

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: PATRICIA HOPPER) OEIG Case # 09-00809

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the 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 its factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission (“Commission”) received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Patricia Hopper at her last known address.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. The Commission, having reviewed all suggestions 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 Department of Transportation (“IDOT”) employee Patricia Hopper (“Hopper”) was abusing State time by not working during her scheduled work hours and that she misused her assigned State vehicle by permitting her daughter to drive the State vehicle. The OEIG concludes that these allegations are **FOUNDED**.

SUMMARY OF INVESTIGATION

Background

Hopper is an Engineering Technician IV in the Division of Construction for IDOT. Hopper's duties include inspecting construction sites, communicating with contractors, and verifying materials being used on the construction projects. Hopper documents the construction site field inspections by completing an Inspection Daily Report (IDR) form. Once completed, Hopper submits the IDR form to [redacted]. [Redacted] then uses the data on the IDR to document project progression and payments to the contractor.

During his OEIG interview, [redacted] stated that Hopper's work hours are Monday through Friday, 7:00 a.m. to 3:30 p.m. According to her union contract, Hopper is allowed a 30 minute lunch period and two 15 minute breaks. Hopper may combine her lunch period and breaks for a one (1) hour lunch period. Hopper is paid for eight (8) hours of work each day. The OEIG also interviewed [redacted]. According to both [redacted], Hopper records her time by filling out and signing a Time Report sheet with her start and stop times for each day of work, plus any overtime.¹ When taking time off, Hopper is required to fill out and sign a Leave Request form and submit it to [redacted] for approval. [Redacted] both stated that IDOT does not have a work from home policy. [Redacted] added that there are very limited circumstances when an employee would be permitted to work from home and any work from home would be well documented on the sign in and sign out sheet.

Time Abuse and Falsification of Time Records

The OEIG received information that Hopper did not report to work or arrived home early on multiple occasions in August and September 2009. To confirm this pattern, the OEIG conducted surveillance of Hopper on two (2) occasions during Hopper's scheduled work hours.²

On October 20, 2009, the OEIG commenced surveillance of Hopper at her residence beginning at 6:13 a.m. On this date, OEIG investigators observed Hopper exiting her residence at approximately 10:36 a.m. Hopper was then observed sitting in her garage, cutting her grass, and re-entering her house. At approximately 2:13 p.m., Hopper left her residence and drove in

¹ The IDOT time sheets Hopper completed only required employees to list start and finish times when overtime was requested. When no overtime was requested, an employee was only required to list total hours worked that day. The 2002 version of the IDOT Personnel Policy was in effect at the time of Hopper's conduct. In February 2010, IDOT enacted a new Personnel Policy Manual which requires employees to report times to the nearest quarter hour for arrival, departure, and lunch.

² A brief surveillance was also conducted on September 17, 2009, for the purposes of verifying Hopper's residence and vehicles. Hopper was observed returning home in her State vehicle at approximately 12:11 p.m. Surveillance was maintained until approximately 1:17 p.m., and at that time, Hopper remained in her residence. On her timesheets, Hopper reported working an eight (8) hour day plus two (2) hours of overtime on September 17, 2009. Because surveillance was terminated at 1:17 p.m., the OEIG was unable to verify if Hopper returned to work that day. However, assuming any amount of travel time to her work site, Hopper exceeded her one (1) hour lunch period.

her personal vehicle to JT's Saloon ("JT's"), a bar in Dwight, Illinois. Surveillance was terminated at approximately 3:30 p.m., and at that time, Hopper was still inside JT's. According to her October 20th timesheet submitted to IDOT, Hopper reported working 6:30 a.m. to 4:00 p.m., which includes one (1) hour of overtime, reflecting a nine (9) hour work day.

On January 14, 2010, the OEIG conducted additional surveillance of Hopper. Surveillance of Hopper's residence commenced at approximately 6:15 a.m. Hopper was not observed until approximately 12:39 p.m., when Hopper reached out of her front door and retrieved mail from her nearby mailbox. Hopper was then observed standing in front of a large picture window inside her residence. Surveillance was terminated at approximately 3:30 p.m. During the entire period of surveillance, Hopper did not exit her residence with the exception of reaching out of her door to retrieve her mail. Hopper failed to utilize any benefit time on January 14, 2010, and on her time sheet, Hopper reported working an eight (8) hour day.

During her interview with the OEIG, Hopper initially stated that she does not fail to report to work during her scheduled work hours without using benefit time. She also stated that the time she worked was accurately reported on her timesheets. She admitted, however, that if she left work early she would still report her full eight (8) hour work day on her timesheet. Hopper explained that leaving work early to her would be approximately 30 minutes early.

The OEIG informed Hopper of the allegations that she was abusing State time by failing to report to work and leaving work early. The OEIG investigators asked Hopper about the surveillance dates, as well as, the dates in August and September 2009 on which it was alleged that she had not reported to work or came home early. Hopper told the investigators that on dates when she was reported as leaving work early, she may have gone home and worked on her IDR forms on her home computer. Hopper stated that depending on the location of a construction project and the field office, sometimes it made more sense for her to return to her home instead of the field office to complete her reports. After being questioned further, Hopper admitted that IDOT does not have a work from home policy and that her supervisor would not be aware that she completed work at home. [Redacted].

After being confronted by OEIG investigators with photographs from the OEIG's September 2009 surveillance, Hopper was asked again if she falsified information contained on her timesheets. In response, Hopper admitted that she must have falsified the information. Although Hopper could not recall specific dates, she did acknowledge that there were likely dates that she did not report to work and did not utilize benefit time to account for her absence. The OEIG asked Hopper to specify additional instances in which she may have inaccurately reported her time. Hopper estimated that during January 2010, there may have been one (1) occasion that she did not report to work or utilize benefit time for her absence. In December 2009, Hopper estimated that she may have left work early twice and may have worked half days on two (2) separate occasions. During November 2009, Hopper was unable to estimate how many times she inaccurately reported her work hours. She added that she stayed home at least two (2) days when the engine failed in her State vehicle. For October 2009, she stated she had no idea how many days she may have misreported her work hours. While Hopper was unable to recall specific dates when she failed to report to work, left early or exactly how many times it occurred, by her own admission, between November 2009 and January 2010, she recalled three

(3) days where she did not report to work, two (2) days when she left early and two (2) occasions when she only worked half days.

The OEIG obtained payroll records from IDOT Human Resources and determined that Hopper's base salary is \$5,058.00 per month. Based on Hopper's monthly salary, she would receive approximately \$29.18 per hour. On October 20, 2009, Hopper claimed to have worked eight (8) hours (\$233.45), plus one (1) hour of overtime (\$43.77). Therefore, Hopper was paid approximately \$277.22 for October 20, 2009, despite the fact that the OEIG never saw her report to work. While OEIG surveillance indicated that Hopper never left her residence, on January 14, 2010, Hopper claimed on her time sheet that she worked eight (8) hours, and was subsequently paid approximately \$233.45. In total, Hopper received approximately \$510.67 for two (2) days of work when OEIG surveillance confirmed that she failed to report to work on either day.

Misuse of State Vehicle

In addition to time abuse, it was alleged that on an occasion in April or May 2009, Hopper's daughter had driven the State vehicle assigned to Hopper back to her home from JT's because Hopper was too intoxicated to drive. When questioned about this allegation by OEIG investigators, Hopper originally denied ever driving her State vehicle to JT's. Upon further questioning by the OEIG, Hopper admitted that she had driven her State vehicle to JT's. Hopper stated that her daughter had then met her at JT's with Hopper's personal vehicle. Hopper's daughter, whom Hopper indicated was approximately 17 years old at the time, then drove the State vehicle back to Hopper's residence. When interviewed by the OEIG on March 2, 2010, Hopper estimated that within the year prior to the interview, her daughter had driven Hopper's State vehicle from JT's to Hopper's residence on two (2) occasions. Hopper denied that excessive alcohol consumption was the reason she requested her daughter to drive the State vehicle home, but rather claimed her daughter had driven the State vehicle for her "convenience."

ANALYSIS

Time Abuse and Falsification of Time Records

The IDOT Personnel Policies³ in effect at the time of Hopper's conduct required all employees to be at their work stations and ready to work at the appointed starting time until the appointed quitting time. A violation of this policy by an employee mandates disciplinary action, up to and including discharge. In addition, an employee may be asked to pay restitution for the cost of abused state time. The Personnel Policies⁴ also required that "employees act with honesty, integrity, and preserve confidentiality in the performance of their duties" and "report accurately and truthfully all information pertaining to employment, including . . . timekeeping records"

Surveillance of Hopper by the OEIG confirmed that on two (2) separate occasions, Hopper had falsified her time sheets. In so doing, Hopper blatantly violated the IDOT time

³ Order 3-1, Chapter 7-3 (2002).

⁴ Order 3-1, Chapter 11-3(N) and Chapter 11-3(S) (2002).

policies. During the OEIG surveillance on October 20, 2009, Hopper was observed on State time mowing her grass and driving to a tavern. On her time sheet for that day, Hopper not only reported working 6:30 a.m. to 4:00 p.m., she also included one (1) hour of overtime, paid at time and a half her hourly rate. The estimated loss to the State for Hopper's time abuse on October 20, 2009, is \$277.22. During the OEIG surveillance on January 14, 2010, Hopper stayed at home the entire day, but reported on her time sheet that she worked eight (8) hours. The estimated loss to the State for Hopper's time abuse on January 14, 2010, is \$233.45. The total loss to the State for Hopper's time abuse on the two days of OEIG surveillance is approximately \$510.67. When faced with the evidence obtained by OEIG, Hopper eventually admitted that she had falsified some time sheets and that she was not authorized to work at home. Hopper also admitted that she did not accurately report her work hours on approximately seven (7) other occasions between November 2009 and January 2010.⁵ The OEIG investigation and Hopper's admissions clearly show that Hopper abused State time and failed to accurately and truthfully report her time records. Therefore, the allegation that Hopper abused State time is FOUNDED.

Misuse of State Vehicle

The IDOT Departmental Orders⁶ authorize the use of State vehicles only for the completion of official State business. The IDOT policy also mandates that State vehicles be driven only by State employees who have been authorized to operate a State vehicle. Unauthorized use of State vehicles can result in immediate disciplinary action, up to and including discharge. Such discipline may also include suspension of all privileges to operate State vehicles.

Hopper admitted to the OEIG that she had driven her State vehicle to JT's and that she had allowed her teenage daughter to drive her State vehicle home from JT's. Hopper estimated that her daughter had driven her State vehicle from JT's to Hopper's residence on two (2) occasions. Hopper denied that her consumption of alcohol was the reason she requested her daughter to drive the State vehicle. Regardless of the reason for allowing her daughter to drive the State vehicle, Hopper's actions are irresponsible and violate IDOT policy. Moreover, Hopper lacked the authority to drive her State issued vehicle to JT's in the first place. As noted above, IDOT prohibits the use of State vehicles for any purpose not related to State business. Given Hopper's job duties, there would be no State related purpose permitting her to travel to JT's in her State issued vehicle. Therefore, by permitting an unauthorized person to drive her State issued vehicle and by driving her State vehicle to JT's, the OEIG concludes the Hopper violated IDOT's Departmental Orders.

CONCLUSION AND RECOMMENDATIONS

Following due investigation, the OEIG issues these findings:

⁵ While it was only an estimate, Hopper admitted that in addition to the time abuse revealed in the OEIG surveillance, she possibly missed an additional three (3) full days and two (2) half days between November 2009 and January 2010. Disregarding the two (2) days Hopper said she may have left early in December 2009, this estimated time abuse of three (3) full days (\$233.45 each) and two (2) half days (\$116.73) amounts to a potential additional loss to the State in the amount of \$933.81.

⁶ Order 11-2, Chapter 2-1 (2002).

- **FOUNDED** – Patricia Hopper abused State time and falsified time sheet records.
- **FOUNDED** – Patricia Hopper misused a State vehicle by using it for non-State related purposes and allowing her teenage daughter to drive the vehicle.

Based upon the evidence, the OEIG recommends that Patricia Hopper be discharged for abusing State time, falsifying time sheets and for her misuse of a State vehicle by using it for non-State related purposes and allowing her teenage daughter to drive the vehicle. In addition, the OEIG directs IDOT to seek reimbursement in the amount of at least \$510.67 for Hopper's abuse of time by failing to report to work on October 20, 2009 (\$277.22) and January 14, 2010 (\$233.45). The OEIG also strongly recommends that the IDOT Division of Construction implement a procedure to better monitor employees working in the field to avoid this potential for time abuse in the future.

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



Illinois Department of Transportation

Office of Quality Compliance & Review
201 West Center Court / Schaumburg, Illinois 60196-1096

September 22, 2010

Mr. Ricardo Meza
Acting Executive Inspector General
Office of Executive Inspector General
32 West Randolph Street
Suite 1900
Chicago, Illinois 60601
Attn: Sydney R. Roberts, First Deputy Inspector General

Subject: OEIG Complaint # 09-00809

2010 SEP 24 PM 12:57

RECEIVED
OIG-09-00809

Dear Mr. Meza:

This letter is in response to your September 3, 2010 letter regarding case number 09-00809 in which you requested that we report to you the actions that we have taken in response to your recommendations. Please note that the pre-disciplinary hearing was held on September 22, 2010. The statement of charges will include the following:

1. Misuse of State Time
2. Misuse of State Vehicle
3. Poor Public Image
4. Falsification of Timekeeping Records

The employee has been given through the close of business Wednesday, September 29, 2010 to provide a rebuttal after which time management will determine the applicable level of discipline.

If you have any questions, or if I can be of further assistance to you or your staff, please do not hesitate to contact me at 847-221-3000.

Respectfully,

Daniel J. Kennelly
Director

cc: Secretary Gary Hannig
Acting Chief of Staff Marva Boyd
Chief Counsel Ellen Schanzle-Haskins



Illinois Department of Transportation

Office of Quality Compliance & Review
201 West Center Court / Schaumburg, Illinois 60196-1096

October 14, 2010

Mr. Ricardo Meza
Acting Executive Inspector General
Office of Executive Inspector General
32 West Randolph Street
Suite 1900
Chicago, Illinois 60601
Attn: Neil Olson, Springfield Office Supervisor

Subject: OEIG Complaint # 09-00809

Dear Mr. Meza:

This letter serves as a follow up to our September 22, 2010 letter regarding case 09-00809 whereby we stated the charges given to Patricia Hopper. Since the time of that letter, several additional actions have taken place.

- 1) Patricia Hopper was terminated on October 8, 2010. (See Attachment A.)
- 2) Jim Sterr of the IDOT Claims Office has agreed to seek restitution of the noted \$510.67. Patricia Hopper's departure settlement has been placed on hold to ensure the ability to recover the \$510.67. (See Attachment B.)
- 3) IDOT's District 1 Bureau Chief of Construction Eugene Joynt stated that he is reviewing vehicle usage and time reporting policies and will send a reminder memorandum to all applicable employees of the appropriate procedures. In addition, the policies and procedures will be further emphasized at the annual construction meeting March 2011.

If you have any questions or if I can be of further assistance to you or your staff, please do not hesitate to contact me at 847-221-3000.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dan Kennelly'.

Daniel J. Kennelly
Director

cc: Secretary Gary Hannig
Acting Chief of Staff Marva Boyd
Chief Counsel Ellen Schanzle-Haskins

Heck, Jeff L

Subject:

FW: Patricia Hopper

From: LaPorte, Judy M

Sent: Thursday, October 14, 2010 1:48 PM

To: Kennelly, Daniel J

Subject: Patricia Hopper

Patricia Hopper was discharged effective Friday, October 8, 2010.

Thanks,

Judy

Heck, Jeff L

ATTACHMENT B

Dan

Claim #757303 has been assigned. We will be preparing the requisite fifteen day final demand letter and then enforce a Comptroller Offset thereafter. Will keep you posted.

From: Kennelly, Daniel J
Sent: Tuesday, October 12, 2010 3:13 PM
To: Sterr, James E
Cc: Heck, Jeff L; Hummert, Todd A
Subject: FW:

Jim,
Thank you very much.

Daniel J. Kennelly
Director
Office of Quality Compliance & Review
Illinois Department of Transportation
201 W. Center Court
Schaumburg, IL 60196
(847)221-3080
Daniel.Kennelly@illinois.gov

From: Hummert, Todd A
Sent: Tuesday, October 12, 2010 2:54 PM
To: Kennelly, Daniel J
Subject:

Jim,
Please read this report and take note of the founded issues. Please give me a call on Thursday Oct 14th and we need at least a demand letter for \$510.67 USC and possibly more as you can see in the report. I am sorry for the time frame on this one but I need to get back to the OIG ASAP. Thanks my friend.

<< File: OIG Report Hopper.pdf >>

RECEIVED
JAN 06 2011
EXECUTIVE
ETHICS COMMISSION

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: Patricia Hopper)

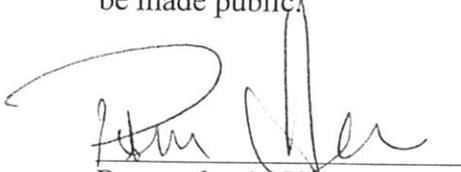
09-00809

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

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

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

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


Respondent's Signature

1/3/10
Date

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

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

I WILL CONTINUE TO DENY THESE ALLEGATIONS AND FEEL THEY ARE INCOMPLETE THERE IS NO MENTION OF MY HAVING A MEDICAL CONDITION WHICH IMPACTED MY FIELD WORK BUT NOT MY ABILITY TO INSPECT & DOCUMENT THE 4 JOBS I WAS RESPONSIBLE FOR - EVERY PENNY I RECEIVED FROM THE STATE WAS EARNED - I DON'T FEEL ANYTHING SHOULD BE MADE PUBLIC UNTIL ATTORNEYS HAVE COMPLETED REVIEWING THE CASE