

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: TAMARA HOFFMAN and) OEIG Case # 09-00294
BARRY MARAM.)

OEIG FINAL REPORT (REDACTED)

The Executive Ethics Commission (“Commission”) received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and responses from the ultimate jurisdictional authority and agency head in this matter. The Commission made draft redactions and forwarded them for comment to the Attorney General, the OEIG, and respondents Tamara Hoffman and Barry Maram.

After reviewing all comments received, the Commission revised the draft redacted report and forwarded copies to the respondents for additional comments or a response to be made public with the report. The Commission, having reviewed all comments and responses received, makes this document available pursuant to 5 ILCS 430/20-52.

ALLEGATIONS

The Office of Executive Inspector General (“OEIG”) received a complaint alleging that Illinois Healthcare and Family Services (“HFS”) Chief of Staff Tamara Hoffman (“Hoffman”) exhibited conduct unbecoming of a State employee; was often absent or tardy; misused State property, including her computer; falsified or misrepresented information; spoke with the news media without proper authorization; and failed to cooperate with an HFS internal investigation and to report employee misconduct.¹ The OEIG has determined that these allegations are FOUNDED. In addition, the OEIG finds there is sufficient evidence to conclude that HFS Director Barry Maram (“Maram” or “Director Maram”) failed to take corrective action and provided inadequate oversight and supervision of Hoffman.

SUMMARY OF INVESTIGATION

Tamara Hoffman (“Hoffman”) has been a state employee for approximately (twenty) 20 years and is currently the Chief of Staff for the Illinois Department of Healthcare and Family Services (“HFS”). She is based in Chicago, but also occupies a state-reimbursed apartment in Springfield. The HFS Office of the Inspector General, Bureau of Internal Affairs received several complaints and allegations regarding Hoffman’s conduct and subsequently conducted an investigation. Some of the evidence supporting the findings in this report was collected during that inquiry, as indicated.

¹ The allegations were investigated by the HFS Inspector General and the evidence referred to the OEIG for further investigation and analysis, pursuant to the State Officials and Employees Ethics Act, 5 ILCS 430, *et seq.*

I. Inappropriate Behavior/Conduct Unbecoming a State Employee

{This section of the OEIG report has been redacted due to privacy concerns involving witnesses and the subject. What has been redacted is approximately nine single-spaced typewritten pages chronicling the HFS and OEIG investigations.

The agencies interviewed several state employees - including co-workers, subordinates, and peers of Hoffman - and put her under surveillance in regard to multiple incidents and allegations spanning a two year period. What emerged was a consistent pattern of public conduct which involved arguably decadent personal behavior. These incidents occurred in various Springfield bars and on the streets, in a Chicago lobbyist firm, and in the State buildings wherein she maintained offices. These events were reported during all hours of the day and night and witnessed by co-workers, subordinates, elected and appointed government officials with whom she worked, and the general public. The investigation showed that this conduct affected Hoffman's work, as she was often late or did not appear at all at the appointed times. Some of her co-workers have been compelled to apologize to others outside the agency for her behavior and some felt their work environment, and others' perception of her agency, was negatively affected.}

Analysis:

State of Illinois Executive Order Number 4 (1970) states, in part:

All officers and employees shall be aware that they represent the State in their dealings with the public; each shall perform his duties in a manner which will bring honor and credit to State government, in accordance with the highest ethical and moral standards; each shall conduct himself in such a way as to protect and strengthen the prestige of public service.

The HFS Employee Handbook provides this guidance to workers as to personal conduct: "The impression you make in your contacts in the community reflect (*sic*) not only on you but also on the department and state government. For this reason you are expected to conduct yourself in a professional manner while at work, make maximum use of work time and be courteous and helpful to people you meet." In addition, HFS rules provide for employee discipline in the case of "inappropriate behavior or discourteous treatment."²

{Redacted from this space is a bullet-pointed detailed recap of the objectionable incidents described in the OEIG/HFS investigation. In the nine pages that relate witness accounts and surveillance information of Hoffman's conduct there exist numerous examples of her interactions with the public and with the community that could objectively be characterized as unprofessional and inappropriate.}

² HFS Employee Handbook, section 605 and work rule 605.1A3.

As to her conduct at work, witnesses were unanimous in their evaluation of Hoffman: when she was having a good day, she was brilliant and perfect for her job. On a bad day, of which there were many, she was alternatively described as “having emotional outbursts,” “erratic moods,” and/or “in crisis.” According to witnesses, Hoffman often arrived late to work or not at all.

In sum, the evidence shows that Hoffman was well known as the HFS Chief of Staff - especially in the bars, restaurants, receptions, and other social venues she admittedly frequented in Springfield. Hoffman herself acknowledged that she was out often, drinking alcohol, seeing the people she worked with professionally. In her words, “people go to the same five places” in Springfield. The OEIG and HFS investigations found substantial evidence that as a known representative of the State and Chief of Staff of one of its largest agencies, Hoffman’s conduct (as outlined above) did not comport with the standards described by Executive Order Number 4, in that she did not perform her duties in accordance with the highest ethical and moral standards. Nor did she follow the admonition in the HFS rules to behave appropriately as the impression she made on her “community” contacts reflected poorly on both herself and the agency. Therefore, based upon the totality of the evidence, the allegations that Hoffman’s conduct was unprofessional and inappropriate for a state employee and in violation of Illinois Executive Order Number 4 and HFS regulations are **FOUNDED**.

II. Abuse of Resources

Misuse of Computer and Internet system

A forensic examination of computer hard drives utilized by Hoffman in her Springfield and Chicago offices³ retrieved images that had no correlation to Hoffman’s employment at HFS. The forensic report indicated that she regularly visited such internet sites as ...and others and accessed at least three personal email accounts at ...⁴ She often accessed the internet to shop and do banking and sent many emails of a personal nature through the GroupWise state system. Several of these indicated that Hoffman had instructed several businesses to send her information through the work email address, including

The forensic report also indicated Hoffman downloaded sexually explicit material. Some of that was shown by the OEIG to Hoffman for her explanation. She told investigators that she once accidentally downloaded pictures from a personal computer onto her state PC, but immediately notified the HFS IG. In addition, she said some of this material was posted on a password-protected website. {Redacted from this space is a graphic description of some of the sexually-themed photographs in which Hoffman was featured that were found on her state computer.} She admitted to regularly accessing the website containing the photos from her state computers but denied uploading any of the pictures of herself onto the site.⁵

³ Conducted by HFS IG.

⁴ These ... accounts carried the following addresses:

⁵ HFS records indicate Hoffman completed on-line training for compliance with the agency’s Internet Usage and Data Security Information in 2004 and 2008 and completed mandatory Ethics Training each year.

HFS regulations involving Personal Conduct⁶ provide that employees may be disciplined for violation of any of a series of work rules. Among them is misuse of state property, including computers. In addition, HFS' Internet Usage and Data Security Administration Policies⁷ permit use of internet access for business purposes only and not for personal use unrelated to performance of an employee's assigned job. The forensic examination of Hoffman's computer and email accounts, as detailed above, indicate she accessed the internet and her email account for purposes related to running, fitness, art, and sexually suggestive photographs – all unrelated to her HFS Chief of Staff position. Accordingly, allegations that Hoffman abused her agency's resources are FOUNDED.

Time Abuse, Timesheets, and Travel Vouchers

Several of Hoffman's co-workers interviewed by the OEIG anecdotally related examples of Hoffman regularly arriving late to work, with or without prior notification to the office.⁸ In addition, the HFS IG – which had Hoffman placed under surveillance for a time in the spring and summer of 2008 – documented specific days in which she arrived late to work with no corresponding use of benefit time. Examples include late arrivals on May 22, 27, 28, 29, and 30. When asked about what appeared to be a pattern of late arrivals to work, Hoffman told the OEIG that she worked 24 hours a day, 7 days per week as she must always be available to the Director. Pressed for what she considered her "normal" schedule, Hoffman answered 8:30 a.m. to 5:00 p.m. but said she would often work late, especially if the legislature was in session. She said even if she was not in the office, she could be on a conference call or packing to commute between offices.

Acknowledging that she was required to complete timesheets, Hoffman says she has never before prepared one (or a leave sheet) and, in fact, does not "know how it works." She told the OEIG she does not tell anyone when she goes to lunch or takes a break and does not keep track of her time, even to the nearest hour. That responsibility falls to her secretary, to whom she normally informs of her daily hours. told the OEIG that she would prepare and sign Hoffman's monthly timesheets based on phone calls or emails from her boss about her work hours that day; she said she had no way of knowing if the information was accurate. She added that she occasionally filled out Hoffman's leave sheets but, more often it was done by the Chicago-based timekeeper. ... also prepared Hoffman's travel vouchers. When asked if she believed the information documented in the timesheets and travel vouchers was accurate, ... answered, "not always." She said she knew that sometimes Hoffman was calendaring meetings outside the office and not attending so that she could stay home and sometimes sent emails that indicated she was coming in, but she never did.

As an example, HFS surveillance reports indicate that on May 27, 2008, Hoffman was observed moving her car near her apartment complex shortly after 8:00 a.m. She took two hours of benefit time, but did not appear in the office until 12:40 p.m. On May 27, she sent an email to "put on the coffee, see ya in 15" at 9:15 a.m. but did not arrive until 10:20.

⁶ HFS Employee Handbook, section 605. And see section 605.1, Work Rules 10 and 21.

⁷ See HFS Employee Handbook, section 635, 3.9.2 and 3.9.3

⁸ See the preceding section of this report on office conduct.

There were similar problems noted with Hoffman's travel vouchers. For example, she could not explain why her voucher on May 22, 2008, shows that she left Springfield at 11:00 a.m., when she was observed shopping at the White Oaks Mall in Springfield at 1:30 on that day.⁹ Additionally, on May 22, 2008, her timesheet shows her start time as 9:00 a.m. but according to an email she sent to..., she was still at her apartment packing at 9:00 a.m. Hoffman said although the agency had no work at home policy, she sometimes did and, she "probably" had a conference call that morning and/or she considered packing a legitimate activity during work hours. Hoffman said she never thought it would be a "problem" and would reimburse the state for any improperly documented expenses.

Analysis:

HFS regulations note that employees may be disciplined for "repeated and excessive tardiness or absenteeism and/or violation of the Affirmative Attendance Policy."¹⁰ In addition, falsification or misrepresentation of information (orally or in writing) is prohibited.¹¹

Several witnesses told the OEIG of Hoffman's late arrivals, early or abrupt departures, and times when she could not be located during the work day, including This conduct was arguably repeated often enough to establish a pattern in that ...both told the OEIG they had to pick up the "slack" during these periods, which made their professional lives very difficult. Coupled with the surveillance reports and Hoffman's own comments in regard to her timekeeping – "never done it", "does not know how" – provide sufficient evidence to support the allegation that Hoffman was repeatedly and excessively tardy or absent. In addition, it is clear from the OEIG/HFS IG examination of Hoffman's time, travel, and email records – combined with the representations of ...– that Hoffman, at best, misrepresented the information she gave to... for inclusion on these documents. Therefore, the allegation that she falsified or misrepresented information in violation of agency rules is also FOUNDED.

III. Other Violations

Improper Release of Information to the Media

The February 5, 2009, issue of *Capitol Fax* contains statements made by Hoffman which appear to contradict those made by Director Maram the day before in the *Chicago Tribune*. Hoffman admitted to HFS and OEIG investigators that she made on the record comments to the *Capitol Fax* publisher in regard to HFS controlled funds that were allegedly being improperly withheld by the former Governor. Hoffman stated she made those comments in order to achieve "damage control" in that she thought an inaccurate report was going to be made public. She said although she was unaware of any policy in this regard, media statements were normally made through the agency's public information officer (PIO), unless the Governor's office was directly involved. According to Hoffman, her statements to *Capital Fax* involved the Governor's office and thus,

⁹ Surveillance this date showed Hoffman shopping at a sporting good store and a TJ MAXX while her travel voucher places her on travel status. During this time, she sent an email to a subordinate indicating that she was "on the road."

¹⁰ HFS Employee Handbook, section 605.1 A. 2.

¹¹ HFS Employee Handbook, section 605.1 A. 10.

instead of going through her agency or her Director prior to speaking with *Capital Fax*, she went through the Governor's office. She stated she later told the HFS PIO.¹²

... told the OEIG that Director Maram was "caught off guard" and was "upset" about the Hoffman's statements in *Capital Fax*, though he believed Hoffman was trying to "set the record straight." ... added that Maram was "not happy" about the media contact and discussed it with Hoffman. Maram told the OEIG that he was "angry" that Hoffman went to Miller without approval but said, it was a "unique time" and Hoffman just wanted to make sure that everyone understood that HFS "did the right thing."

Maram explained that HFS does have a policy and approval process for media contact which requires all agency employees, including Hoffman, to contact the PIO in advance.¹³ Failing or refusal to follow an HFS policy or supervisory instruction is a violation of the agency's work rules.¹⁴ Although Hoffman claimed she was not aware of any policy which required her to do so, she acknowledged media contact requests were to be funneled through the agency's PIO. Consequently, the allegation that she disregarded the agency's policy in regard to a media interview is FOUNDED.

Failure to Cooperate with an HFS Investigation

As a part of its investigation into the allegations against Hoffman, the HFS IG sent a memorandum to Hoffman, telling her to report to the Internal Affairs office March 3, 4, and 5, 2009 to be interviewed. On March 2, Inspector General Allen received a fax from Hoffman's attorney explaining that she had chosen not to attend and challenged the validity of the HFS probe, stating that if Allen had "an articulable reason to believe Ms Hoffman has committed misconduct during her workday, and does not relate to her actions at other times, please advise." Despite an exchange of telephone calls and letters reminding her of her obligation per HFS regulation to cooperate, Hoffman did not appear. On March 16, Hoffman and her attorney met with Allen during which time she claimed she was aware of other employee misconduct that has yet to be reported to the HFS IG. Despite being reminded of her obligation to report these matters, she declined to do and, according to an HFS IG incident report, "instead implied that if it was necessary to negotiate a disciplinary compromise, she would provide such information."

Analysis:

HFS rules provide that "(A)ll department staff are required to cooperate with any internal investigation... . Cooperation is defined as, but not limited to, answering questions fully and truthfully." Additionally, employees "must immediately report all instances of alleged or suspected employee misconduct to the Office of Inspector General's Bureau of Internal Affairs."¹⁵ By refusing to be interviewed by HFS IG as part of its investigation and by failing to report what she characterized as misconduct by other agency employees, evidence is sufficient to

¹² PIO ...told HFS investigators that Hoffman did not apprise her of this interview before or after it occurred.

¹³ HFS Employee Handbook, Section 650.1

¹⁴ HFS Employee Handbook, Section 605.1 A. 4.

¹⁵ HFS Employee Handbook, section 610.4.

show that allegations Hoffman violated HFS rules regarding cooperation and reporting in connection with internal investigations are FOUNDED.

IV. OVERSIGHT/NONFEASANCE

Director Maram

Maram told the OEIG that he has been Director of HFS for the last 13 years and hired Hoffman as his Chief of Staff in early 2007, although, he did acknowledge that he had previously been acquainted with Hoffman through the agency for several years. She is one of about ten employees he identified as reporting directly to him, although he is responsible for a staff of about 2,400. He described his relationship with Hoffman as “very professional,” with little social interaction. ...

Maram said Hoffman was shifted into the Chief of Staff position because of her background in finance and law and because she is a person who knows “how to get from A to B.” He described several major projects she had been successfully involved with, including a hospital provider tax, without which, he said last year’s state budget would not have been passed. Maram said he has awarded Hoffman very high performance evaluations and her work hours exceed anyone else in the agency.

As to Hoffman’s conduct at the office, he acknowledged that other employees could find her “overbearing” and he, therefore, switched some of Hoffman’s internal operational responsibilities to ... early this year in 2009. Although Maram denied reports related to him by the OEIG from other employees that Hoffman was often “missing in action,” he did admit that despite her blackberry, he was sometimes unable to reach her for hours at a time. He added that she often was not in the office during the morning hours, but he supposed she had worked late the night before. {This section is redacted to due to privacy concerns but indicates that Maram was not aware of some of Hoffman’s conduct in regard to attendance.} He said that although he knew Hoffman was required to complete timesheets and travel vouchers, like all other employees, he neither reviewed nor signed one. He said his assistant ...would have checked the documents for “red flags,” although he gave her no direction as to what might constitute an abnormality.

As to Hoffman’s reported conduct outside the office, the OEIG questioned Maram about his knowledge of the following alleged incidents and summarizes his responses:

{This section contains a recap of the first section of this report which details conduct unbecoming a state employee and Maram’s knowledge of these events, which ranged from none to confronting her and speaking with her about some incidents}.

Maram did acknowledge to the OEIG that “two to three years ago” he met with HFS IG Allen and the agency’s General Counsel to discuss what he termed “Ms. Hoffman’s over active social life” after which he “sat Tammy down” and shared his concerns. Maram said she assured him she was not being inappropriate in her social life. He said this issue was brought to him two or

three times subsequently but he never witnessed a problem, and if there was one, Allen was handling it. He told the OEIG that Hoffman was just “bigger than life” and a “think out of the box” type person who was the only “orange” personality in the room when a facilitator did the staff’s “colors” at an office training session.

Maram conceded that Allen did come to him on more than one occasion about his ongoing investigation of Hoffman and told him about {redacted to protect the privacy of the subject and witnesses} and that was inappropriately assertive and outrageous,¹⁶ but that Allen never provided him with any “evidence” or investigative reports which would have aided him in making a disciplinary decision.¹⁷ Although he acknowledged to the OEIG that Allen did recommend that Hoffman step down as Chief of Staff, it was not the right time because of the change in gubernatorial administrations

Overall, Maram said he believes he took the appropriate “definitive action” concerning Hoffman’s conduct over the past couple of years. However, when the OEIG asked him to explain what that was, he said he “talked with her.” Rather, Maram stated he never documented any of these meetings or counseling sessions and never referred her to an employee assistance program. Maram said she was “not going around stealing from the state like other employees, was not doing personal work on state time...,” {redacted to protect subject’s privacy}. He did not believe disciplinary action was necessary and Allen did not so recommend. Asked if he felt he should have been proactive in the situation, Maram said he was “leaving it up to them” (Allen and Hoffman). Maram said until the OEIG interview, he had not been aware of all the reported conduct and if he had, he would have “went around” Allen and taken action. Asked by the OEIG what discipline he now thought appropriate, he said he would “have to think about it.” Asked if he was satisfied that Hoffman had been accountable to him and the agency over the years, Maram answered, “not one hundred percent.”

..., ..., and ... (agency employees) were among the witnesses who told the OEIG that they had spoken with Maram about Hoffman’s conduct. ... said she told him Hoffman’s “emotional outbursts” were disrupting the agency’s operations and Hoffman would briefly modify her behavior after Maram would speak with her. She confirmed her presence at a meeting with Maram and Allen in which Allen recommended Hoffman “step down” as Chief of Staff. She said she told them that based on her prior experience with the Civil Service Commission, Allen’s case was not strong enough to support Hoffman’s dismissal. However, she admitted to the OEIG that she did not recall reviewing Allen’s investigative materials. ... said she did not often go to Maram with details about Hoffman’s conduct because when confronted with these types of issues, he could “go into a tailspin.” She said it was better to let the “authorities” handle it; she therefore took her concerns to Allen. In her view, Maram was “in denial about Ms. Hoffman” because she is a “very smart person” and he relies so much on her. ... told the OEIG that she had told Maram that Hoffman was “going to take you down,” but that he replied that Hoffman had always “been there for him.”

¹⁶ Maram later withdrew the “outrageous” characterization of Hoffman.

¹⁷ Allen told the OEIG he tried to show his entire investigative file to Maram in February of 2009 but Maram refused to review the evidence.

Hoffman told the OEIG that Maram was generally aware of her conduct and advised her that the agency did not need the attention. She said that he further advised her to “placate” Allen’s requests. Maram denied telling Hoffman to do so.

HFS IG Allen

Allen explained that he began his investigation of Hoffman in April 2008 after he was advised of the incident involving Hoffman’s {redacted to protect subject’s privacy but relates to conduct unbecoming violation in a public place}. He told the OEIG that he met with Maram in late April, after the initial investigation, and told him about the incident. He said he “strongly recommended” that Hoffman step down as Chief of Staff. He added that Hoffman had no conduct problems while in Chicago and that he did not understand how what she did during her “off hours” affected her work. Allen said he tried to convince Maram that Hoffman needed to present a professional appearance at all times or was a detriment to the agency. He said he told Maram that Hoffman needed to “dial it down to a seven and she’s at an eleven.” Maram, he said, agreed to “bar” Hoffman from Springfield unless she needed to attend JCAR meetings. Allen said he also informed Maram during this meeting that Hoffman was not coming to work on time, she was screaming at co-workers, and he was monitoring her emails. Maram said these were management issues that he would handle. Allen said Maram did subsequently meet with Hoffman and all agreed she would no longer {this paragraph of the report is redacted to protect the privacy of the subject but concerns the conduct unbecoming chronicled earlier in the report.} He said she ... began to send him text messages saying he could not tell her what to do in her personal life.

Allen told the OEIG that he continued to “counsel” Hoffman over the next few months about her misuse of the computer and email systems and about appearing in an inappropriate manner {redacted to protect the privacy of the subject but phrase was in regard to conduct unbecoming}, but to no avail. He said he went back to Maram in January and February of 2009 and attempted to provide him with all of the investigative files and photographs and emails from Hoffman’s computer but Maram refused to view the evidence. After the *Capitol Fax* incident (described above), Allen said he thought he had Maram convinced that Hoffman should step down as Chief of Staff, but that Maram refused and advised that the new Governor might eventually tell him to “get rid of her (Hoffman).” Maram reportedly told Allen that Chief of Staff was “just a title” and asked why it should be taken away from Hoffman. Allen said in February of 2009 he met with Hoffman and unsuccessfully tried to convince her to step down as she was hurting the Director. Subsequently, he proposed to Maram and Zaremba a sixty day suspension for Hoffman, if no other disciplinary action was going to be pursued. Allen told the OEIG that they refused; seemingly unconvinced that Hoffman would accept Allen’s suggested discipline. Allen added that Maram apparently thought that he (Allen) had the authority to fire Hoffman and challenged him to do so if he thought he had enough evidence.

Director Maram had direct supervisory responsibility for Hoffman and, therefore, a duty to oversee her conduct. Although the evidence shows he occasionally spoke with her about misconduct, he never documented any of those sessions or mentioned the problems on her performance reviews despite the fact that the misconduct always reoccurred. In addition, the investigation shows that Maram was often made aware of her misconduct, in and out of the

office, by several sources (including the HFS IG) over a period of nearly two years. Moreover, he did not heed Allen's recommendations that she step down as Chief of Staff or, at the very least, that she serve a sixty day suspension nor was he willing to view Allen's investigative file which provided proof of Hoffman's repeated misconduct. That Maram chose not to take any definitive, permanent, or effective measures to combat the resultant derogatory affect on public perception of his agency (and the State of Illinois), HFS operations (including potential affect on legislation and rulemaking), and staff morale, the OEIG finds sufficient evidence to find that he knowingly failed to perform the responsibilities associated with his position.

V. CONCLUSIONS AND RECOMMENDATIONS

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Hoffman exhibited conduct unbecoming a State employee, in violation of Executive Order Number 4 and HFS rules.
- **FOUNDED** – Hoffman abused state resources, including use of agency computer/internet resources and state time, in violation of HFS rules.
- **FOUNDED** – Hoffman falsified or misrepresented information on timesheets and travel vouchers, in violation of HFS rules.
- **FOUNDED** – Hoffman disseminated information to the news media without contacting appropriate supervisors, in violation of HFS rules.
- **FOUNDED** – Hoffman failed to cooperate with the HFS Bureau of Internal Affairs Investigation and failed to report employee misconduct, in violation of HFS rules.
- **FOUNDED** – Upon learning of the various instances of misconduct by Hoffman, Maram failed to take corrective action and provided inadequate oversight and supervision of Hoffman.

Based upon the evidence, the OEIG recommends that Hoffman be discharged with no right to reinstatement with any state agency, or face such other discipline as is commensurate with the serious nature of her misconduct. Any separation agreement reached with her should state that she agrees “never to apply for, nor to accept, employment with the State.”

In addition, the OEIG is forwarding a copy of this report to the Office of the Governor for whatever action it deems appropriate for Director Maram failure to take corrective action and inadequate supervision of Hoffman.

FELDMAN, WASSER, DRAPER & COX

ATTORNEYS AND COUNSELORS AT LAW

HOWARD W. FELDMAN*

STANLEY N. WASSER

CARL R. DRAPER

J. RANDALL COX

KELLI E. GORDON*

December 14, 2009

MICHELLE L. BLACKBURN

MARISSA N. SPENCER

JESSICA L. REESE

THOMAS J. IMMEL,

OF COUNSEL

*FELLOW OF THE AMERICAN
ACADEMY OF MATRIMONIAL LAWYERS

Via Facsimile 558.1399

Original to follow Via US Mail

Mr. Chad D. Fornoff
Executive Director, Executive Ethics Commission
401 S. Spring St.
513 William Stratton Building
Springfield, IL 62706

RE: Tamara Hoffman/Release of Redacted OEIG Report
Our File No. 097169

Dear Mr. Fornoff:

This follows up on your letter of November 20, 2009, and our subsequent communications relative to the extension to respond I had requested. Again, thank you for consenting to an extension for Ms. Hoffman's response until today at 12:00 p.m. The following constitutes Ms. Hoffman's suggestions for redaction to the extent that can be accomplished consistent with her position, or more likely her response to be made public with the report.

In general, Ms. Hoffman has not been provided with a copy of the unredacted version of the OEIG Final Report, which creates difficulty in formulating a response to the general allegations. Necessarily then the below responses are general in nature. In short however, Tamara Hoffman denies all of the findings of misconduct. The findings are the result of an overzealous investigation, which singled Tamara Hoffman out in retaliation for the perception that she reported allegations of wrongdoing by other Agency staff and the former Governor's staff, including the Agency Inspector General John Allen and his staff, to the United States Attorneys Office in Chicago relative to the investigation of the prior administration, to John Allen in his capacity as Inspector General, to the Office of the Executive Inspector General, to the current Governor's legal counsel, and to others.

As to the allegation of conduct unbecoming a state employee, a significant portion of the conduct believed to form the basis for this finding occurred on Ms. Hoffman's personal time, was not undertaken in her capacity as a State employee, is not identifiable by others as conduct undertaken by a State employee, and/or occurred at locations far from the State of Illinois. Additionally, had the OEIG interviewed persons other than those to support its findings, many lobbyists, legislators, contractors, and fellow employees would have provided information relative to Tamara Hoffman's professional and exceptional execution of her State duties.

1307 South Seventh Street • P.O. Box 2418 • Springfield, Illinois 62705 • 217/544-3403

Facsimile: 217/544-1593

<http://www.feldman-wasser.com>



December 14, 2009

As to the finding Tamara Hoffman was often absent or tardy, the OEIG Investigation reveals that she worked more than any other Agency employee, according to Director Barry Maram, and a significant amount of time according to others. Had the OEIG taken the time to interview others relative to her work, or even examine computer and other records, the evidence would show that not only did Tamara Hoffman work significantly more than most State employees, but that she has never sought reimbursement for such additional work to which she is entitled.

As to the finding of the misuse of State property including the computer, the forensic examination also reveals that a great majority of the images referenced were not accessed by Ms. Hoffman, consistent with her statements. As to other images, Ms. Hoffman admitted to a number of persons in the course of the investigation the accidental download of certain images, including to John Allen. Additionally, Ms. Hoffman's use of her State computer was consistent with Agency policy at the time, as well as the use by Inspector General Allen, and other members of the Agency senior staff. In short, these other staff utilized the State computers for personal photographs, You Tube links, Onion.com links, drinking references, social plans, sexual innuendo, Fox News links, altered photographs of various staff, discussions relating to when employees band's activities, and other photographs. These participants as senders and/or recipients include [redacted]

In short, Inspector General John Allen had direct knowledge of these uses as both the sender and recipients of emails.

As to the finding of falsified or misrepresented information, we presume this relates to time sheets and travel vouchers. As noted above, Ms. Hoffman worked significantly more than other State employees, and as the OEIG report reveals, at many times of the day. Further as the report demonstrated, Ms. Hoffman, like other senior staff, was not the individual who prepared the time sheets and travel vouchers. The conclusion therefore that Ms. Hoffman intentionally falsified or misrepresented information, and that the State did not receive the benefit of her full services, is false.

As to the finding of improper contact with the news media, Director Maram acknowledged in the interview to the OEIG that this was a difficult time for the Agency, and that Ms. Hoffman was attempting to correct what information she believed was information which negatively impacted the Agency and the administration. Specifically, Ms. Hoffman contacted the Governor's communication director after Rich Miller of Capitol Fax advised her that he was going to publish a story which Tamara Hoffman believed was untrue, whether she confirmed the version Rich Miller had or not.

As to the finding that Ms. Hoffman failed to cooperate with the internal investigation into report employee misconduct, Ms. Hoffman met repeatedly with John Allen over the course of the investigation. Once I became involved in Ms. Hoffman's representation, we also met with John Allen. Clearly the Agency was unhappy that Ms. Hoffman retained Counsel, and subsequently, and continually has attempted to portray her as uncooperative for exercising her right to an attorney. In fact, Ms. Hoffman through her counsel, coordinated and scheduled interviews and appeared at interviews with both John Allen and the Office of Executive Inspector General. The meeting with the OEIG lasted for hours during which time we addressed all issues raised by the Investigators. As to the meeting with John Allen, Ms. Hoffman advised that any misuse of State computers, which seemed to form the basis of Mr. Allen's concerns, was an internal policy issue for which there existed no firm policy. IG Allen

was unwilling to suggest the matter be addressed within the Agency, although other OEIG interviews indicated others also thought the issues were internal. The refusal to cooperate alleged by IG Allen results from Mr. Allen's attempt to intimidate Tamara Hoffman at this meeting to disclose conduct of his staff and other senior staff of which she was aware that constituted violations of policy from Mr. Allen's perspective, but did not from Ms. Hoffman's perspective. As noted above, Mr. Allen was aware of such conduct, as he participated in it. Additionally, however, because of the differences as to whether this was a policy problem or not, Ms. Hoffman determined that the appropriate direction was to discuss these allegations with the Office of the OEIG. Ms. Hoffman did at the conclusion of the interview with the OEIG Investigators discuss this issue and advised she had documents available to support her statements. In short then, Ms. Hoffman did not fail to cooperate with the investigation, but because of Inspector General Allen's approach and involvement, determined that the information would be better shared with the OEIG.

The OEIG also reports that Allen advised it, consistent with Ms. Hoffman's description of their differences above, that Ms. Hoffman's speaking to the press in an attempt to correct the misinformation with the press and others "drew the Feds to Barry", that he was "angry", and at that time determined he would refer this matter to the OEIG. In short, because IG Allen did not agree with Director Maram, Deputy Director Zaremba, and Tamara Hoffman, and he perceived Ms. Hoffman's actions as causing the Federal Government to interview the Director, he retaliated by forwarding this to the Office of the Executive Inspector General.

Finally, the OEIG correctly notes that Ms. Hoffman was never the subject of discipline and had the continued support of her director. It does not note her exceptional performance evaluations and that she offered to Director Maram on a number of occasions to resign if he deemed it appropriate. On these occasions he advised her this was not necessary.

Again, thank you for the extension of time. If I can provide any additional information to assist the Commission, please do not hesitate to contact me.

Very truly yours,



B. Randall Cox

JRC:as

cc: Tamara Hoffman via US Mail

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Response of Barry S. Maram

As Director of the Department of Healthcare and Family Services (HFS), I must always balance the rights of an individual with the needs of the Department, and apply any disciplinary actions in a fair and even handed manner in compliance with the law. Such was the case with Ms. Hoffman. As a longtime state employee, she made a number of contributions to HFS.

Our Department's Inspector General opened an investigation into Ms. Hoffman's conduct. In fairness to both Ms. Hoffman and the Department, it was important for this inquiry by the HFS Inspector General to be completed before I reviewed certain evidence from either the investigator or the employee, and before I rendered on behalf of HFS any decision. Some time later, the Office of the Executive Inspector General opened its own investigation into Ms. Hoffman.

During the process of the HFS's IG investigation, I decided on behalf of HFS that while I would not take any disciplinary action on her employment until the investigation was complete, it became clear that certain of her day to day management duties needed to be reassigned immediately as part of a management decision. While an argument could be made that I should have taken corrective action sooner, at the time I believed it was important to provide due process, await completion of the investigatory process, and ensure any decision would be based on a more thorough knowledge of the facts and circumstances.

Once both investigations were finished and I obtained a more full understanding of the troubling facts that had been discovered, I immediately took appropriate action.

While some portions of my testimony may have been taken out of context, I appreciate the efforts of all who were involved in this investigatory process.

201 South Grand Avenue East
Springfield, Illinois 62763-0002

Telephone: (217) 782-1200
TTY: (800) 526-5812

September 30, 2009

James A. Wright
Executive Inspector General
Office of Executive Inspector General
for the Agencies of the Illinois Governor
32 West Randolph Street, Suite 1900
Chicago, IL 60601

Dear General Wright,

The Illinois Department of Healthcare and Family Services (HFS) received the Final Summary Report for OEIG Case No. 09-IG-00294 issued by your office on September 10, 2009. Pursuant to Public Act 96-0555, please accept this letter as the HFS response to the recommendations stated in that report.

HFS agrees with the recommendation made by your office against the subject, Tamara Hoffman. The Agency will commence the process to terminate the subject from her employment with the State of Illinois. The subject was placed on Administrative Leave with pay on September 10, 2009.

Thank you for your efforts in this matter. Should you have any further questions or concerns, please feel free to contact me at the above information or the HFS General Counsel, Jeanette Badrov at

Sincerely,



Richard Foxman
Deputy Director
Healthcare and Family Services

cc: Jeanette Badrov, General Counsel, HFS
John C. Allen, IV, Inspector General, HFS

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OFFICE OF THE GOVERNOR

JRTC, 100 W. RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

PAT QUINN
GOVERNOR

James A. Wright
Executive Inspector General
Office of Executive Inspector General
32 W. Randolph Street
Suite 1900
Chicago, Illinois 60601

Re: OEIG Case No. 09-IG-00294, Final Summary Report

Dear Mr. Wright:

On September 17, 2009, the Office of the Executive Inspector General (OEIG) issued to the Office of the Governor a Final Summary Report on its investigation into allegations of misconduct by Tammy Hoffman, Chief of Staff of the Illinois Department of Healthcare and Family Services (DHFS). The OEIG presented the Office of the Governor with a copy of the report so that it could take whatever action it deemed appropriate related to what the OEIG described as DHFS Director Barry Maram's "failure to take corrective action and inadequate supervision of Hoffman." While no recommendations requiring a written response were made to the Office of the Governor, the Office will discuss the seriousness of the findings against Tammy Hoffman with Director Maram and reaffirm the necessity for appropriate employee supervision.

Thank you for your consideration, and please do not hesitate to contact me if you have any questions.

Most Sincerely,

A handwritten signature in cursive script, appearing to read "Theodore Chung".

Theodore Chung
General Counsel
Office of the Governor