

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: MARK MONTGOMERY, ) OEIG Case # 11-02060

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 a final 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 Governor’s Executive Inspector General and to Mark Montgomery at his last known address.

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

FINAL REPORT

**I. ALLEGATION**

The Office of Executive Inspector General (“OEIG”) received a complaint alleging that Illinois Department of Corrections (“IDOC”) employee Mark Montgomery abused State time by not working during reported work hours and that he did not report to the locations where his itinerary indicated he would be working.

**II. BACKGROUND**

Mr. Montgomery is employed as an Executive II in the Parole Re-Entry Group (“PRG”). Mr. Montgomery resides approximately 33 miles from the PRG District office in Marion, IL. Mr. Montgomery’s work hours are 8:30 a.m. to 5:00 p.m., and he is paid for working 37.5 hours per week. He is entitled to a one hour unpaid lunch break and two paid 15 minute breaks each workday. Mr. Montgomery submits a weekly itinerary to his supervisor, [REDACTED], every Friday that outlines his agenda for the upcoming week; [The

supervisor's] office is located in Springfield, IL. Mr. Montgomery receives a monthly salary of \$7,051.

### III. INVESTIGATION

#### A. **OEIG Review of Mr. Montgomery's Weekly Itinerary**

The OEIG obtained and reviewed Mr. Montgomery's weekly itinerary that included his projected schedule for March 6, 7, and 8, 2012. The itinerary indicated the following regarding the date, location and work hours of Mr. Montgomery:

| <u>Date</u>         | <u>Location</u>             | <u>Time</u>                        |
|---------------------|-----------------------------|------------------------------------|
| Tues. March 6, 2012 | Summit of Hope in Olney, IL | 6:00 a.m. – 5:00 p.m. <sup>1</sup> |
| Wed. March 7, 2012  | Marion PRG                  | 8:30 a.m. – 5:00 p.m.              |
| Thur. March 8, 2012 | Marion PRG                  | 8:30 a.m. – 5:00 p.m.              |

#### B. **OEIG Surveillance of Mr. Montgomery**

In order to determine whether Mr. Montgomery was at the locations on the date and time set forth on his itinerary, OEIG investigators conducted surveillance of him on March 6, 7, and 8, 2012.

During surveillance, investigators recorded the following activity relating to Mr. Montgomery:<sup>2</sup>

#### **Tuesday, March 6, 2012 — Summit of Hope in Olney, IL — 6:00 am to 5:00 pm**

On this date between 6:00 am to 5:00 pm, investigators saw Mr. Montgomery:

- at his residence for 9 hours and 22 minutes;
- using his State vehicle to commute and perform personal errands for 55 minutes;<sup>3</sup>
- using his personal vehicle to commute for 40 minutes; and,
- at the Marion PRG Office (not the Summit of Hope in Olney, IL) *for a total of 3 minutes.*

#### **Wednesday, March 7, 2012 — Marion PRG Office — 8:30 am to 5:00 pm**

On this date between 8:30 am to 5:00 pm, investigators saw Mr. Montgomery:

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<sup>1</sup> While Mr. Montgomery's itinerary for March 6, 2012 indicates that he began working at 6:00 a.m., according to his supervisor he is not paid overtime nor does he receive compensatory time for any work above his normal seven and a half hour work day.

<sup>2</sup> Mr. Montgomery is not required to report his lunch or break times to IDOC. Because his lunch and break times are unknown, these summaries do not include deductions for lunch or break times.

<sup>3</sup> The personal errands in the State vehicle included trips to a fast food restaurant, convenience store, and a pharmacy.

- utilizing a State vehicle for commuting and personal errands for 2 hours and 42 minutes;<sup>4</sup>
- sitting in a State vehicle in the Marion PRG parking lot for 1 hour and 8 minutes;
- inside his residence for 1 hour;
- inside a private residence in Junction, IL for 34 minutes; and,
- at the Marion PRG Office *for a total of 3 hours and 6 minutes.*

**Thursday, March 8, 2012 — Marion PRG Office — 8:30 am to 5:00 pm**

On this date between 8:30 am to 5:00 pm, investigators saw Mr. Montgomery:

- inside his residence for 7 hours and 1 minute;
- utilizing a State vehicle for commuting for 1 hour and 15 minutes;<sup>5</sup> and,
- at the Marion PRG Office *for a total of 14 minutes.*<sup>6</sup>

In summary, when investigators conducted surveillance on these three days, Mr. Montgomery was seen at his office during his scheduled work hours *for a total of 3 hours and 23 minutes.*

**C. OEIG Review of Mr. Montgomery's Time Sheets**

The OEIG obtained and reviewed Mr. Montgomery's IDOC Employee Time Sheets and Notification of Absence forms for each of the above referenced days, namely March 6, 7, and 8, 2012.

The records revealed that Mr. Montgomery did not submit a Notification of Absence form for any of the three days, and his time sheets reveal that he worked a total of 7.5 hours on each of those days or *a total of 22 hours and 30 minutes.*

**D. Subject Interview of Mr. Montgomery**

On June 5, 2012, investigators interviewed Mark Montgomery. Mr. Montgomery initially stated that he always reported his time accurately and noted that he was not permitted to take a State vehicle home overnight without prior authorization from [REDACTED]. Mr. Montgomery also confirmed that he was aware that State vehicles could not be used to conduct personal business. Although Mr. Montgomery stated that he had never requested overnight usage of the vehicle, he nevertheless confirmed that in early 2012 he had taken a vehicle home overnight on one occasion. However, Mr. Montgomery denied using a State vehicle to commute to his residence or on weekends. He said that his supervisor would be aware if he were working hours that were different from his normal schedule because he lists his work hours on his itinerary.

Mr. Montgomery was informed that investigators had conducted surveillance on him and described some of the activities he was seen engaging in during surveillance. After being made

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<sup>4</sup> The personal errands in the State vehicle included trips to two fast food restaurants and a pharmacy.

<sup>5</sup> This time includes Mr. Montgomery's stops at two gas stations.

<sup>6</sup> On this date, investigators also observed Mr. Montgomery at the Marion PRG for additional time that was outside his listed work hours. Mr. Montgomery arrived at the Marion PRG office at 5:20 p.m. and remained there when surveillance was terminated at 6:00 p.m.

aware of this information, Mr. Montgomery stated that he wished to correct information that he had previously provided and told investigators that on about 30 occasions during the past year:

- he worked from home;
- he spent less than 3 hours of his 7.5 hour workday at home conducting State business;
- he did not utilize benefit time on any of these occasions;
- he was not permitted to work from home; and,
- he did not notify his supervisor when he had worked from home.

Mr. Montgomery then described his abuse of State time and misuse of a State vehicle as “extensive” for a period of time. According to Mr. Montgomery, during the past three months, he took a State vehicle to a friends’ private residence in Junction, IL on approximately six occasions and the visits ranged from 20 minutes to a couple of hours, were on State time, and were unrelated to State business. Moreover, Mr. Montgomery stated that for a period of approximately six months, he used a State vehicle to commute between his residence and work locations and would keep the State vehicle at his residence overnight about two times per week. Mr. Montgomery also stated, during the past year, he might have taken a State vehicle to his residence for the weekend on two or three occasions.

#### IV. ANALYSIS

##### A. Abuse of State Time

The IDOC Administrative Directives (“IDOC Directives”) state that IDOC employees are responsible for notifying their supervisor of absences by calling in or requesting time off and for reviewing their monthly time statements and notifying the supervisor of any errors.<sup>7</sup> The IDOC Directives require absences to be recorded and supported by a Notification of Absence Report.<sup>8</sup> The IDOC Directives and the Illinois Administrative Code state that IDOC employees who knowingly provide false information shall be subject to disciplinary action, including termination of employment.<sup>9</sup>

The surveillance of Mr. Montgomery on three separate occasions and his admissions clearly demonstrate that he abused State time by not conducting State business during his State working hours. Although he initially denied abusing State time, after being informed that he had been under surveillance, Mr. Montgomery admitted that he had abused State time. Mr. Montgomery failed to notify his supervisor of absences; failed to properly record his absences; and, submitted false information about his State work hours. As revealed during the three days of surveillance and, as Mr. Montgomery stated in his own words, his abuse of State time was “extensive.” The allegation that Mark Montgomery abused State time is **FOUNDED**.

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<sup>7</sup> IDOC A.D. 2.65.101(II)(F)(1).

<sup>8</sup> IDOC A.D. 02.65.170(II)(E)(4).

<sup>9</sup> IDOC A.D. 03.02.108 (II)(G)(8) and 20 Ill. Adm. Code 120.95.

## B. Abuse of State Vehicle

IDOC Directives state that Department vehicles shall be used only for official business or in the performance of an employee's assigned duties.<sup>10</sup> The OEIG's surveillance and Mr. Montgomery's admissions clearly show that he was using a State vehicle for non-State business and was commuting to and from his residence with a State vehicle. Mr. Montgomery regularly used the State vehicle for non-State business in violation of IDOC Directives. The allegation that Mark Montgomery misused a State vehicle is **FOUNDED**.

## V. LOSS TO THE STATE

Based on the surveillance and Mr. Montgomery's admissions, the OEIG estimates Mr. Montgomery abused over 150 hours of State time. In light of Mr. Montgomery's salary of \$7,051 per month, this abuse of time results in an approximate loss to the State in excess of \$6,450.

The OEIG surveillance and Mr. Montgomery's admissions indicate that Mr. Montgomery placed approximately 3,525 unauthorized miles on a State vehicle. The IDOC Directives state that employees who use State vehicles for purposes other than official State business shall reimburse the Department for each fraction of a mile traveled during the unauthorized use and the rate of reimbursement shall be at least equal to the amount reimbursed to State employees for the use of personal vehicles.<sup>11</sup> The OEIG leaves it to the discretion of IDOC to calculate the approximate loss to the State for this unauthorized use of a State vehicle.

## VI. RECOMMENDATIONS

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Mark Montgomery abused State time by failing to notify his supervisor of absences, failing to submit a Notification of Absence form for absences, and providing false information about his work hours.
- **FOUNDED** – Mark Montgomery used a State vehicle for reasons other than official State business or in the performance of his assigned duties.

The OEIG recommends that Mark Montgomery be terminated from IDOC for abusing State time and misusing a State vehicle. The OEIG also recommends that IDOC seek reimbursement for Mr. Montgomery's abuse of State time and misuse of a State vehicle. In addition, the OEIG will refer this matter to the Office of Illinois Attorney General pursuant to 5 ILCS 430/20-80 because the loss to the State exceeds \$5,000.

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

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<sup>10</sup> IDOC A.D. 01.02.106(II)(F)(3)(a).

<sup>11</sup> IDOC A.D. 01.02.106(II)(F)(11).

Date: October 23, 2012

Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
607 East Adams, 14<sup>th</sup> Floor  
Springfield, IL 62701

**Melissa Rollins**  
Assistant Inspector General

**Tiffany Pryor-Wallace**  
Investigator #157



OFFICE OF EXECUTIVE INSPECTOR GENERAL  
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900  
CHICAGO, ILLINOIS 60601  
(312) 814-5600

OEIG RESPONSE FORM

Case Number:  
11-02060

Return By:  
20 Days After Receipt of Report

Please check the box that applies.

- We have implemented all of the OEIG recommendations.  
(Provide details regarding action taken.)

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- We will implement all of the OEIG recommendations but will require additional time.  
We will report to OEIG within 30 days from the original return date.  
(Provide details regarding action planned / taken.)

~~This matter has been referred for an Employee Review Board hearing.  
We will update your office upon final disposition within 30 days.~~

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(over)

- We are implementing one or more of the OEIG recommendations, however, we plan to depart from other OEIG recommendations.  
(Provide details regarding action planned / taken and any alternate plan(s).)

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- We do not wish to implement any of the OEIG recommendations.  
(Explain in detail why and provide details of any alternate plan(s).)

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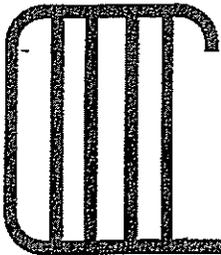
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Signature

Luke P. Hartigan  
Print Name

Corrections, Chief of Staff  
Print Agency and Job Title

11-20-12  
Date



Illinois  
Department of  
Corrections

Pat Quinn  
Governor

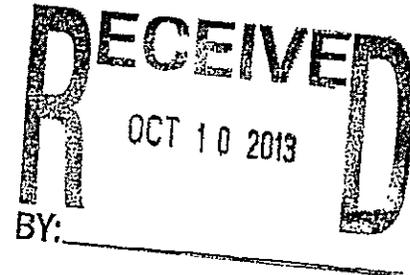
S. A. Godinez  
Director

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Telephone: (217) 558-2200  
TDD: (800) 526-0844

October 7, 2013

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



Re: OEIG Complaint 11-02060

Dear Executive Inspector General Meza:

This is in response to the investigation above.

Mr. Mark Montgomery resigned effective September 25, 2013 in lieu of discharge.

If you need further information please contact my office at 217-558-2200 ext. 2002.

Sincerely,

S.A. Godinez, Director  
Illinois Department of Corrections

cc: Laura Bautista, Deputy Inspector General