

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: LARRY SNEED) OEIG Case #18-0036

OEIG FINAL REPORT (REDACTED)

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

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

The Commission received this report from the Secretary of State’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 Executive Inspector General for the Secretary of State, and to Larry Sneed at his last known address.

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

FINAL REPORT

I. Allegations and Investigation

Larry D. Sneed is employed as a supervisor working at the Secretary of State’s Chicago Central Driver Services facility located at 100 W. Randolph, Chicago, IL. On May 3, 2018, the following complaint was filed by [Employee 1], an employee at that facility:

“On Wednesday, May 2, 2018 I overheard an unacceptable comment made from a supervisor to an employee. While getting my stuff to go home, I overheard Mr. Larry Sneed speaking to an employee on his way to get his belongings. He made a rather vulgar comment to this employee as he walked by stating, don’t do that in front of me or I might pull a Tiger Woods and make a whole [sic] in one. Of course, I did not know the context of the conversation but I do not need to. The statement was unacceptable for anyone to make especially a male supervisor to a female employee. I was very disgusted and extricated myself from the situation immediately. I am very upset by the behavior of

the supervisor and therefore am making a statement in support of the employee. Thank you for your time”.

On May 4, 2018, facility manager Larry Jones reported this incident to Driver Services-Metro Director Rick Kurnick with the following statement:

“Upon learning of [Employee 2] [*sic*] incident with Mr. Sneed, that occurred on Wednesday evening May 2nd at closing, the following day Thursday May 3rd, I along with [Employee 3], met with [Employee 4], [Employee 1], and [Employee 5] one by one alone, to confirm the alleged allegations against Mr. Sneed. Each of the individuals had the same story as to what they heard. We did meet with Mr. Sneed with everyone involved regarding that situation, and his comment to us was I don’t recall making any comments to [Employee 2]. I have his statement confirming that. I informed Mr. Sneed that I would pass his statement, as well as the statements from [Employee 2] and the others that were witnesses, on to the Director from this point. Needless to say, he (Larry Sneed) called in a PL [personal leave] day today”.

Investigators from the office of the Secretary of State Inspector General and Executive Inspector General interviewed facility manager Jones on June 22, 2018. Mr. Jones stated that he obtained the witness statements independently from each other without the knowledge of each witness. Mr. Jones added that it was actually [Employee 1] that reported the incident and not [Employee 2]. Jones added that Sneed has made comments in the past, not to this level, and were always made end-of-shift and away from the office.

The alleged victim in this incident, [Employee 2], provided the following written statement:

“On May 2, 2018 after 5pm closing time, I was talking to my co-worker about a stain that was on the bottom part of his pants. I bent down and attempted to wipe off what I had seen, and the supervisor Larry Sneed said, don’t do that in front of me, don’t tempt me then walks away chuckling into the accounting office. I walk into the coat room that is adjacent to the accounting office and as I grab my purse I hear him say, I’m like Tiger Woods, I put it in the first hole I see. I was very offended by the statement as my coworkers [Employee 4], [Employee 5], and [Employee 1] could tell as they were there when the comment was being made”.

Investigators interviewed [Employee 2] on June 22, 2018, at which time she stated that she had nothing more to add to her statement regarding the May 2nd incident, other than adding that Mr. Sneed has a weird sense of humor.

Investigators interviewed [Employee 1] on June 22, 2018. She stated this was the first time she heard inappropriate remarks from Larry Sneed, adding the comments did seem out of character. She also stated that she actually heard the comments while in the coat closet with [Employee 4]. She observed this was out of Mr. Sneed’s line of vision as he and [Employee 2] were just outside the closet.

On May 3, 2018, [Employee 4] provided the following written statement:

“I am writing this statement, without malice and prejudice against anyone involved, in regards to an incident that occurred on May 2, 2018 at approximately 5:15pm. I was in the coat closet when I heard Supervisor Larry Sneed say, I am going to be like Tiger Woods and drive it into the first hole I see. At this moment [Employee 2] had a disgusted look on her face and said, Huh?!?! I shook my head and said Ignorance is bliss. As we were exiting the facility [Employee 5] was high [*sic*] upset and I asked him what was wrong and he told me that [Employee 2] was bending over getting something off his pants, when the above comment was made by Larry Sneed”.

Investigators interviewed [Employee 4] on June 22, 2018, at which time she stated that she had nothing more to add to her statement, other than commenting that Mr. Sneed has never directed any inappropriate comments towards her.

[Employee 5] provided the following written statement regarding the incident:

“On or about May 2, 2018 at 5:20pm, [Employee 2] informed me that I had dirt on my pants. [Employee 2] bent over to show me where the dirt was. Supervisor Sneed was standing in the rear of us walking towards the manager’s office. As I was walking into the coat room I heard Supervisor Sneed talking to [Employee 2]. I am not sure what was said. As [Employee 2] and I departed the facility I asked her what did he say to you. She stated he told me not to bend over like that and that he was like Tiger Woods that he would put it in hole number one. I told her that I would report this incident to Mr. Jones tomorrow. I saw the impression on her face that she was distraught. I went to the men’s room and when I returned she was still standing at Burger King”.

Investigators interviewed [Employee 5] on June 22, 2018, at which time [Employee 5] stated Sneed has in the past made dumb and creepy comments, but always after work and away from the facility. [Employee 5] further stated that Sneed has had in the past a tendency to harass him over various things in the workplace.

On May 3, 2018, Larry Sneed provided the following written statement:

“I don’t recall any comments being made by me to [Employee 2] period”.

Investigators sought to interview Mr. Sneed at the facility on June 8, 2018, but they were informed he was on a medical leave of absence and was not available to be interviewed. A letter was sent to Mr. Sneed on that date via certified mail providing him an opportunity to be interviewed in order to obtain further information beyond the content of his initial statement. He was given until June 22, 2018, to respond to the interview request. He was informed that if he did not respond the report would be submitted without further input from him. Mr. Sneed accepted delivery of the letter on June 11, 2018, but did not contact this office to make any further statement.

Notwithstanding Mr. Sneed’s statement that he did not recall making any comment to [Employee 2], the consistent statements submitted by the victim and witnesses to this incident are

sufficiently persuasive to conclude that Mr. Sneed did make the offensive comment to [Employee 2].

Copies of the statements referenced above are included as exhibits to this report.

I. State Officials and Employees Ethics Act Violation – Sexual Harassment

Public Act 100-554, effective November 16, 2017, added a prohibition on sexual harassment to the State Officials and Employees Ethics Act:

Sec. 5-65. Prohibition on sexual harassment.

(a) All persons have a right to work in an environment free from sexual harassment. All persons subject to this Act are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

(b) For purposes of this Act, "sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.

(5 ILCS 430/5-65)

A review of the information revealed in the investigation of this matter shows that while there were no overt requests for sexual favors, there was "conduct of a sexual nature" that had the "purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." A comment from a supervisor to a subordinate employee stating, in essence, that if she bends over in front of him he will be tempted to sexually assault her, can be considered nothing less than intimidating, hostile and offensive.

III. Recommendation

While Mr. Sneed has several incidents of misconduct in his personnel file, none of those prior incidents involve allegations of sexual harassment. In light of that discipline history, the offensive nature of his comments, and the aggravating circumstance that the comments were made by a supervisor to a subordinate employee, it is recommended that Larry Sneed be suspended without pay for a period of 8 days.

Respectfully submitted by:

Nathan Maddox
Executive Inspector General
Office of the Illinois Secretary of State

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

Memorandum

To: Tom Benigno, Chief of Staff

From: Nathan Maddox, Executive Inspector General *NM*

Date: July 18, 2018

Re: Investigative Report of Larry Sneed

Enclosed is a copy of an investigative report concerning allegations of misconduct by SOS employee Larry Sneed. Because this report includes allegations of a violation of the State Officials and Employees Ethics Act I will be filing the report with the Executive Ethics Commission. In this report I have recommended that Mr. Sneed be suspended without pay for a period of 8 days.

Pursuant to the rules of the Executive Ethics Commission I am required to report to the Commission whether the recommended discipline was carried out. Please advise me whether the recommendation of suspension without pay for 8 days is accepted and, if it is, please notify me when the suspension takes place.

c: Rick Kurnick
Steve Roth

Maddox, Nathan

From: DiCaro, Gina
Sent: Friday, July 20, 2018 8:50 AM
To: Maddox, Nathan
Cc: Roth, Steve; Czarowski, Annette; Kurnick, Rick
Subject: Larry Sneed

The Department of Personnel received instruction from the Chief of Staff to process an 8-day suspension for Larry Sneed for violation of the State Officials and Employees Ethics Act (Sexual Harassment). Please be advised that Mr. Sneed is on leave of absence. He is scheduled to return in December. Upon his return, I will process the suspension as instructed. I will keep you advised of the progress of this case and provide you with copies of documentation as it is served.

Thank you. Gina

Department of Personnel
17 North State, Suite 1300
Chicago, Illinois 60602
(312) 793-5515
(312) 793-3501 - discipline fax
(312) 814-7251 - general fax

This message, and any attachments that accompany it, may contain information that is confidential and prohibited from disclosure under state and/or federal law. Any unauthorized use of this message is illegal under law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of this message or any attachment is strictly prohibited. If you have received this message in error, please promptly notify the sender by reply e-mail, and then delete this message along with any attachments.