

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

IN RE: WILLIAM YAEGER

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OEIG Case # 10-00078

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 William Yeager at his 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.

**I. ALLEGATION**

The Office of Executive Inspector General (OEIG) received a complaint alleging that William Yeager, Liquor Control Special Agent, Illinois Department of Revenue (IDOR), consumed alcohol and subsequently drove his assigned State of Illinois vehicle, in violation of IDOR policy.

**II. INVESTIGATION**

*A. Initial Witness Interview*

On May 18, 2010, OEIG investigators interviewed a private citizen who stated William Yeager (Yeager) consumed alcohol on a daily basis and, at times, operated his State vehicle after consuming alcohol.

*B. William Yeager's Duties and Responsibilities*

Yeager is a Liquor Control Special Agent and has been employed by IDOR since March 16, 1992. Yeager's duties and responsibilities include inspecting facilities with liquor licenses to ensure regulatory compliance. Yeager's work hours are 9 a.m. to 5 p.m., Monday through Friday. In light of Yeager's duties and responsibilities, he is assigned a State vehicle.

*C. William Yeager's State Assigned Vehicle*

Yeager is assigned a State vehicle, namely a 2006 light blue Ford Taurus, bearing license plate number: U18660 (hereinafter "Taurus").

*D. OEIG Surveillance*

OEIG investigators conducted surveillance of Yeager in conjunction with IDOR on numerous dates in June and August of 2010.

Below is a summary of OEIG observations:<sup>1</sup>

<u><b>Date and Time</b></u>	<u><b>Observation</b></u>
<u>Friday, June 18, 2010</u>	
• 2:30-2:37 p.m.	Yeager is seen driving Taurus to a residence in Wilmington, IL. <sup>2</sup>
• 2:37-4:20 p.m.	Yeager remains at the Wilmington, IL residence.
• 4:21 p.m.	Yeager departs Wilmington, IL residence in Taurus.
• 4:58 pm	Yeager arrives at his residence in Taurus.
<u>Friday, Aug. 6, 2010</u>	
• 1:19 p.m.	Yeager drives Taurus to Fountains Restaurant in Minooka, IL. <sup>3</sup>
• 2:06 p.m.	OEIG investigators enter Fountains Restaurant and see an empty beer bottle next to Yeager at the bar counter (where he was sitting). OEIG investigators do not see anyone else sitting at the counter.
• 2:10 p.m.	Yeager seen departing Fountains Restaurant in Taurus.
• 3:18 p.m.	Yeager arrives at his residence in Taurus.

<sup>1</sup> While OEIG investigators followed Yeager for extended periods of time during this time, only relevant observations are noted in this report.

<sup>2</sup> The residence was identified as that of [redacted]. [Redacted] retired from IDOR employment on July 29, 2008.

<sup>3</sup> Fountains Restaurant was not a facility William Yeager inspected pursuant to his position on August 6, 2010.

Thursday, Aug. 19, 2010

- 5:15 p.m. Yeager is seen driving Taurus to Custer's Keg located in Custer Park, IL.
- 6:00 p.m. OEIG investigators enter Custer's Keg and see Yeager consuming alcohol.
- 7:50 p.m.<sup>4</sup> OEIG investigators see Yeager driving Taurus in excess of the posted speed limit of 55 miles per hour.<sup>5</sup>
- 7:52 p.m. OEIG contacts Kankakee Police.
- 8:03p.m. OEIG investigators see Kankakee Police initiating a traffic stop on Yeager's Taurus.
- 8:30 p.m. Investigators see Kankakee Police officers arrest Yeager.

*E. Interview of [redacted]*

On August 19, 2010, OEIG investigators interviewed [redacted], a bartender at Custer's Keg. During the interview, [redacted] told investigators that on August 19, 2010, she served Yeager five bottles of Heineken beer. [Redacted] said she began her shift that day at about 5:30 p.m. and that upon her arrival, Yeager had already been drinking. [Redacted] also told OEIG investigators that Yeager comes to Custer's Keg approximately twice per month and consumes alcohol.

*F. William Yeager's Kankakee Police Citation*

On August 20, 2010, OEIG investigators obtained a Kankakee Police Driving Under the Influence (DUI) citation issued to Yeager on August 19, 2010. The police report indicated that Yeager had been arrested for suspicion of DUI after he declined to either complete a field sobriety test or voluntarily provide a blood sample.<sup>6</sup>

*G. [Redacted] Interview*

On August 30, 2010, OEIG investigators interviewed [redacted]. During the interview, [redacted] told investigators that Liquor Control Agents are not permitted to consume alcoholic beverages while on duty. In addition, IDOR policy prohibited State of Illinois vehicles to be used for personal purposes. In particular, employees are not permitted to utilize their State vehicles to visit liquor establishments, even while off-duty.

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<sup>4</sup> OEIG investigators did not see Yeager leaving Custer's Keg. Yeager's vehicle was last seen at that location at 6:45 p.m.

<sup>5</sup> OEIG investigators estimated Yeager's speed based on the speed of their vehicle.

<sup>6</sup> Since Yeager's arrest is a criminal matter, the OEIG declines to address the issue in this report.

### III. WILLIAM YEAGER INTERVIEW

On September 16, 2010, OEIG investigators interviewed William Yeager. He confirmed that he had worked for the State since 1992 as a Liquor Control Special Agent. Yeager explained his duties as inspecting facilities with liquor licenses to ensure they are in compliance with existing rules and regulations. According to Yeager, his work hours were between 9 a.m. and 5 p.m., Monday through Friday. Yeager also said that although he inspected different facilities within his designated region, he often returned home to complete official reports. On occasion, Yeager said he would visit [redacted], at [redacted] residence for the purpose of completing paperwork. Yeager said he would occasionally use his Taurus to perform personal errands, such as “light shopping.”

During the course of the interview, Yeager was specifically asked about his activities on dates in which OEIG investigators had conducted surveillance, namely in June and August 2010.

#### *A. Regarding Activities that Occurred on June 18, 2010*

William Yeager said that on June 18, 2010, he had driven to [redacted] residence after his lunch break where he had possibly consumed “one or two” alcoholic beverages with [redacted]. At [redacted] residence, he did not complete any State of Illinois paperwork. Rather, he spent the time (approximately 2 hours total) just visiting [redacted].

#### *B. Regarding Activities that Occurred on August 6, 2010*

William Yeager said that on August 6, 2010, he probably did consume alcohol at Fountains. When questioned about his alcohol consumption and subsequent driving of the Taurus, Yeager responded: “obviously it is a violation of [I]DOR policy.”

#### *C. Regarding Activities that Occurred on August 19, 2010*

William Yeager said that on August 19, 2010, he went to Custer’s Keg and drank four Heineken beers at the bar. He said he violated IDOR policy when he left the establishment and operated the Taurus after having consumed alcohol.

At the conclusion of his OEIG interview, Yeager estimated that he consumed alcohol twice a week during his scheduled work hours and would subsequently drive his Taurus. Yeager said that, on occasion, he would drive his Taurus to restaurants and bars after work hours to consume alcohol. In retrospect, he realized that his actions were improper and agreed that his actions violated various IDOR policies.

### IV. ANALYSIS

#### *A. IDOR Intoxicants Policy*

The IDOR Employee Handbook,<sup>7</sup> Chapter 4 states: “Intoxicants may not be consumed, possessed, or distributed while on official duty . . . .”

William Yeager admitted that he possessed and consumed alcohol while on duty, which is in violation of IDOR’s policy. According to Yeager’s own estimates, he would typically consume alcohol twice a week during working hours. Yeager’s drinking on State time was confirmed on August 6, 2010 when investigators observed Yeager with an empty beer bottle at Fountains Restaurant. During his OEIG interview, Yeager further admitted that he drank with [redacted], while on duty, on June 18, 2010. Yeager acknowledged that his drinking while on official duty was “a violation of [I]DOR policy.” Based on OEIG surveillance and Yeager’s own admission, the allegation Yeager consumed alcohol while on duty in violation of IDOR policy is **FOUNDED**.

### *B. IDOR State Vehicle Policy*

IDOR Employee Handbook, Chapter 4 section titled “Official vehicles” requires that “State vehicles . . . be used for official business only. Operating a state vehicle for anything other than department business may be grounds for disciplinary action, including dismissal. Personnel authorized to use state vehicles are responsible for their safe operation and must comply with all traffic laws.”

Driving to purchase or consume alcohol, even while off duty, is not considered “official business.” [Redacted] agreed and stated that employees were not permitted to utilize a State vehicle to obtain liquor. OEIG investigators saw Yeager failing to adhere to this guideline when he drove to Fountains Restaurant on August 6, 2010 and Custer’s Keg on August 19, 2010 to purchase and consume alcohol.

More serious was Yeager’s operating his Taurus (State vehicle) after he had consumed alcohol at these establishments. Compounding the seriousness of his actions was the speed in which Yeager traveled on August 19, 2010 when he exceeded the posted speed limit. This reveals Yeager’s lack of regard to the safe operation of his State vehicle. Such reckless behavior not only endangers Yeager, but also other drivers and is contrary to established IDOR policy.

In addition, Yeager further admitted that he had previously utilized his State vehicle to perform personal errands, such as “light shopping.” The evidence, taken in the aggregate, is sufficient to conclude that Yeager improperly utilized his assigned State vehicle for personal use. Therefore, the allegation that Yeager utilized his State vehicle for personal use and failed to safely operate his State vehicle, in violation of IDOR policy, is **FOUNDED**.

### *C. IDOR State Time*

IDOR Employee Handbook, Chapter 2, Personnel Policies states: “Any time you are absent, you are required to complete Form IDR-139, Request for Leave, which must be signed by both you and your supervisor.”

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<sup>7</sup> See DOR Employee Handbook, effective June 3, 2004.

Based on OEIG's surveillance, Yeager was observed ending his work day earlier than his 5 p.m. departure time. For example, Yeager ended his workday at approximately 2:37 p.m. and 3:18 p.m. on June 18, 2010 and August 6, 2010 respectively. Although Yeager claimed to have regularly completed IDOR related assignments at [redacted] residence, he admitted that when he visited [redacted] on June 18, 2010, he did not complete any IDOR reports. Instead, they both consumed "one or two" alcoholic beverages. The evidence, taken in its totality, suggests that Yeager was absent from work and failed to submit the required IDOR Request for Leave form. The OEIG finds that the allegation that Yeager failed to submit required leave requests when he departed work early in violation of IDOR policy is **FOUNDED**.

## V. CONCLUSION

- **FOUNDED** – Yeager violated IDOR policy when he consumed alcohol while on duty.
- **FOUNDED** – Yeager violated IDOR policy when he utilized his State vehicle for personal use and failed to safely operate his State vehicle.
- **FOUNDED** – Yeager violated IDOR policy in failing to submit required leave requests when he departed work early.

Based upon our findings, the OEIG recommends that Yeager be discharged with no right to reinstatement with any State agency.

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



STATE OF ILLINOIS

**DEPARTMENT OF REVENUE**

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November 19, 2010

BRIAN HAMER  
Director

PAT QUINN  
Governor

Ricardo Meza  
Acting Executive Inspector General  
Office of the Executive Inspector General  
32 W. Randolph St., Suite 1900  
Chicago, IL 60601

**Re: Complaint Number 10-00078**

Dear Executive Inspector General Meza:

The Department of Revenue has received the Final Summary Report issued by the Office of the Executive Inspector General in the case referenced above. The Report summarized findings by the OEIG that William Yeager, a Department of Revenue Liquor Control Special Agent, consumed alcohol and subsequently drove his assigned State of Illinois vehicle in violation of IDOR policy. The OEIG also found that Mr. Yeager failed to safely operate his State vehicle and that he failed to submit leave requests when ceasing work prior to the end of his shift. Based upon these findings, the OEIG recommended that Mr. Yeager be discharged.

I have completed my review of this matter, and agree with the OEIG's findings. As your Report indicates, investigators from the Internal Affairs Division of the Department of Revenue assisted the OEIG in the surveillance phase of this case. During several dates in June and August 2010, the OEIG observed Mr. Yeager conducting personal business prior to the end of his work shift without submitting leave requests, consuming alcohol and subsequently driving his State-assigned vehicle, and speeding in his State-assigned vehicle. Mr. Yeager subsequently admitted these violations of IDOR policy in an interview with OEIG investigators. While under surveillance on August 19, 2010, Mr. Yeager was arrested by the Kankakee City Police for driving under the influence in his State-assigned vehicle.

As a result of his arrest for DUI while driving a State-assigned vehicle, the Department of Revenue placed Mr. Yeager on administrative leave on August 20, 2010, and continued its own parallel investigation that it had begun in June. The Department's

investigation found that Mr. Yeager had violated various policies stated in the Illinois Department of Revenue Employee Handbook concerning "Accountability for Money and Property," "State Property and Facilities," "Official Vehicles," and "Conduct Unbecoming an Employee," as well as certain provisions of the State Vehicle Policy Manual.

The Department of Revenue was in the process of taking disciplinary action on Mr. Yeager, through the lengthy process required for bargaining unit employees, when Mr. Yeager submitted a letter of resignation. The Department of Revenue accepted Mr. Yeager's letter of resignation, and his last work day at IDOR was October 31, 2010.

Please feel free to call me at (312)814-3190, if you have any further questions or concerns. Unless you have any concerns, I will consider this matter closed.

Sincerely,

[redacted]

Brian Hamer  
Director