Representative Anthony Griffin

Mr. Griffin did not work for the CTA nor did he have any incentive to provide a false narrative during his interview. Mr. Griffin distinctly recalled that Mr. Wilson told him that he (Mr. Wilson) was "fighting to retain [Ms. McClendon] at the CTA" during a phone conversation prior to Ms. McClendon's termination hearing. In addition, Mr. Griffin stated that Mr. Wilson was the one who called him, not the other way around as Mr. Wilson claimed. Mr. Griffin also noted that a CTA manager had never called him in support of an employee in a different department.

Mr. Griffin stated that he received three letters in support of Ms. McClendon, including one from Mr. Wilson. Mr. Griffin described this as "highly unusual." Mr. Griffin described Mr. Wilson as "an advocate" and "supporter" for Ms. McClendon. Initially, Mr. Wilson stated that he did not recall sending the letter to Mr. Griffin but later changed his answer when the OEIG asked him about the phone call between him and Mr. Griffin. Mr. Wilson denied that he ever said he was "fighting to retain Ms. McClendon at the CTA."

2. Workforce Business Partner Amy Basel

The OEIG confirmed that Ms. Basel was terminated by the CTA in September 2013 for hiring improprieties unrelated to Ms. McClendon's transfer. In spite of this, the OEIG finds that Ms. Basel provided an honest, credible recollection of the events that transpired. Ms. Basel provided a detailed account of the day in which Ms. McClendon came into the CTA for her

interview, even recalling that Mr. Wilson took all of her interviews for that morning so she could conduct Ms. McClendon's interview. This was corroborated by the sign-in sheet, as well as the scoring sheet for the interviews conducted by Mr. Wilson, that the OEIG obtained from this day. Mr. Wilson, however, denied that he directed Ms. Basel to conduct the interview and stated that Mr. Morgan told Ms. Basel to conduct the interview. Mr. Morgan, on the other hand, denied this and could barely remember who Ms. Basel was.

Ms. Basel did not know of Mr. Wilson's relationship with Ms. McClendon at the time of her interview and thus, had no reason to ask her only the organizational values question. Ms. Basel stated that it was Mr. Wilson who directed her to ask these questions and not the positional competency question, which is a question that Ms. McClendon did not have the experience or knowledge to answer.[41] Mr. Wilson attempted to cast the blame on Mr. Morgan but changed his response when he acknowledged that Mr. Morgan would not have directed Ms. Basel to do this because he (Mr. Morgan) did not that much familiarity with the interview process.[42]

Ms. Basel also noted that the work record review was not completed for Ms. McClendon, which should have been done by Mr. Wilson due to his having scheduled the interview. Mr. Wilson first attempted to blame Control Center General Manager Kelley Brookins; however, when the OEIG noted that she was not even aware that Ms. McClendon was being transferred, he changed his response and stated that it was "not in the best interest" of the CTA to do the work record review. When the OEIG again pointed out that no one else conducted the work record review and that the purpose of the review is to inform the interviewers of Ms. McClendon's extensive disciplinary background, he blamed Ms. Brookins again, stating that "Kelley Brookins was behind [any disciplinary violation in Ms. McClendon's record]."

Both Ms. De La Cruz and Ms. Basel noted that Ms. McClendon's Post-Interview Recommendation Form (PIRF) was improperly completed due to there being no numerical score, and Ms. McClendon being the only applicant interviewed, even though there were 355 applicants in the pool for this position. Ms. Basel confirmed that she did not create this form, adding that she believed Mr. Wilson created it. When the OEIG asked Mr. Wilson about this, he provided different responses. Mr. Wilson first replied, "No, [. . .] I don't recall completing this form at all. I do not." He then changed his response, saying, "I doubt if I created this form. I would -- I would say no." Mr. Wilson then changed his answer again, stating that he "doubted" that he created this form because he "distanced" himself from the process.

Ms. Basel recalled Mr. Wilson stated that he was going to "save [Ms. McClendon] from being fired." These words are very similar to the "fighting to retain [Ms. McClendon] at the CTA" phrase that Mr. Wilson stated to Mr. Griffin. Mr. Wilson, however, denied stating this to Ms. Basel.

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[41] Although Ms. Basel failed to ask the position competency question to Ms. McClendon, which would have been consistent with how the interviews for the investigator position were conducted prior to and after Ms. McClendon's transfer, the OEIG does not make any findings against her because she acted under the direction of her supervisor, Mr. Wilson.

[42] Mr. Morgan also denied directing Ms. Basel to ask only the organizational values questions. In fact, Mr. Morgan barely recalled Ms. Basel being involved in the process to transfer Ms. McClendon, which reinforces the position that he was not as involved in the process as Mr. Wilson was.

3. Vice President of Human Resources Harold Morgan and Chief of Staff Doug Kucia

During his OEIG interview, Mr. Kucia stated that Mr. Wilson had come into his (Mr. Kucia's) office, closed the door, and spoke to him solely about the situation involving Ms. McClendon and subsequently asked him for help in moving Ms. McClendon. When asked about this, Mr. Wilson changed his response multiple times. He first stated that he did not recall going into Mr. Kucia's office to solely talk about Ms. McClendon's situation. Then, Mr. Wilson modified his response, acknowledging that he likely closed the door to prevent others from hearing this conversation.

During his OEIG interview, Mr. Morgan stated that he signed the offer letter for Ms. McClendon but confirmed that he did not draft it because it was a template document. Mr. Morgan stated that either his secretary or Mr. Wilson brought it to him for his signature, conveniently on the same day as Ms. McClendon's termination hearing. Although Mr. Wilson denied any involvement in having the offer letter signed, he acknowledged that he had signed offer letters for the investigator vacancies prior to and after Ms. McClendon's transfer.

Most importantly, Mr. Kucia stated that the *only reason* he assisted Mr. Wilson was because he asked for help. Mr. Wilson, however, denied ever asking for help. In fact, when asked whether he asked Mr. Kucia for help, Mr. Wilson changed his response multiple times during the same interview. He first stated that he "wouldn't put [Mr. Kucia] in that kind of a spot. I wouldn't ask him for help." When asked again, he stated, "I don't recall." When asked once again, he said, "Once again, I didn't – don't recall asking for help. I wouldn't ask him for help."

4. Seth Wilson Provided Knowing False Statements

Pursuant to the Ethics Act's requirement that all State employees fully cooperate with any OEIG investigation, Mr. Wilson had no choice but to provide an honest account of what transpired between him and the multiple witnesses with whom he interacted during Ms. McClendon's transfer. From the very beginning, Mr. Wilson sought to "save" Ms. McClendon from potential termination by trying to get her another position at the CTA. Mr. Wilson approached multiple CTA managers to bypass the termination hearing and move Ms. McClendon into a position in which she was not qualified and likely would not have even received an interview due to her extensive disciplinary background. Mr. Wilson actively facilitated the process, even going as far as to direct Ms. Basel to only ask Ms. McClendon the questions that she was capable of answering, and having Mr. Morgan sign the offer letter on the same day as Ms. McClendon's termination hearing.

Thus, the allegation that Mr. Wilson failed to cooperate during his OEIG interview when he denied being involved with Ms. McClendon's obtaining a new position at CTA is **FOUNDED**.

Similarly, CTA General Rule Book Section 14(j) prohibits CTA employees from "[f]alsifying any *written* or *verbal* statement." (Emphasis in original). By providing knowing

false statements to investigators during an OEIG investigation, Mr. Wilson violated this section of the CTA General Rule Book. Therefore, this allegation is **FOUNDED**.

E. Harold Morgan Violated Administrative Procedure 151

Chicago Transit Authority Administrative Procedure 151 serves as a guide to ensure the CTA employs a "good faith effort" to select the "most qualified individuals for open positions." The problem, however, is that Ms. McClendon's hiring lacked the required "good faith effort" to select the "most qualified" individual; rather, the expediency of the interview and hiring process was done with the specific intent of bypassing Ms. McClendon's pending termination proceeding in order to move her into a vacancy for which she lacked the basic qualifications.

From the beginning, Mr. Morgan was aware of the decision to move Ms. McClendon from the Control Center to the Safety and Security Department. In fact, both Mr. Morgan and Mr. Wilson recalled that Mr. Morgan showed his willingness to move Ms. McClendon away from the Control Center without any consideration towards whether Ms. McClendon was the best qualified applicant for the investigator vacancy. Although Mr. Morgan stated that he approved of the decision to move Ms. McClendon as long as she was qualified for the investigator vacancy, he admitted that he did not take any active measures to ensure that his subordinates followed CTA policies and procedures, particularly AP 151.

During his tenure as Vice President of Human Resources, Mr. Morgan had the ultimate responsibility of ensuring that he and his subordinates complied with AP 151, in that, the agency employed a "good faith effort" to select the "most qualified" individual. Mr. Morgan admitted that Ms. McClendon was not qualified when he compared her resume with the investigator position description,[43] and could not recall who scheduled Ms. McClendon for an interview or reviewed her qualifications. In addition, Mr. Morgan did not know that Ms. McClendon was not asked the position competency question during her interview. In spite of all this, Mr. Morgan signed Ms. McClendon's offer sheet, which allowed her to make the transition into a vacancy for which there were more than 355 applicants, and of whom Ms. Basel stated that she could identify at least a dozen who were more qualified than Ms. McClendon. Mr. Morgan failed to ensure that his subordinates followed AP 151 or allow more candidates to apply for the vacancy in question. By failing to provide proper oversight, Mr. Morgan indirectly sanctioned a move that served Mr. Wilson's and Ms. McClendon's interests over the CTA's best interests.

Accordingly, the allegation that Harold Morgan violated AP 151 is **FOUNDED**.

[43] The fact that Ms. McClendon was not qualified for the investigator vacancy is an opinion that was universally agreed upon by every individual that the OEIG questioned on this matter, with the only exception being Mr. Wilson.

F. Araceli De La Cruz's Mismanagement in Her Decision to Hire Delores McClendon[44]

The purpose of CTA AP 151 is to ensure that the CTA "make[s] a good faith effort to select the most qualified individuals for open positions"[45] as evidenced by Section IV, Subsection A, which states that the "hiring department recommends most qualified candidate(s) for position."[46] In her capacity as Chief and Senior Vice President of the Safety and Security Department, in this case - the hiring department, Ms. De La Cruz had the responsibility of ensuring that any management decision she made comported with all CTA policies, such as AP 151. This includes, at the very least, recommending and/or hiring qualified individuals for positions within her department.

In reference to the hiring of Ms. McClendon, Ms. De La Cruz did not take due care to hire a qualified individual. It is clear that Ms. McClendon was not qualified for the investigator position. Ms. De La Cruz confirmed, as did Mr. Morgan, Mr. Kucia, and Ms. Basel during their respective OEIG interviews, that Ms. McClendon lacked the basic qualifications delineated in the investigator position description. In fact, Ms. Basel told investigators that she could have identified at least a dozen more qualified candidates and would not have even selected Ms. McClendon for an interview. This alone should have been sufficient to prevent Ms. McClendon from being hired into this position. Ms. De La Cruz agreed that it was inappropriate to hire someone into a position for which the applicant lacked qualifications. Regardless, Ms. De La Cruz hired Ms. McClendon, stating that "in [her] mind," Ms. McClendon would always be performing the duties of a security specialist and not an investigator, the position into which she was hired.

The decision to hire Ms. McClendon as an investigator, in spite of her lack of qualifications, was a decision that ran contrary to the role entrusted by the public to CTA management personnel. Every CTA employee, especially those in a managerial position, should make decisions that are in compliance with, not contrary to, CTA policy. Ms. De La Cruz' decision to hire Ms. McClendon shows a failure to abide by this expectation.

Accordingly, the allegation of mismanagement by Araceli De La Cruz based on her recommending/hiring Ms. McClendon into a position for which she lacked the qualifications and would not be performing the duties thereof is **FOUNDED**.

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[44] On November 3, 2015, the OEIG issued a Final Summary Report. In the Amended Final Summary Report the finding against Ms. Araceli De La Cruz was amended to a finding of mismanagement.
[45] CTA Administrative Procedure 151, Section I.
[46] CTA Administrative Procedure 151, Section IV, Subsection A, Step 10.

V. FINDINGS AND RECOMMENDATIONS

Following due investigation, the OEIG issues these findings[47] and recommendations:

- **FOUNDED** – Seth Wilson's advocacy on behalf of his "partner," Delores McClendon, regarding her transfer into a new position while she faced disciplinary action gave an appearance of impropriety in violation of Section 2.1 of the CTA Ethics Ordinance.
- **FOUNDED** – Seth Wilson exercised improper influence when he acted within his capacity as General Manager of Recruitment and Workforce Planning to assist Ms. McClendon during her disciplinary hearing and eventual transfer in violation of Section 2.3 (a) of the CTA Ethics Ordinance.
- **UNFOUNDED** – Seth Wilson's advocacy on behalf of Ms. McClendon for employment purposes did not violate Section 2.14(a) (i) of the CTA Ethics Ordinance.
- **FOUNDED** – Seth Wilson violated the State Officials and Employees Ethics Act when he failed to cooperate with the OEIG by providing knowing false statements in an attempt to minimize his involvement in Delores McClendon's transfer.
- **FOUNDED** – Seth Wilson violated Section 14(j) of the CTA General Rule Book by providing false verbal statements to the OEIG.
- **FOUNDED** – Harold Morgan violated multiple provisions of AP 151 when he allowed the CTA HR Department to proceed with hiring Delores McClendon, even though this decision was not done with the CTA's best interests in mind.
- **FOUNDED** – Araceli De La Cruz mismanaged the hiring of Delores McClendon when she recommended/hired Ms. McClendon for an investigator position even though she knew that Ms. McClendon lacked the qualifications for and would not be performing the duties of an investigator.

The OEIG recommends that the CTA discipline Mr. Wilson to ensure that Mr. Wilson does not continue to foster an environment of favoritism in the future. The OEIG also recommends that the CTA consider expanding its policy against nepotism to include domestic relationships such as non-married couples and non-married couples with children in common.

Because Mr. Morgan and Ms. De La Cruz no longer work for the CTA, the OEIG recommends that a copy of this report be placed in Mr. Morgan's and Ms. De La Cruz's permanent personnel file.

[47] The OEIG concludes that an allegation is "founded" when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

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

Date: December 22, 2015

Office of Executive Inspector General
for the Agencies of the Illinois Governor
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Ajay Alexander
Assistant Inspector General #159

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Investigator # 127

Dan Bohaczyk
Investigator # 114

TO: Office of Executive Inspector General

FROM: Thomas J. McKone
Chief Administrative Officer

DATE: March 17, 2016

RE: **OEIG Case No. 12-01390 –FINAL REPORT (AMENDED)**
RESPONSE REQUIRED

The above-referenced amended final report involves allegations that certain CTA managers engaged in misconduct related to the May 2012 transfer of CTA employee Delores McClendon. CTA's Office of Inspector General ("CTA-OIG") investigated these allegations and issued recommendations to CTA management in July 2012. Thereafter, the OEIG conducted a second investigation into the same allegations and, on November 3, 2015, issued a final report of its findings. On December 22, 2015, the OEIG issued an amended final report which corrected several factual inaccuracies and changed the legal basis for one of the investigation's findings. The following constitutes CTA's response to the amended final report (hereinafter "final report").

CTA's Response to the OEIG's Discussion of Ms. McClendon's Transfer

Ms. McClendon's May 2012 transfer to the Safety and Security Department was permitted by CTA Administrative Procedure 151: *Hiring/Promotion and Vacancy Filling Policy/Procedures* ("AP 151"). The transfer itself was in the best interest of the Authority and was approved by CTA's Vice President of Human Resources ("VP of HR").[1] The final report does not account for several relevant factors that are crucial to understanding why the transfer was in the best interest of the Authority. In particular, the narrative presented in the final report does not accurately depict the manner in which certain CTA managers approached decisions related to Ms. McClendon's employment at the CTA. By omitting essential facts, the conduct of certain CTA managers is not presented in the appropriate context. As a result, the final report inappropriately suggests that Ms. McClendon's transfer was the result of collective mismanagement.

The CTA does not dispute the final report's findings related to Mr. Wilson's actions in 2012 with regards to Ms. McClendon's transfer.[2] However, CTA's VP of HR retained

[1] AP 151 permits the Vice President of Human Resources to approve of the transfer an employee when the transfer is deemed to be in the best interest of the Authority. (See AP 151, Section III).
[2] CTA was not involved in the OEIG's interviews of Mr. Wilson or any other interviewees and is not in a position to evaluate the OEIG's findings regarding Mr. Wilson's cooperation during those interviews.

the right under AP 151 to transfer Ms. McClendon to the investigator position in the Safety and Security Department. That is particularly relevant given the circumstances surrounding Ms. McClendon's employment which are discussed in more detail below. Since Ms. McClendon's transfer was in the best interest of the Authority and was approved by CTA's VP of HR, it was consistent with AP 151.

Issues with Ms. McClendon's Discharge Proceedings

One of the reasons that Ms. McClendon's transfer was in the best interest of the Authority is because it was implemented in order to resolve an ongoing personnel dispute between Ms. McClendon and her manager in the Control Center.[3] This dispute culminated in the initiation of dismissal proceedings against Ms. McClendon in May 2012. Contrary to the manner in which they are depicted in the final report, the dismissal proceedings were problematic and unlikely to be successful. In addition to the existence of conflicting narratives regarding the incident at issue in Ms. McClendon's discharge, there was also a concern that, as discussed below, Ms. McClendon had not been provided union representation as required during the administration of that discipline.

Despite uncovering evidence of these issues through its own investigation, the OEIG chose to omit any discussion of the problematic nature of Ms. McClendon's discharge proceedings from the final report. This omission also effectively misrepresents the findings of the CTA-OIG.[4] Some of the information cited to the CTA-OIG in the final report is simply false. For example, the final report states that the CTA-OIG "discovered" that Ms. McClendon "submitted a falsified report to management."[5] Significantly, the CTA-OIG's Investigative Report states that it was the manager's *characterization* of Ms. McClendon's statement that deemed it to be "falsified."[6] Even more to the point, the CTA-OIG found that Ms. McClendon's manager "seemed to characterize the issue excessively"[7] and noted that the VP of HR had concluded that "terminating Ms. McClendon based on the facts presented" by her manager was "not warranted."[8]

As referenced above, inconsistent reports about Ms. McClendon's alleged misconduct at the vendor facility raised legitimate substantive questions as to whether she had in

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[3] Several CTA employees interviewed by the OEIG reference a history of issues that existed between Ms. McClendon and her manager at the Control Center. (See interviews at Tab #'s 5, 7, and 11 of the OEIG Investigative file). These remarks are consistent with the description in the CTA-OIG's July 17, 2012 Memorandum which stated that "[b]y all accounts" the working relationship between Ms. McClendon and her manager at the Control Center was "difficult and fractious." (p.2) The VP of HR also reported to the OEIG that Ms. McClendon's manager at the Control Center had a history of personnel conflicts with employees other than Ms. McClendon. (See interview at Tab #11 of the OEIG Investigative File).

[4] Significantly, the CTA-OIG initiated its investigation into Ms. McClendon's transfer within ten days after she was transferred, and it completed all of the related employee interviews by July 17, 2012. The OEIG's interviews were conducted beginning in November 2012 and spanned a nearly three-year period. Many employees were interviewed by the OEIG about the details of Ms. McClendon's transfer in May and June 2015, a full three years after it occurred.

[5] On page 2 of the final report, the OEIG begins a summary list of facts purportedly "discovered" by the CTA-OIG. The fact referenced here is presented as fourth in that list and appears on page 3 of the final report.

[6] CTA-OIG June 9, 2012 Investigative Report, page 4.

[7] CTA-OIG June 9, 2012 Investigative Report, page 4.

[8] CTA-OIG July 17, 2012 Memorandum, page 2.

fact exhibited the behavior that was the foundation of her discharge. Although the final report states that the vendor facility employees described Ms. McClendon as "screaming and swearing at the staff,"[9] the contemporaneous written statements provided by those employees do not state that Ms. McClendon screamed or swore at them.[10] The CTA-OIG's assessment of the contemporaneous written statements made by those employees was that "[n]one of the statements of the AOMS staff appeared to reach the level of intensity" as described by Ms. McClendon's manager, "such as being rude, abrasive, disrespectful, combative or being conduct unbecoming of a CTA employee."[11]

Ms. McClendon's union representative also reported to the OEIG that he questioned the legitimacy of Ms. McClendon's disciplinary hearing at the time that she was transferred.[12] He described Ms. McClendon's discharge as being based on "he said, she said" statements and told the OEIG that a "proper investigation" into the charges against Ms. McClendon had not been conducted.[13] Further, he stated that, prior to her discharge hearing, Ms. McClendon's union stewards had reported a violation of her Weingarten rights to him.[14] Failure to provide Ms. McClendon with union representation as required would likely result in a formidable challenge by her union to her discharge. The OEIG chose to omit any reference to this issue from the final report despite the extensive discussion of it during their interview with Ms. McClendon's union representative.

As a result of these issues, and as he reported to the OEIG, Ms. McClendon's union representative had planned to file a grievance on her behalf objecting to both substantive and administrative issues with her discharge proceedings. In other words, the case for Ms. McClendon's dismissal was fundamentally weak, subject to lengthy litigation, and ultimately reversible.

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[9] The November 3, 2015 final report stated that the vendor facility employees' "written statements" included this description. That was demonstrably false. In the December 22, 2015 amended final report, the OEIG removed the reference to "written statements" and stated in a footnote that this change was made "in order to reflect what vendor employees had stated in their OEIG interviews and written statements." There is no indication that the OEIG obtained its own written statements from these employees. The Index of the OEIG's investigative file does not list "written statements" that the OEIG obtained from the vendor facility employees as a part of its investigation. The only written statements from those employees listed in the Index of the OEIG Investigative File are the original "Progress Notes" taken in April 2012 which *do not* describe Ms. McClendon as "screaming" or "swearing" at the vendor facility staff. The OEIG did not provide transcripts of the interviews they conducted with the vendor facility employees, but the only existing written statements – which were taken soon after the alleged incident and used as the basis for Ms. McClendon's discipline -- did *not* support the allegation that Ms. McClendon "screamed" or "swore" at them.

[10] These written statements are the AOMS "Progress Notes" which were recorded on April 28, 2012. The OEIG reviewed these statements as a part of its investigation and they are included in the OEIG Investigative File.

[11] CTA-OIG June 9, 2012 Investigative Report, page 4.

[12] See interview at Tab #5 in the OEIG Investigative File.

[13] See interview at Tab #5 in the OEIG Investigative File.

[14] As a union employee, Ms. McClendon's "Weingarten Rights" entitled her to union representation at any meeting with management which could lead to the imposition of disciplinary action. Ms. McClendon's union representative reported to the OEIG that he had concluded that Ms. McClendon's Weingarten Rights were violated on May 14, 2012 when a manager did not honor her request for union representation during a suspension notification meeting. (See Interview at Tab #5 in the OEIG Investigative File).

Ms. McClendon's Transfer into the Safety and Security Department

Another reason that Ms. McClendon's transfer into the Safety and Security Department was reasonable and appropriate was her institutional knowledge that had been gained as a result of her ten years as a CTA employee. Her experience working with security-related video as a CTA Control Center employee presented notable attributes.[15] At the time Ms. McClendon was transferred, CTA had recently installed thousands of security cameras throughout its system. This unprecedented increase in video camera footage precipitated an increased personnel requirement in order to address work flow that previously had not existed. As several employees interviewed by the OEIG reported, Ms. McClendon's experience made her uniquely suited for a position which related to CTA's use of these cameras.[16]

Even though Ms. McClendon was initially assigned the "investigator" title, as the final report notes, she always performed the job duties of a "security specialist" and her title was changed to reflect that role in this expanding department shortly thereafter.[17] In the nearly four years that Ms. McClendon has worked in this position, she has never been disciplined and has received consistently positive feedback from management on her work performance.

Additionally, the final report discounts other relevant information regarding Ms. McClendon's employment history at CTA. Ms. McClendon was initially hired as a CTA bus operator in 2002.[18] These pre-existing

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[15] In footnote #43 of the final report, the OEIG states that "[t]he fact that Ms. McClendon was not qualified for the investigator vacancy is an opinion that was *universally agreed upon by every individual that the OEIG questioned on this matter, with the only exception being Mr. Wilson.*" (emphasis added) This is false; in his interview with the OEIG, the Vice President of Safety and Security ("VP of Safety and Security"), himself a former investigator in the department, stated that Ms. McClendon *was qualified* for a position in the Safety and Security department, including the investigator position. (See Tab #4 of the OEIG Investigative File).

[16] Several employees interviewed by the OEIG reported that Ms. McClendon's experience working with video footage in the Control Center played a significant role in the decision to transfer her to the Safety and Security Department. The VP of Safety and Security reported to the OEIG that the recent installation of security cameras throughout CTA's system had resulted in investigator duties' being heavily focused on video analysis. He also stated that Ms. McClendon's direct and extensive experience working with video footage at the Control Center made her uniquely suited for video-related work. (See interview at Tab #4 of the OEIG Investigative File) The Chief of Safety and Security also reported to the OEIG that she "needed help to review video surveillance from approximately 3600 cameras that the CTA installed on platforms and trains" and cited McClendon's experience with video work from the Control Center as a primary reason why she was selected to work in the Safety and Security Department. (See interview at Tab #9 in the OEIG Investigative File).

[17] The salary provided to Ms. McClendon in the investigator position was the same salary she received when her title was changed to security specialist. Additionally, shortly after Ms. McClendon's title changed to security specialist, a second security specialist was hired to perform the same job duties and was paid the same salary as Ms. McClendon.

[18] [Redacted]

circumstances factored into decisions regarding Ms. McClendon's employment, specifically in terms of her work environment.

The final report's failure to present a complete and accurate portrayal of the circumstances of Ms. McClendon's transfer results in a fundamental miscasting of the actions of certain CTA personnel. In particular, by omitting any reference to the various known and legitimate reasons for transferring Ms. McClendon, the final report inappropriately insinuates that her transfer was the result of suspiciously timed actions which were not permitted by CTA policy. As described above, the final report accomplishes this by selectively highlighting certain facts while discounting – or entirely ignoring – others.

A full and appropriate analysis of Ms. McClendon's transfer reveals that it was done in the best interest of the Authority, approved by the VP of HR, and permissible under AP 151.

CTA's Response to the OEIG's Recommendations

The OEIG recommends that CTA discipline Mr. Wilson to ensure that Mr. Wilson does not continue to foster an environment of favoritism in the future.

CTA management demoted Mr. Wilson to a position outside of CTA's Human Resources Department.

The OEIG also recommends that the CTA consider expanding its policy against nepotism to include domestic relationships such as non-married couples with children in common.

In March 2016, CTA issued Administrative Procedure #1603: *Fraternization Policy* ("AP 1603"). AP 1603 extends the prohibitions contained in the Nepotism provision of CTA's Ethics Ordinance and would prohibit Mr. Wilson's conduct with relation to Ms. McClendon's transfer.

Because Mr. Morgan and Ms. De La Cruz no longer work for the CTA, the OEIG recommends that a copy of this report be placed in Mr. Morgan's and Ms. De La Cruz's permanent personnel file.

A copy of the amended final report has been placed in Mr. Morgan's and Ms. De La Cruz's permanent personnel file.

cc: Mike McLaughlin
Sylvia Garcia

CHICAGO TRANSIT AUTHORITY

567 West Lake Street
Chicago, Illinois 60661-1498
TEL 312 664-7200
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March 18, 2016

Via Email

Brandon H. Myers, Ed.D.
Deputy Inspector General and Chief
Regional Transit Board Investigative Division
Office of the Executive Inspector General
69 West Washington, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 12-01390 – FINAL REPORT (AMENDED)

Dear Dr. Myers:

This letter follows CTA's March 17, 2016 submission of its responsive memorandum to the OEIG regarding the Amended Final Summary Report in OEIG Case No. 12-01390 ("CTA's March 17, 2016 Response"). CTA requests that Delores McClendon's name be redacted from CTA's March 17, 2016 Response if it is publically released. [Sentence redacted.]

Please let me know if you have any questions.

Very Truly Yours,

Karen G. Seimetz
General Counsel

cc: Chad Fornoff, Executive Director – Executive Ethics Commission

RECEIVED
JUL 07 2016
EXECUTIVE ETHICS COMMISSION

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: Araceli De La Cruz) #12-01390

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

X Below is my public response. Please make this response public if the summary report is also made public; or

X Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

[redacted] 7/2/2016
Respondent's Signature Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

(See attached)

TO: The Illinois Executive Ethics Commission

FROM: Araceli De La Cruz

DATE: July 2, 2016

RE: In Re Araceli De La Cruz, #12-01390 – Respondent's Suggestions for Redaction/Public Response.

SUGGESTIONS FOR REDACTION:

redacted

PUBLIC RESPONSE:

The final report was completed over three years after the inception of the OEIG's investigation. In the end the final report fails to accurately characterize all of the various factors surrounding the hiring of Ms. McClendon into the Safety and Security Department. Specifically, as it relates to Ms. De La Cruz, the final report fails to capture the larger organizational restructuring that was taking place within the Safety and Security Department at the time Ms. McClendon was hired, misstates the information provided to Ms. De La Cruz by the HR Department, and mischaracterizes Ms. De La Cruz's assessment of the Post-Interview Recommendation Form.

In the spring of 2012 the CTA experienced exponential growth in its security camera environment throughout the transit system. As the head of the Safety and Security Department, Ms. De La Cruz realized that internal restructuring of the Security Department was needed to accommodate the external growth, and ensure proper utilization of the security system's surveillance capacity. Ms. De La Cruz designed a plan to create additional job functions within the Security Department, including the creation of "Security Specialists" to aid Security Investigators by providing video analysis support. The restructuring was an ongoing process, and done in consultation with the HR Department, but was not complete at the time of Ms. McClendon's hire. Further, due to Ms. McClendon's extensive and relevant work with security camera video footage from the CTA Control Center, combined with her institutional knowledge of the CTA system, she was deemed uniquely qualified to perform the duties specifically needed for a Security Specialist. At no time was Ms. McClendon ever intended to perform the duties of an Investigator. The HR Department had not facilitated the creation of a new job description for the

role of Security Specialist, and utilized language within the description for Investigator when the Security Specialist position was posted. However, the following facts further demonstrate that Ms. McClendon was hired to only perform the duties only of a Security Specialist and was qualified to work in such capacity - Ms. McClendon's title was officially changed to Security Specialists approximately six weeks after her hire, the job description was updated subsequently, another Security Specialist was hired shortly after Ms. McClendon, Ms. McClendon never performed the duties of an Investigator, and Ms. McClendon still works as a Security Specialist at this present time.

Additionally, Ms. De La Cruz relied on information provided to her from the HR Department at the time of Ms. McClendon's hire. Ms. De La Cruz was informed of Ms. McClendon's role as a Security Controller within the Control Center, her years of experience at CTA, and her direct experience in working with video footage from security cameras. However, of greater significance is that Ms. De La Cruz was not informed that (1) Ms. McClendon had previous disciplinary infractions, (2) Ms. McClendon was scheduled for a termination hearing, and (3) that there were over 300 applicants for the position.

Page 19 of the final report states that *"Both Ms. De La Cruz and Ms. Basel noted that Ms. McClendon's Post-Interview Recommendation Form (PIRF) was improperly completed due to their being no numerical score, and Ms. McClendon being the only applicant interviewed, even though there were 355 applicants in the pool for this position."* Again, Ms. De La Cruz was not informed by the HR Department that 355 applicants applied for the position, therefore Ms. De La Cruz's notation that the PIRF was improperly completed was an assertion made once all the pertinent facts were revealed to her by the OEIG Investigators, and not at the time of Ms. McClendon's hire.

Ultimately, Ms. De La Cruz exercised her managerial discretion in a manner which was aligned with the best interests of the CTA, and in an effort to meet the needs of newly acquired resources meant to enhance the safety and security of the CTA's transit riders.

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: Seth Wilson) #12-01390

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

✓ Below is my public response. Please make this response public if the summary report is also made public; or

_____ Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

/
_____
Respondent's Signature

7-19-16
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

PLEASE SEE ATTACHMENT

IN RE: Seth Wilson) **#12-01390**

Public Response

I am disappointment in the portrayal of my alleged involvement in this matter and the defamation of my character as represented by the State of Illinois Office of the Executive Inspector General when compared to others (specifically non-African Americans) interviewed and involved in this matter. I know that's a bold statement, but it's also a true statement – unlike the statements presented by the State of Illinois Office of the Executive Inspector General in their *"final"* report. The truth of the matter is - the State of Illinois Office of the Executive Inspector General conducted a flawed, unprofessional and bias investigation. The events leading up to my interview with the state regarding this matter can be categorized as harassment and unethical conduct by the State of Illinois Office of the Executive Inspector General. My recorded interview was more of an interrogation. When I asked for a copy of it, I was denied. The State of Illinois Office of the Executive Inspector General initial draft report deliberately omitted facts and extenuating circumstances and utilized specific exerts to discredit my testimony and support their preconceived conclusion of me providing false statements to the State of Illinois Office of the Executive Inspector General. This is evident in the amended report responses as provided by CTA Management ( ) when they challenged the integrity of the report/investigation in a recent letter addressed to the State of Illinois Office of the Executive Inspector General.

As for the alleged misconduct, a proper and fair investigation would have revealed that my conduct did not break any rules or (as noted by the State of Illinois Office of the Executive Inspector General) the "spirit" of any policies. In fact, the CTA agrees that the employee transfer in questions was ***"done in the best interest of the Authority, approved by the VP of HR, and permissible under AP 151"***. I would urge the State of Illinois Office of the Executive Inspector General to incorporate video interviewing in its investigation process to encourage and promote fair, professional, unbiased and non-interrogative interviews. The State of Illinois Office of the Executive Inspector General did not have a strong case against me therefore, they approached the interview as an interrogation, omitted facts from the final report, used my interview exerts (in the final report) to their advantage and attempted to "get me" on providing false statements to the State of Illinois Office of the Executive Inspector General. Who investigates the investigators?

SLW