

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: ILLINOIS DEPARTMENT)
OF TRANSPORTATION) OEIG Case #18-01118

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 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 Executive Inspector General for the Governor, and the Illinois Department of Transportation.

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

FINAL REPORT

I. INTRODUCTION

The Illinois Department of Transportation (IDOT) Emergency Traffic Patrol (ETP) unit provides 24/7 emergency vehicle services to the motoring public in the Chicagoland area 365 days a year.¹ The ETP unit is headquartered at an IDOT facility located at 3501 S. Normal Avenue in Chicago, IL, which is less than a quarter mile—and an approximate five-minute walk—from Guaranteed Rate Field, home of the Chicago White Sox.²

In April 2018, the OEIG became aware that the ETP facility’s parking lot was potentially being used for White Sox gameday parking. Specifically, after meeting at a training session, an

¹ *IDOT Emergency Traffic Patrol Policy and Procedure Manual*, Introduction; and <http://www.idot.illinois.gov/travel-information/roadway-information/driver-information/emergency-traffic-patrol/index> (last visited December 26, 2018).

² See <https://goo.gl/maps/gwv5iZMEzTx> (last visited December 26, 2018).

ETP employee emailed OEIG staff saying it was nice to meet them, and “If you guys ever need anything (from help with your vehicle on the Expressways to parking for a White Sox event), please feel free to contact me.” After conducting an initial surveillance of the ETP parking lot on a White Sox gameday in May 2018 and observing several vehicles park at the ETP lot before entering Guaranteed Rate Field, the OEIG self-initiated this investigation to determine the nature and extent of this use of State resources.

II. INVESTIGATION

As part of the investigation, the OEIG obtained and reviewed various documents, conducted surveillance, and interviewed several individuals, including IDOT [Employee 1], [Employee 2], and [Employee 3].

A. Review Of Relevant IDOT Policies

The IDOT Personnel Policies Manual (IDOT Manual) provides that employees shall not use State property for personal or private use.³ In addition, the IDOT Manual states that employees shall not permit other persons to use State property without authorization from a supervisor.⁴ According to the IDOT Manual, State property is any real or personal property, including real estate and buildings, legally owned or leased by the State of Illinois.⁵

The ETP unit also maintains its own Policy and Procedure Manual (ETP Manual) which IDOT employees assigned to the ETP are required to follow.⁶ According to the ETP Manual, the unauthorized use of State property and the use of State property for personal or private reasons are rule violations for which disciplinary action may be taken.⁷

B. Surveillance Of ETP Parking Lot

In addition to the initial surveillance conducted in May 2018, OEIG investigators conducted surveillance of the ETP parking lot on three days between June and July 2018 that the White Sox hosted a home game. On each of these dates, a sign stating “No Sox Parking” was posted at the entrance of the ETP lot. In addition, investigators observed nearby parking lots offering gameday parking for \$15-\$20.

During the period of surveillance for the following days, many vehicles were seen entering, exiting, and parking in the ETP lot, each for various amounts of time. Only those included in the relevant observations discussed below were confirmed by investigators to have parked in the lot for purposes of visiting Guaranteed Rate Field.

³ *IDOT Personnel Policies Manual*, section 10-3(T)(2)(a) (rev. November 5, 2012).

⁴ *Id.* at (T)(2)(f).

⁵ *Id.* at (T)(1).

⁶ *IDOT Emergency Traffic Patrol Policy and Procedure Manual*.

⁷ *Id.* at Article 1.16(1) and (2).

<u>Date</u>	<u>Observations</u>
May 18, 2018	Four non-State vehicles parked in the ETP lot between approximately 6:30pm and 7:15pm. Occupants from each of these vehicles, totaling 13 individuals, including two children, walked to Guaranteed Rate Field and entered the stadium.
June 1, 2018	One non-State vehicle parked in the ETP lot at approximately 7:30pm. Six occupants, including four children, were observed walking from the vehicle to Guaranteed Rate Field and entering the stadium.
July 13, 2018	Eight non-State vehicles parked in the ETP lot between approximately 5:20pm and 7:30pm. Occupants from each of these vehicles, totaling 26 adults and three children, were observed walking to Guaranteed Rate Field, and then either entering the stadium, waiting in line to enter the stadium, or standing in ticket lines at the stadium.
July 27, 2018	Nine non-State vehicles parked in the ETP lot between approximately 4:50pm and 7:00pm. Occupants from each of these vehicles, totaling 14 adults and 5 children, were observed walking to Guaranteed Rate Field and entering the stadium.

OEIG investigators obtained Secretary of State records for the observed vehicles described above with the following results:

- 11 of the vehicles were registered to individuals who were not listed in the Illinois Department of Central Management Services (CMS) personnel database or Illinois Comptroller records as State employees.
- Seven vehicles were registered to individuals listed in the CMS database or Illinois Comptroller records as State employees from various agencies, including IDOT, ISP, and CMS.
- Investigators were unable to identify the license plate number for four of the vehicles, and thus could not determine the registered owner.

C. Review Of Relevant Documents

Investigators requested documents regarding ETP's policy or practice regarding the use of the ETP parking lot for parking by individuals other than ETP employees. The documents produced included approximately 12 emails and memoranda, spanning years 2000 through 2018, from ETP Patrol Managers to other ETP supervisors and employees regarding procedures for parking in the ETP lot for White Sox games.⁸

⁸ The documents included four additional emails from IDOT employees requesting to park in the ETP lot on various days for reasons other than attending a White Sox game. The documents suggest that two of these requests were approved and one was not approved; the outcome of the final request could not be determined. There were also other documents reflecting that IDOT and other State agencies have requested, and received, permission to host meetings or events in the ETP facility, and temporarily park vehicles in the ETP garage or lot for purposes of conducting State business.

Specifically, in 2000 and 2002, the ETP Patrol Manager issued an email to ETP staff regarding parking in the ETP lot on White Sox game days. The 2000 email stated that “Only State Agency employees” would be allowed to park in the ETP lot for White Sox games, and explained that “[t]he purposes of allowing STATE AGENCY EMPLOYEES to park in our facility is that many of them are on 24 hour call and if they are summoned for duty, they can get to their vehicle and not have to be worried about being blocked in[.]” Similarly, the 2002 memorandum provided that “Only State Agency employees who are on 24 hour call” could park in the ETP lot for White Sox games, as “[t]his will enable them if they are summoned for duty, to get to their vehicle in a timely manner.” The email and memorandum both stated that these employees must provide their name, State agency, vehicle type, and license plate when requesting permission to park, and that they would then be added to a list maintained by ETP management detailing those who received permission to park in the ETP lot for a given game. These documents additionally noted that only 25 parking spaces would be open for White Sox parking.

For the ensuing years, various ETP managers sent additional emails to ETP staff about White Sox parking, reminding them of the parking procedures and instructions on where they should park so that guests could be accommodated for the White Sox games. Then, in April 2010, the Assistant to the District 1 Regional Engineer emailed ETP management that they should “stay consistent with stating we’ve changed our policy for parking [for White Sox games] and are restricting it to IDOT employees, gov’s or legislator offices and ISP.” Most recently, in May 2018, [Employee 3] sent a similar email to ETP supervisors and administrators regarding parking during White Sox games.⁹ In this email, [Employee 3] wrote the following:

I would just like to remind everyone about our procedures to allow guest parking during White Sox Games. We all need to stay consistent with allowing motorists to park in our lot.

- People that call in advance to add their names to our list, must be a current IDOT employee, ISP Trooper or Administrative Staff, Governor’s Office and Legislator Offices. Any other calls claiming to be friends of employees, relatives, local municipality employees or was told by someone else that it was okay to park at ETP, must be denied and advised of our current prerequisites.
- Prior to the game, close entrance gates if available or cone off all the driveways. Post the “NO SOX PARKING” sign on the Normal Ave. entrance. ETP employee or [Redacted] working during game time must ensure the people parking are on the parking list. If not, they will need to exit our lot and find somewhere else to park.
- Please save all future parking lists or forward a copy to me for our files.

In addition to these instructive emails or memoranda, investigators reviewed approximately 25 emails between ETP management and various IDOT staff requesting and obtaining approval to park in the ETP lot for White Sox games. Among these emails, dating from

⁹ [Employee 3] sent this email to the ETP Lead Workers, administrative staff, and his supervisor, [Employee 4].

2011 through 2018, are requests from individuals at IDOT for themselves or others, such as family members or other IDOT employees, to park in the ETP lot. Employees submitting or forwarding requests to park, or being carbon-copied on these requests, include highway maintainers, engineers, technicians, operations managers and supervisors, construction supervisors, individuals from other IDOT districts throughout the State, a Deputy Chief Counsel, bureau chiefs, including District 1 Bureau of Traffic bureau chiefs, the District 1 Operations Engineer, and the District 1 Regional Engineer.

Finally, the OEIG reviewed 33 lists labeled “Emergency Traffic Patrol 2018 White Sox Season Authorized Parking @ ETP,” dated between May 18 and September 26, 2018.¹⁰ In addition to the date, each list contained 30 rows with 3 columns each: Name, Vehicle Description, and Plate #, and said, “All Parking Must Approved [*sic*]” at the bottom. A review of these lists revealed between 0 and 23 names written for each game. Specifically, of the 33 lists:

- 14 had 0-5 names written;
- 10 had 6-10 names written;
- 5 had 11-15 names written;
- 3 had 16-20 names written; and
- 1 had 23 names written.

These 33 lists had a total of 256 entries, approximately 201 of which had an agency affiliation noted or indicated. The vast majority of the listed agencies were IDOT or ISP, and approximately 15 other agencies were listed including the Illinois Commerce Commission, Illinois Department of Central Management Services, Illinois Department of Corrections, Illinois Department of Employment Security, Illinois Department of Juvenile Justice, Illinois Department of Revenue, Chicago Police Department, and Lyons Police Department. Approximately 55 entries on these lists did not have any agency identified with the name or vehicle listed. Of these unaffiliated entries that were legible and consisted of a full name, investigators could only find three who were State employees according to a review of the CMS personnel database and Illinois Comptroller records.¹¹

Investigators also compared the May 18, June 1, and July 13, 2018 parking lists¹² with the surveillance activity observed on these days. Based on this review, along with Illinois Secretary of State, CMS personnel database, and Illinois Comptroller records, investigators found the following. Specifically:

- On May 18, 2018, the ETP White Sox parking list contained nine entries, seven of which included a license plate number. During surveillance on this day, investigators observed four vehicles park in the ETP lot for the game; investigators were able to identify the license plate number on only one of these vehicles. Investigators determined that this license plate

¹⁰ According to an official Major League Baseball 2018 schedule, the White Sox hosted 66 home games between May 18 and September 26, 2018. See <https://www.mlb.com/whitesox/schedule/2018/fullseason?homeGame=true> (last visited January 14, 2019). During the investigation, however, the OEIG was provided with parking lists for only 33 of these games.

¹¹ Records show that these three employees are all ISP troopers.

¹² The OEIG was not provided a parking list for the final day of surveillance, July 28, 2018.

appeared on the parking list for this day, with a notation indicating the individual was a State employee. This vehicle, however, was registered to a person who was not listed in the State employee records.

- On June 1, 2018, the ETP parking list contained three entries, none of which included a license plate number. During surveillance, investigators observed one vehicle park in the ETP lot for the White Sox game. This vehicle was registered in the name of a State employee. The registered owner, however, was not one of the three names listed on the June 1, 2018 parking list.
- On July 13, 2018, the ETP parking list contained four entries, one of which included a license plate number. During surveillance, investigators observed eight vehicles park in the ETP lot for the White Sox game and were able to identify the license plate number on all of these vehicles but one. Three of the vehicles were registered to individuals who were State employees; however, none of these individuals' names appeared on the July 13, 2018 parking list.

D. Interview Of [Employee 1]

On August 22, 2018, investigators interviewed IDOT [Employee 1].¹³ [Employee 1] is responsible for, among other things, [identifying information redacted] in Region 1, which includes Chicago. Part of [Employee 1's] duties includes implementing policies and procedures, and ensuring staff performs their duties in accordance with IDOT safety rules, practices, and programs.¹⁴ [Employee 1] reports directly to [Employee 5], and oversees 5 employees directly and more than 1000 employees indirectly.¹⁵ One of [Employee 1's] direct reports is [Employee 4], who directly supervises [Employee 3].¹⁶

[Employee 1] stated that it is against IDOT policy for an employee to use an IDOT parking lot for personal use, and for an employee to tell friends, family, or other State employees that they could use an IDOT parking lot for personal use.¹⁷ [Employee 1] said that doing so would create a liability at facilities where there is heavy equipment being operated and stored. [Employee 1] said that the only way parking at an IDOT facility for personal use would be permissible would be in the event of an emergency, such as a medical or personal emergency at work and an employee needing to leave his or her vehicle at the IDOT facility to go to the hospital. [Employee 1] stated that only an IDOT facility's Operational Supervisor (OS) 1 or OS 2 has the authority to approve such personal parking requests for the IDOT location.¹⁸ [Employee 1] added that if an OS 1 or OS

¹³ [Employee 1] stated that he had been the [identifying information redacted] for approximately two years and has been with IDOT since 2000.

¹⁴ [Identifying information redacted.]

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ [Employee 1] noted that he believes that the policy from the IDOT Manual that states that employees shall not permit another person to use State property without authorization from a supervisor refers to lending items such as State phones and ID cards, while the more general policy prohibiting the use of State property for personal use applies to State property such as a parking lot.

¹⁸ [Employee 1] stated that if an OS 1 or OS 2 is not present at the facility when someone requests permission to park at the facility for personal reasons, someone at the facility would still need to call the OS 1 or OS 2 to obtain approval to allow the individual to park there.

2 approved a personal parking request for any reason other than an emergency, it would be against IDOT policy.

[Employee 1] stated that [identifying information redacted], [Employee 3], would be responsible for approving personal parking requests for that location. [Employee 1] said there are no OS 2s at the ETP facility, so if [Employee 3] is not present when a personal parking request is made, an ETP Lead or Lead Lead Worker would need to contact [Employee 3] to obtain approval before authorizing the use of the parking lot for personal reasons.

[Employee 1] stated that the ETP parking lot is not meant to be used for parking by the general public. [Employee 1] stated that when he first began working for IDOT in 2000, however, he heard that IDOT employees could call the ETP facility at 3501 S. Normal and reserve a parking spot for White Sox games. [Employee 1] said he never personally saw this occurring and never parked in the ETP lot for a White Sox game himself, but knows that parking in the ETP lot for White Sox games does occur.¹⁹

E. Interview Of [Employee 3]

On January 9, 2019, investigators interviewed [Employee 3]. [Employee 3] stated that he has been [redacted] and has worked in the ETP unit since [identifying information redacted]. [Employee 3] said that as [redacted], he is responsible for [identifying information redacted]. [Employee 3] said this includes [redacted]. [Employee 3] said that before becoming [redacted], he was an [redacted], and performed various other administrative functions.²⁰ [Employee 3] said that he reports to [Employee 4].

[Employee 3] confirmed that the ETP facility is located at 3501 S. Normal in Chicago, IL. [Employee 3] said that ETP employees, visitors from other State agencies, ISP troopers, and other police doing special investigations regularly use the ETP facility and parking lot for work-related purposes.²¹

[Employee 3] said that in addition, the ETP parking lot has “always” been used by individuals for White Sox parking.²² [Employee 3] said he first learned about parking in the ETP lot for White Sox games in 1979 when he started at IDOT. [Employee 3] said that it has always been an “unwritten rule that we would be accommodating” for employees who wanted to park in the lot. [Employee 3] stated that ISP troopers who work security for the White Sox regularly park in the ETP lot for home games, as do other IDOT employees and employees from other State

¹⁹ During his interview on August 22, 2018, [Employee 1] initially stated that he did not know whether parking at the ETP lot for White Sox games was still occurring. However, during a subsequent phone call with investigators on September 11, 2018, [Employee 1] said he confirmed this was still occurring. [Employee 1] was not a listed recipient on [Employee 3’s] May 2018 email regarding White Sox parking.

²⁰ [Employee 3] stated that he was in this position for approximately 13 years.

²¹ [Employee 3] explained that the ETP facility is like an “oasis” for police and ISP troopers where they can meet, write crash reports, wash vehicles, and more.

²² [Employee 3] said that ETP drivers can also use the ETP parking lot for personal use if needed as the parking lot is never full, but this “very rarely” happens, occurring approximately one time a month.

agencies, including the Governor's Office and the Illinois Department of Corrections.²³ [Employee 3] stated that approximately 6 to 10 cars typically park in the lot for White Sox games, but there might be 15 to 18 cars parking in the lot for big games.

[Employee 3] stated that the general procedure for White Sox parking is that an individual will call the ETP general phone line and provide his or her license plate number to a supervisor or whoever is in the reception area.²⁴ [Employee 3] said that anyone within ETP who has an email address, such as himself, the supervisors, and [Employee 6], may also receive requests for White Sox parking.²⁵

[Employee 3] said that if the individual requesting permission to park is a State employee or ISP trooper, he or she will be put on a parking list.²⁶ [Employee 3] said that if someone came to the ETP lot that was not on the list but had a badge or was from an office such as the Governor's Office, he or she would be added to the list and allowed to park in the lot. [Employee 3] said that if an individual who wants to park is a family member or friend of a State employee, the ETP "would extend the courtesy" for them as well as long as there is space.²⁷ According to [Employee 3], the ETP tries to keep the parking list to a maximum of 20 or 25 names. [Employee 3] said that the ETP will also extend the courtesy of parking in the lot to city police and firefighters because the ETP has such a close working relationship with these first responders.

[Employee 3] explained that individuals who come to park in the lot typically check-in with staff when they arrive, and generally bring their State IDs to show they are State employees. [Employee 3] stated that [Redacted] on duty is usually the person monitoring the ETP parking lot on White Sox game days, and if a supervisor is at the facility, he will monitor the lot as well. [Employee 3] said that monitoring the parking lot is part of the [Redacted's] official duties, as [Redacted] is responsible for handling security around the facility.²⁸ [Employee 3] said that while it may be possible that unauthorized vehicles could park in the ETP lot, [Redacted] focus their attention mostly outside before White Sox games and will challenge unauthorized vehicles that try to park in the lot; however, [Employee 3] said this does not happen often.

[Employee 3] said that ETP management knows that the ETP parking lot is used for White Sox parking. [Employee 3] said that pretty much all of District 1 in Schaumburg and the administration at the IDOT Central Office also know that the ETP lot is used for White Sox parking. [Employee 3] stated that the procedures for parking that are currently followed have

²³ [Employee 3] said that while "it's generally people from Schaumburg" or ISP troopers parking in the lot, the ETP will "extend the courtesy [of parking in the ETP lot for games] to any State agency."

²⁴ [Employee 3] said that most calls are answered by an employee named [redacted first name and other identifying information]. [Employee 3] said that [redacted first name] works in the upstairs offices at the ETP facility. [Identifying information redacted.].

²⁵ [Employee 3] said that if [Employee 6] receives a request for parking, he can add people to the list without [Employee 3's] approval. [Employee 3] said that if a supervisor or [Redacted] receive a request after [Employee 3] and [Employee 6] leave for the day, they can add people to the list, too.

²⁶ [Employee 3] said he did not create the parking list; [Employee 3] said it is the same list that has been used for the past 25 plus years, or one that is very similar. [Employee 3] said the list is used so the ETP can have some type of control and know who will be using the ETP facility.

²⁷ [Employee 3] said the ETP typically likes to confirm with the State employee that he or she knows the individual who wants to park in the lot.

²⁸ [Employee 3] said the [Redacted] do not receive any training with respect to this duty.

“always [been the] standard procedure for White Sox parking,” and were laid out in writing in a 2000 and 2002 memorandum and email. [Employee 3] said some ETP Patrol Managers also would send emails to the ETP staff reminding them of the rules and procedures for parking in the ETP lot for White Sox games over the years. [Employee 3] said he is not aware of any occasions on which anyone expressed concern over allowing people to park in the ETP lot for White Sox games or other personal reasons.

[Employee 3] said that allowing individuals to park in the lot for White Sox games does not impact the production of the ETP employees, and congestion in the lot has never been an issue. [Employee 3] stated that there have been no issues with property damage or intoxicated guests when allowing individuals to park in the ETP lot for White Sox games, and he has never had concerns for the safety and security of people and property—be it IDOT property or personal property—when allowing people to park in the ETP lot. [Employee 3] added that IDOT is not profiting from White Sox parking, and he has not heard of anyone personally profiting from the parking.

F. Interview Of [Employee 2]

On December 6, 2018, investigators interviewed IDOT [Employee 2]. [Employee 2] stated that he is employed in the ETP [identifying information redacted]. [Employee 2] stated that his duties and responsibilities include keeping the roads open and safe, and helping motorists. [Employee 2] said he also serves as the [redacted] for the ETP approximately one or two times a week. [Employee 2] said that his duties as [redacted],²⁹ [redacted]. [Employee 2] stated that it is also the [redacted’s] responsibility to ensure that only authorized vehicles park in the ETP lot. [Employee 2] said he learned the parking protocols and rules from other ETP [employees] during his initial training with ETP.

[Employee 2] stated that when there is a White Sox game, IDOT employees, State employees, State troopers, and politicians want to park in the ETP lot. [Employee 2] said State employees may also want to park their personal vehicles in the ETP lot on days when there is not a White Sox game, for example, if they want to take the train downtown for a few hours. [Employee 2] said that as long as a person is on “the list,” he or she will be allowed to park in the lot.

[Employee 2] explained that the parking list is comprised of the names of individuals who have called the ETP yard number to ask to use the parking lot on a given day. [Employee 2] said the list is handwritten and is generated in the upstairs office at the ETP facility before ultimately being brought downstairs to the main office. [Employee 2] said that when he is [redacted], he will either pick the list up from the main office or will be given the list by whoever is working the front desk.

[Employee 2] said that when he is the [redacted] on game days, he rotates between washing ETP trucks and standing in the parking lot to allow cars in. [Employee 2] said the parking lot is full when there are big White Sox games, such as when the White Sox play the Chicago Cubs, but otherwise there are only two to three cars parking in the lot for each game.

²⁹ [Redacted].

[Employee 2] stated that when a car pulls into the lot, he asks whether they are on the list, are a State employee, or have a badge. [Employee 2] said that because there are usually only two or three names on the list for most White Sox games, he memorizes these names so he does not have to physically check the list every time someone enters. [Employee 2] said that on big game days, however, everyone wants to park in the ETP lot, so he stands in the lot and checks the list as cars enter. [Employee 2] said that on these days, [redacted] cannot do both his [redacted] duties and parking lot monitoring.

[Employee 2] said that in addition, he was told that if a person who wants to park in the lot has a badge, he or she can; otherwise, he can use his discretion. [Employee 2] said he will allow police officers and firefighters to park in the ETP lot and said family and friends of ETP drivers are also sometimes allowed to park in the lot as a courtesy. [Employee 2] noted, however, that most of these individuals know to call the ETP office to get their names added to the list.

[Employee 2] stated that he instructs all individuals to park their cars on the back wall of the parking lot so that they are away from the ETP trucks. [Employee 2] added that while the ETP lot gets crowded on big game days, the congestion does not affect ETP work.

[Employee 2] claimed that around the beginning of the 2018 baseball season, the rules regarding who could park in the ETP lot for games changed. [Employee 2] said that a memorandum was posted saying that now only people on the list and active State employees and troopers could park in the lot.³⁰ [Employee 2] said that after the 2018 memorandum was issued, he personally turned people away from the ETP lot on more than one occasion,³¹ and also contacted his Lead Worker about people wanting to park in the lot who were not on the list and not active State employees. [Employee 2] said that his supervisors reiterated during these instances that if the person was not on the list, they could not park in the lot.

III. ANALYSIS

During the investigation, the OEIG uncovered evidence that there has been a long-standing practice of IDOT allowing the ETP parking lot to be used by non-State employees and State employees during White Sox games, thus allowing them to avoid having to pay a fee to park for the game. As detailed above, OEIG investigators conducted surveillance on the ETP lot on four different dates between May and July 2018 when the White Sox were hosting home games, and observed individuals in at least 22 non-State vehicles park in the ETP lot then walk to the stadium. Records show that at least 11 of these 22 vehicles were registered to an owner who was not listed as a State employee in the CMS database or Illinois Comptroller database. In addition, during their respective interviews, [Employee 3] and [Employee 2], who frequently serves as the [redacted], admitted that the ETP lot is regularly used for White Sox parking during the baseball season. Both [Employee 3] and [Employee 2] stated that the ETP parking lot has been used for this purpose for many years, and the fact that the lot is used for White Sox parking is widely known within IDOT. [Employee 3] and [Employee 2] stated that IDOT employees, ISP troopers,

³⁰ Although [Employee 2] described this as a memorandum, investigators believe he was referring to the email which [Employee 3] stated he sent out at the beginning of the 2018 baseball season.

³¹ [Employee 2] said he is not aware of any limit on the number of cars allowed to park in the ETP lot.

employees of other State agencies, friends and family members of State employees, and local police and firefighters have all been allowed to park in the ETP lot for games over the years. [Employee 3] also stated that high-ranking individuals, including directors and chiefs of various IDOT bureaus, State legislators, and Governor's office staff, have called throughout the years to park in the ETP lot for White Sox games, as well.

A review of documents obtained during the investigation confirmed that the ETP lot has been used for White Sox parking for years. Emails from 2011 through 2018 showed that numerous State employees, including members of IDOT management, as well as non-State employees, have for years been requesting and receiving permission for themselves or others to park in the ETP lot for White Sox games. In addition, investigators reviewed more than 30 parking lists from the 2018 baseball season that included mostly names of individuals with an agency notation on the list of either IDOT or ISP. A few other names on the parking lists included notations of other agency affiliations. Approximately 55 entries on these parking lists, however, had no agency affiliation noted. Of the decipherable full names without an agency affiliation listed, investigators were only able to find three that were listed as State employees in the CMS database of State employees or Illinois Comptroller records.

While the White Sox parking practice has clearly been going on for years and appears to be widely known at all levels of personnel at IDOT, it violates IDOT policies; has been acknowledged by IDOT management to be in violation of IDOT policy; and creates opportunities for waste, abuse, disparate treatment or favoritism, and actual or apparent conflicts of interest.

First, the practice of allowing gameday parking violates IDOT policy as written. The IDOT Manual and ETP Manual both provide that employees shall not use State property for personal or private use.³² The IDOT Manual defines State property to include any real property legally owned or leased by the State of Illinois.³³ During his OEIG interview, IDOT [Employee 1] confirmed that it would be a violation of IDOT policy to use the parking lot for personal use or allow other State employees, family, or friends, to use the parking lot for purposes such as a White Sox game. While IDOT policy provides that use of State property by non-State employees can only be done with authorization from a supervisor, [Employee 1] clarified that such authorization can only be provided by particular managerial employees and should only be in cases of an emergency.

Second, the practice of allowing gameday parking appears to have been implemented in a disparate manner. Emails and the parking lists reviewed by the OEIG indicate that most individuals using the lot for White Sox games are IDOT and ISP employees. While it is understandable that IDOT may want to extend parking privileges to ISP employees working in their official capacity at the White Sox game, and not for personal or secondary employment reasons, the OEIG recommends, if this is the case, that the two agencies enter into a Memorandum of Understanding through appropriate management clearly defining the process for these specific circumstances. These parking privileges, however, were not limited to ISP employees assigned to work the games as shown in IDOT emails from at least 2010 through 2018. Most recently, in May 2018, [Employee 3] sent an email to ETP managers and administrative staff stating that in order

³² *IDOT Personnel Policies Manual*, section 10-3(T)(2)(a) (rev. November 5, 2012); *IDOT Emergency Traffic Patrol Policy and Procedure Manual*, Article 1.16(1) and (2).

³³ *Id.* at (T)(1).

for a name to be added to the parking list, the individual “must be a current IDOT employee, ISP Trooper or Administrative Staff, Governor’s Office and Legislator Offices.” Specifically extending these privileges to only individuals in particular agencies or a high-ranking category has, at the least, an appearance of impropriety.

Furthermore, it is clear that [Employee 3’s] and other managers’ directives regarding White Sox parking not only violated IDOT policy but these directives were not even being followed. For instance, [Employee 3’s] May 2018 email stated that any “friends of employees, relatives, local municipality employees,” and others who may have been told they could park in the ETP lot, “must be denied.” The evidence clearly shows that family and friends (and those from non-permitted agencies) were not denied, as directed. The 2018 parking lists obtained by the OEIG included names from agencies other than those specified as appropriate, as well as names that were not affiliated with any agency or legislative body. In addition, during surveillance, OEIG investigators observed individuals with children park in the ETP lot for games, as well as vehicles that were registered to individuals who were not State employees. An IDOT employee extended an invitation to OEIG employees, after meeting during a training session, to use the parking lot for White Sox games. Even [Employee 3], in his OEIG interview, acknowledged that family members and friends of State employees were allowed to park the ETP lot during games as long as there was space. Further, the parking list was not properly maintained nor was someone required to be on the list in order to obtain parking. This is evident in the discrepancies from the parking lists and the observations from the surveillance performed on those days.

Lastly, the financial benefit of allowing free White Sox parking increases the opportunities for waste, fraud, abuse, and conflicts of interest. Depending on the success of a season and a particular White Sox opponent, attendance at games can vary. Increased attendance requires ETP employees to spend more time dealing with requests and controlling and monitoring parking locations rather than their job duties. Greater demand for parking may cause someone to incentivize the priority of who gets on ETP’s parking list and improperly benefit. Finally, IDOT’s decision to offer a financial benefit to particular individuals or non-State employees could raise conflicts of interest depending on any contractual relationship those individuals have with the State.

Because it is clear that the ETP parking lot has been used for White Sox parking for decades, and it appears to have been done with widespread knowledge, the OEIG is not making a finding against a particular IDOT employee. This does not, however, diminish the problematic nature of this practice as it is presently being implemented and administered. For these reasons, the allegation that IDOT is in violation of its policies on the use of State property by allowing the use of the ETP parking lot for personal use is **FOUNDED**.³⁴

IV. FINDING AND RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDING:**

³⁴ 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.

- **FOUNDED** – IDOT violated its policies on the use of State property by allowing the use of the ETP parking lot for personal use.

Given the foregoing, the OEIG recommends that IDOT cease allowing the use of the ETP lot for White Sox parking.

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

Date: March 13, 2019

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 W. Washington St., Suite 3400
Chicago, IL 60602

Colleen Thomas
Deputy Inspector General

Madeline Lewis
Investigator # 136

Emily Paymer
Investigator # 125



Illinois Department of Transportation

Office of Chief Counsel
2300 South Dirksen Parkway / Springfield, Illinois 62764

CONFIDENTIAL

April 8, 2019

Ms. Susan M. Haling
Acting Illinois Executive Inspector General
Office of Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 18-01118

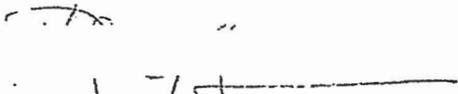
Dear Ms. Haling:

This letter is in response to the OEIG Final Report, case number 18-01118. The report concluded that IDOT violated its policies on the use of State property by allowing the use of the Emergency Traffic Patrol (ETP) parking lot for personal use, and your office recommended that IDOT cease allowing the use of the ETP lot for White Sox parking.

IDOT intends to follow the OEIG's recommendations. Effective immediately, parking at this facility is restricted to ETP staff only, and ETP staff are only allowed to park at this facility during their shift. In the event other first responders or other emergency personnel request or require use of the ETP parking lot for the execution of their duties, IDOT will grant or deny access consistent with Department policy.

Thank you for your assistance concerning this matter. If you have any questions, or if I can be of assistance to you or your staff, please do not hesitate to contact me at (217) 557-5416.

Respectfully,


Philip Kaufmann
Chief Counsel / Ethics Officer