

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: WILLIAM HELM, ) OEIG Case #11-02070

OEIG AMENDED FINAL REPORT (REDACTED)

Below is an amended final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received this amended 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 William Helm at his last known address.

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

**SECOND AMENDED FINAL REPORT**<sup>1</sup>

**I. ALLEGATIONS**

The Office of Executive Inspector General (OEIG) received four separate complaints<sup>2</sup> alleging misconduct relating to Illinois Department of Transportation (IDOT) employee William Helm. The complaints alleged that Mr. Helm: engaged in [unfounded allegation redacted];<sup>3</sup>

---

<sup>1</sup> The OEIG amended its initial Final Report to update IDOT policies. As detailed below, Mr. Helm later disputed, among other things, OEIG findings related to time abuse. This matter was re-opened in order to re-examine previously obtained information and records. See Section III H below for additional discussion of OEIG findings.

<sup>2</sup> The OEIG received the fourth complaint lodged against Mr. Helm on November 12, 2013, after it had issued its July 30, 2013 Final Report. This anonymous complaint was assigned OEIG case number [REDACTED] and alleged that Mr. Helm engaged in [unfounded allegation redacted]. However, in light of the fact that the allegations in [REDACTED] were the same as those in this investigation and had been fully investigated, the [REDACTED] allegations were closed into the 11-02070 matter.

<sup>3</sup> Facts relating to this allegation are not discussed because there were insufficient facts to sustain this allegation.

engaged in [unfounded allegation redacted]; [unfounded allegation redacted]; [unfounded allegation redacted];<sup>4</sup> and otherwise misused State time and resources.<sup>5</sup>

The OEIG finds there is insufficient evidence to conclude that Mr. Helm engaged in [unfounded allegation redacted]. However, the investigation did reveal that Mr. Helm abused State time and resources.

## II. BACKGROUND

### A. **William Helm**

William Helm was an Operations Manager for IDOT's Bureau of Maintenance Central Area. He resigned from this position, effective February 3, 2014.

As an Operations Manager, Mr. Helm oversaw eight IDOT yards consisting of approximately 240 employees. Mr. Helm's job duties and responsibilities included overseeing daily operations such as, among other things, sewer and drainage repairs, and vehicle maintenance. Mr. Helm also responded to complaints from the public. Mr. Helm frequently traveled and was assigned a State-owned vehicle. As of November 2011, Mr. Helm's work hours were 6:45 am to 3:00 pm, Monday through Friday and he generally took lunch from 11:00 am to 11:45 am.

In addition to his IDOT employment, Mr. Helm volunteered as a Director for the Ravenswood Community Council and was a community representative, where he distributed flyers, installed political signs, and campaigned door-to-door for a Chicago alderman.

### B. **Rules Governing Employee Conduct**

IDOT employee conduct is governed by various policies, directives, and State laws. Below are relevant provisions as they relate to this investigation.

<b>Policy/Directive/</b>	<b>Relevant Provision</b>
--------------------------	---------------------------

<b>State law</b>	
------------------	--

<i>Cellular Telephone</i>	"Improper use of wireless electronic devices during work will be considered inattention to work . . . ." <sup>6</sup>
---------------------------	---

<i>Employee Conduct</i>	"Employees shall perform their duties to the best of their abilities . . . . Inattention to work . . . shall not be tolerated." <sup>7</sup>
-------------------------	--

---

<sup>4</sup> The OEIG's investigation found insufficient evidence to support this allegation and thus, this report does not discuss facts relating to this allegation.

<sup>5</sup> The four complaints were consolidated, and investigated under complaint 11-02070.

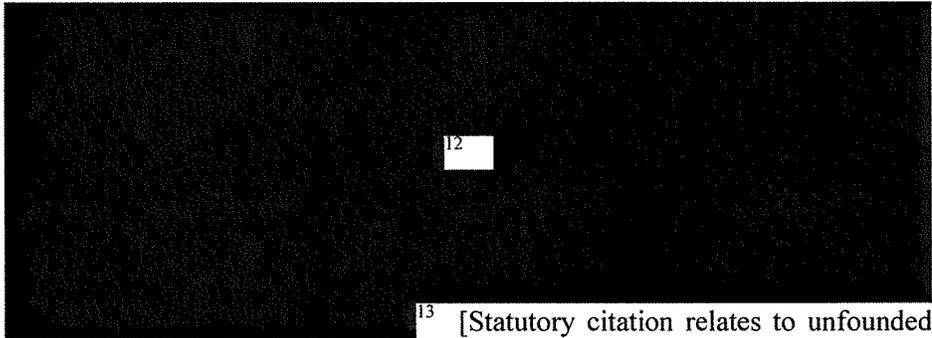
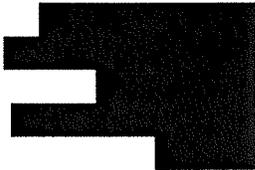
<sup>6</sup> IDOT's Cellular Telephone Usage Directive, set forth in a memorandum dated November 29, 2006 and republished on January 11, 2012.

“Employees shall not use . . . State property for personal or private purposes. State property is to be utilized only for conducting official State business . . . .”<sup>8</sup>

*Vehicle Operator’s Manual* “State vehicles are authorized for use only in the performance of . . . official State business.”<sup>9</sup>

The unauthorized use of State vehicles includes, among other things, “[u]se for personal purposes,” and “any travel not in the service of State business . . . .”<sup>10</sup>

Drivers of State vehicles “are responsible for proper vehicle use and care.” IDOT drivers must “[o]perate state vehicles in a safe, . . . responsible manner at all times. Disregard of traffic laws . . . is prohibited.”<sup>11</sup>



<sup>13</sup> [Statutory citation relates to unfounded allegations.]

### III. INVESTIGATION

As part of its investigation, investigators interviewed various individuals and obtained, among other documents, [documents related to unfounded allegations], IDOT attendance records and telephone records. A summary of the investigative findings follows.

#### A. [Unfounded allegations redacted]

---

<sup>7</sup> IDOT’s 2010 Personnel Policy Manual, Chapter 10 – Employee Conduct, Section 10-3(W) – Work Performance and IDOT’s 2011 Personnel Policies Manual Chapter 10 – Employee Conduct, Section 10-3(Y) – Work Performance.

<sup>8</sup> IDOT’s 2010 Personnel Policy Manual, Chapter 10 – Employee Conduct, Section 10-3(S)(2)(a) – State Property and IDOT’s 2011 Personnel Policies Manual, Chapter 10 – Employee Conduct, Section 10-3(T)(2)(a) – State Property.

<sup>9</sup> IDOT’s Vehicle Operator’s Manual, Chapter 1 – Vehicle Use, Section 1-1(A).

<sup>10</sup> IDOT’s Vehicle Operator’s Manual, Chapter 1 – Vehicle Use, Section 1-1(c)(1),(9).

<sup>11</sup> IDOT’s Vehicle Operator’s Manual, Chapter 1 – Vehicle Use, Section 1-1(e)(2).

<sup>12</sup> [Redacted]

<sup>13</sup> [Redacted]

[The next paragraphs relate solely to unfounded allegations and the Commission exercises its authority pursuant to 5 ILCS 430/20-52 to redact them.]

[Redacted text block]

---

<sup>14</sup> Telephone communications exchanged during his scheduled breaks and lunch were excluded.

[Redacted]

**D. Interview of IDOT [Supervisor]**

On May 15, 2012, investigators interviewed IDOT [Supervisor]. [Supervisor] stated that he is Mr. Helm's supervisor and supervised him for about six months. [Supervisor] said Mr. Helm's normal State work hours are 6:30 am to 3:00 pm,<sup>15</sup> Monday through Friday.

[Supervisor] was unable to provide information as to where Mr. Helm was working or with whom he was working during the weeks of November 14 and 21, 2011, nor was he able to provide information regarding Mr. Helm's work productivity in November 2011. Finally, [Supervisor] did not recall any issues involving Mr. Helm using his personal telephone, or of Mr. Helm using his personal telephone on State time to discuss or organize [related to unfounded allegations and redacted].

**E. Vehicle Records for Mr. Helm's Assigned State-owned Vehicle**

Investigators discovered that during the relevant time-period, Mr. Helm's assigned State-owned vehicle license plate number was U24912. Investigators also confirmed that City of Chicago records revealed that Mr. Helm drove his assigned State-owned vehicle through a red light on Sunday, May 13, 2012 at 11:29:43.23 at Milwaukee and Devon Avenues, Chicago, IL. A review of Mr. Helm's attendance records revealed that he was not working on Sunday, May 13, 2012.

**F. Interview of William Helm**

On May 22, 2013, investigators interviewed Mr. Helm. Mr. Helm described his duties and responsibilities and said his normal State work hours are from 6:45 am to 3:00 pm and that he usually takes lunch from 11:00 am to 11:45 am.

**1. [Redacted]**

[The following paragraphs relate solely to unfounded allegations that the Commission has redacted pursuant to its authority at 5 ILCS 430/20-52.]

---

<sup>15</sup> As noted below, Mr. Helm stated his work day began at 6:45 am, rather than 6:30 am.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**2. Mr. Helm's Use of His Assigned State-owned Vehicle**

Mr. Helm confirmed that he was assigned a State-owned Ford Explorer, with Illinois license plate U24912. Mr. Helm said he was the only individual who drove the vehicle, unless it was being repaired.

**a. Red Light Violation – May 13, 2012**

Mr. Helm confirmed that his May 2012 IDOT timesheets were accurate, which reflected he did not work on Sunday, May 13, 2012. Mr. Helm was asked about records reflecting that his

assigned State-owned vehicle ran a red light on May 13, 2012 in Chicago. In response, Mr. Helm said he was driving the vehicle at the time, did not contest the violation, paid the fine, and said he was driving to check on a sewer complaint located in the area, which he said he received from IDOT's Sewer Communication Center. In addition, Mr. Helm denied using his State-owned vehicle for personal use that day – May 13, 2012. Mr. Helm said his attendance records failed to reflect he was working on May 13, 2012, because he forgot to record it on his timesheet.<sup>16</sup>

#### **b. Use of Assigned State-owned Vehicle for Non-State Business**

Mr. Helm stated that he uses his State-owned vehicle for non-State business. Specifically, Mr. Helm said that in his State-owned vehicle he:

- visits a non-State employee [redacted] during State work hours once or twice a week;
- stops by a non-State employee's residence [redacted] during State work hours when he is "in the area" but his visits only last 10 to 15 minutes;
- has transported a non-State employee [redacted] about three times over the last three years to locations within one mile of her residence because [redacted] does not have a driver's license;
- since 2011, has used the State-owned vehicle to run personal errands about once per week for such things as trips to the bank, store, or restaurants.

### **3. Mr. Helm's Personal Telephone Usage**

Mr. Helm confirmed that his personal cellular telephone number was listed on the telephone records obtained by the OEIG for his number. Mr. Helm further confirmed that he received and understood IDOT's Cellular Telephone Usage Directive. Mr. Helm said he used his personal telephone to exchange text messages, voicemail messages, and calls, all of which he described as "personal." Although Mr. Helm initially said he did not believe he violated the Cellular Telephone Usage Directive because it does not prohibit him from using his personal telephone, he subsequently said his personal telephone usage was "excessive." In addition, Mr. Helm said that while his time could have been better spent, he still did his work and his personal telephone usage did not affect his job performance, but did say, "I was paid by the State for time spent on personal issues. It is time abuse."

#### **G. Mr. Helm Disputes Excessive Use of his Personal Cellular Telephone while on Paid State Time**

After his interview, the OEIG issued a report concluding, among other things, that Mr. Helm used his personal telephone to engage in about 41 hours of non-State related telephone communications or personal calls while on paid State time. Mr. Helm wrote letters to IDOT stating, among other things, that he did not believe it was fair for IDOT to seek to recover about

---

<sup>16</sup> Mr. Helm's supervisor subsequently informed investigators (via email) of the following: "I am not aware of any assignment nor any type of callout on the 13<sup>th</sup>. I checked Mr. Helm's timecard and his vehicle usage log and there is no entry on either of them for the 13<sup>th</sup>."

\$1,876.11 from him and wrote: “Did the OEIG separate my total call records to differentiate between business and personal calls during work hours?”<sup>17</sup> Moreover, Mr. Helm also wrote, “I believe the OEIG failed to perform this task because they could not be specific in what calls they were referring to as ‘excessive cell phone use’ during business hours.”

The OEIG did initially conclude that Mr. Helm used his personal telephone to engage in about 41 hours of personal conversations while on paid State time. Nonetheless, the OEIG requested that the Executive Ethics Commission allow the OEIG to re-open this investigation in order to provide a more detailed explanation of its findings; the investigation was accordingly re-opened. The following provides a more detailed explanation of the OEIG’s findings.

#### **H. Mr. Helm’s Records Confirm He Spent At Least 41 Hours On State Time Engaged in Personal Telephone Calls**

Investigators reviewed Mr. Helm’s phone records and compared them with IDOT timesheets he submitted from September 9, 2011, through March 9, 2012. Mr. Helm’s timesheets were reviewed in order to confirm that he was paid for conducting State business during times he made personal or non-work related telephone calls.

When examining Mr. Helm’s timesheets, investigators excluded time that Mr. Helm spent on a lunch break or any benefit time, and included hours for which Mr. Helm was paid for overtime. Specifically, investigators compared time when Mr. Helm was paid—as he recorded it on his timesheet—to time he spent making personal telephone calls, based upon telephone records obtained.<sup>18</sup> In light of the fact that Mr. Helm stated that he conducted State business on his personal cell phone, investigators *only* identified individuals or organizations he called during work hours whom Mr. Helm said, during his interview, were of a personal nature. Thus, investigators focused on the following persons:

- [Person 1]
- [Person 2]
- [Person 3]
- [Person 4]

In addition, investigators also included calls Mr. Helm made to the Ravenswood Community Council, an entity he said was not related to IDOT business. Investigators also included calls Mr. Helm made to [Person 5],<sup>19</sup> as this was the residence of [Person 1], one of his personal friends. Investigators also obtained and reviewed State employment records for all of the above-referenced persons and confirmed that none of them were employed by the State of Illinois for the relevant time period, which confirms Mr. Helm’s statement that calls to these persons were personal, rather than work-related.

Investigators then calculated the total amount of time Mr. Helm spent on personal calls and discovered that from September 9, 2011, through March 9, 2012, he in fact did spend a total of about 41 hours on his personal phone making non-work related calls during State time to the

---

<sup>17</sup> See Mr. Helm’s first October 16, 2013, letter to IDOT, attached as Exhibit A. Mr. Helm’s second October 16, 2013, letter to IDOT is attached as Exhibit B.

<sup>18</sup> Investigators excluded all text messages and incoming calls of one-minute or less.

<sup>19</sup> Although Mr. Helm was not asked about [Person 5] in his interview, as detailed below, records revealed that [Person 5] has never been employed by the State of Illinois. Moreover, [Person 5] resided with [Person 1], an individual who Mr. Helm admitted was a friend.

persons identified above, as well as to the Ravenswood Community Council. When multiplied by his hourly wage,<sup>20</sup> the loss to the State as a result of this misconduct is in excess of \$2,000.

#### **IV. ANALYSIS**

The investigation revealed that Mr. Helm: (1) violated IDOT's Cellular Telephone Usage Directive and the Personnel Policies Manual when he communicated on his personal telephone about non-State business for about 41 hours; and (2) violated IDOT's State Vehicle Usage Policy and Rules for Employee Conduct when he used a State-owned vehicle for personal, non-State related, purposes and disregarded a traffic law.



##### **A. Mr. Helm's Conduct Violated IDOT's Cellular Telephone Usage Directive and IDOT's Personnel Policies Manual – Rules for Employee Conduct**

Mr. Helm admitted that his personal telephone usage was "excessive" and the OEIG does not dispute this fact. Mr. Helm engaged in approximately 41 hours of personal conversations on his personal telephone from September 9, 2011, through March 9, 2012, all during his State work hours.

Mr. Helm admitted to using his personal telephone to exchange non-State related telephone calls. Mr. Helm said these communications were "personal." Further, Mr. Helm stated that his "excessive" personal telephone usage on State time was tantamount to "time abuse." Mr. Helm also acknowledged that the time he spent on his personal telephone during his State work hours could have been better spent.

Therefore, the allegation that Mr. Helm repeatedly, and on multiple occasions, violated IDOT's Cellular Telephone Usage Directive when he used his personal telephone to exchange hours of non-State related telephone communications during his State work hours is **FOUNDED**.

Similarly, the allegation that Mr. Helm repeatedly, and on multiple occasions, violated IDOT's Rules for Employee Conduct when he used his personal telephone to exchange hours of non-State related telephone communications, rather than perform his assigned duties is **FOUNDED**.

##### **B. Mr. Helm's Conduct Violated IDOT's State Vehicle Usage Policy and IDOT's Personnel Policies Manual – Rules for Employee Conduct**

Mr. Helm also admitted that he used a State-owned vehicle to visit a non-State employee and admitted to transporting a non-State employee in a State-owned vehicle, on State time, on multiple occasions over the last three years. Mr. Helm also admitted to using his assigned State-

---

<sup>20</sup> Mr. Helm's hourly wage was determined to be about \$48.92 based upon a formula converting base salary to daily or hourly equivalents pursuant to Ill. Admin. Code tit. 80, §310.70.

owned vehicle about once per week over the past three years to conduct personal (non-State) related activities. Therefore, the allegation that Mr. Helm violated IDOT's Vehicle Operator's Manual when he used a State-owned vehicle for personal – non-State related – purposes is **FOUNDED**.

Additionally, the allegation that Mr. Helm repeatedly, and on multiple occasions, violated IDOT's Rules for Employee Conduct when he used a State-owned vehicle for personal – non-State related – purposes is **FOUNDED**.

Mr. Helm claims that he worked on Sunday, May 13, 2012 – despite the fact that his timesheets and [redacted's] records reflect otherwise. In any event, in addition to using a State-owned vehicle for personal – non-State related – purposes, Mr. Helm also disregarded a traffic law while operating a State-owned vehicle even if he was working that Sunday.

Therefore, the allegation that Mr. Helm violated IDOT's Vehicle Operator's Manual on May 13, 2012 when he disregarded a traffic law while operating a State-owned vehicle for personal – non-State related – purposes is **FOUNDED**.

**C. [Unfounded allegation redacted]**

[Redacted]

[Redacted]

**D. Calculation of loss**

The loss to the State as a result of Mr. Helm's misconduct is in excess of \$2,000.

**V. CONCLUSIONS AND RECOMMENDATIONS**

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – William Helm repeatedly, and on multiple occasions, violated IDOT's Cellular Telephone Usage Directive when he used his personal telephone to exchange hours of non-State related telephone communications during his State work hours.
- **FOUNDED** – William Helm repeatedly, and on multiple occasions, violated Chapter 10, Section 10-3(W) of IDOT's 2010 Personnel Policy Manual – Employee Conduct and Chapter 10, Section 10-3(Y) of IDOT's 2011 Personnel

Policies Manual – Employee Conduct when he used his personal telephone to exchange hours of non-State related telephone communications, rather than perform his assigned duties.

- **FOUNDED** – William Helm violated Chapter 1, Section 1-1(c)(1),(9) of IDOT’s Vehicle Operator’s Manual when he used a State-owned vehicle for personal – non-State related – purposes.
- **FOUNDED** – William Helm repeatedly, and on multiple occasions, violated Chapter 10, Section 10-3(S)(2)(a) of IDOT’s 2010 Personnel Policy Manual – Employee Conduct and Chapter 10, Section 10-3(T)(2)(a) of IDOT’s 2011 Personnel Policies Manual – Employee Conduct when he used a State-owned vehicle for personal – non-State related – purposes.
- **FOUNDED** – William Helm violated Chapter 1, Section 1-1(e)(2) of the Vehicle Operator’s Manual and Chapter 10, Section 10-3(T)(2)(a) of IDOT’s 2011 Personnel Policies Manual – Employee Conduct on May 13, 2012, when he disregarded a traffic law while operating a State-owned vehicle for personal – non-State related – purposes.
- **UNFOUNDED** – [REDACTED]

Given that Mr. Helm is no longer employed by the State, the OEIG recommends that a copy of this report be placed in his file. Additionally, the OEIG recommends that IDOT recoup from William Helm the financial loss suffered as a result of his misconduct.

No further investigative action is needed, and this case is considered closed.

Date: **December 23, 2014**

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

By: **Joshua I. Grant**  
Deputy Inspector General

**Kevin McKanna**  
Investigator #116

---

**Exhibit A**

October 16, 2013

Mr. John Fortmann,  
District One Engineer  
201 West Center Court  
Schaumburg, IL

Mr. Fortmann,

I am requesting an appeals hearing in person with you to discuss the five-day suspension and \$1,876.11 monetary penalty I was issued on 10/10/13 by the Illinois Department of Transportation (IDOT). Though this Office of Executive Inspector General (OEIG) review was conducted 9/20/2011 through 12/24/2011, it will be hard to recall all of the particulars involved.

I specifically would like to focus on the \$1,876.11 monetary penalty in this matter by the OEIG. I believe this exorbitant monetary penalty is unjustified. The following are just some of the reasonable doubtful unanswered questions that need to be answered. These would further support my reasons for this unjustified monetary penalty to be significantly reduced or dismissed totally. What was the process? How was this calculated? Who was involved in the decision? What are the guidelines? In my particular matter, what would justify such an extreme unexplainable monetary penalty? In addition, I will present a convincing oral argument as to reasons why this excessive monetary penalty should be entirely dismissed.

I am being financially penalized twice in this matter. My five-day suspension will put me at a monetary loss of \$1,989.58 from my pay. In addition, I am being issued a monetary penalty of \$1,876.11. Actually, I am suffering a much greater financially loss of \$3,865.69 issued by IDOT in this matter.

This matter was an administrative review that could not justify such an exorbitant monetary penalty. I will present my private call records and work calls, which were obtained, to contradict the 41 hours of alleged "misuse of state time" to question the OEIG finding. I will try providing work related matters that occurred two years ago to the best of my ability. IDOT upper management acknowledged and accepted my private cell number as a primary contact for work.

The entire 6 years, in totality, of my employment has consisted of thousands of calls made and received. Did the OEIG separate my total call records to differentiate between business and personal calls during work hours? Moreover, include my state business activities with my IDOT issued blackberry? I believe the OEIG failed to perform this task because they could not be specific in what calls they were referring to as "excessive cell phone use" during business hours. They failed to present any form of burden of proof on their behalf but only an absurd subjective

assumption. Most importantly, did the OEIG do a comparative analysis matching my primary contact number to work related activity with my blackberry for state business? I encourage IDOT to have District One IT Manager [redacted] do a comparative analysis of my work issued blackberry e-mails during the same time frame, which I had been accused of "misuse of state time." These records will dispute the allegations by the OEIG. In fact, the records will display that I was indeed conducting state business through my state issued blackberry during the same timeframe. Moreover, why do I have so many calls on my primary contact number, private cell phone, compared to my work issued blackberry number? The conclusion is easy, all stakeholders and IDOT have my private cell number as a primary contact. Those who offer their private cell phone number, as a contact, for IDOT business should then be subjected to the same OEIG investigation and consequence. Most importantly, what has past practice revealed at IDOT regarding a similar situated matter such as mine?

I look forward to a face-to-face resolution conference with you. At your earliest convenience, I can be contacted at [redacted]

Sincerely,

William Helm

Cc: Deborah Allen

# **Exhibit B**

October 16, 2013

Mr. John Fortmann,  
District One Engineer  
201 West Center Court  
Schaumburg, IL

Mr. Fortmann,

I am submitting the following response for the discipline issued: a five-day suspension and \$1,876.11 fine issued by the Illinois Department of Transportation (IDOT). The relief that I am seeking is for due process to appeal this discipline.

First and for most, I would like to emphasize as an IDOT employee I had cooperated and assisted, per IDOT policies and procedures, in this matter with the Office of Executive Inspector General (OEIG) from the beginning up until the conclusion. The OEIG conducted an administrative review via anonymous complaint regarding alleged violations that I committed as an IDOT employee. It was alleged that I

..... This is a serious allegation, which was vigorously reviewed in-depth by the OEIG. After several months of this administrative review and individuals being interviewed, the results revealed that I had not been in violation of the aforementioned. Most importantly, the OEIG's review determined these anonymous allegations to be entirely unsubstantiated.

While the OEIG was conducting their in-depth anonymous complaint administrative review, they decided to look into my personal cell phone number. This cell phone number, which I provided to IDOT at no expense to taxpayers, is my primary contact number for both personal and work. I believe the OEIG was unethical and unlawful in their actions by obtaining my personal call records for the past 3 years including reviewing every single call I have made and received. Moreover, identifying every caller by subscriber information. I would like to emphasize this review the OEIG conducted was administrative in nature. Their unlawful means, by which the OEIG obtained my personal call records, is behavior reserved for a criminal investigation. The OEIG does not have police powers and is not a law enforcement agency. This review conducted was presented as an administrative matter from the beginning up until the close of this review.

I want to accentuate that the most serious issue via anonymous complaint in this review matter was entirely unsubstantiated by the OEIG. As such, they chose to pursue other avenues of discipline against me. The first discipline was for alleged excessive cell phone use during work hours. What the OEIG tried to undertake is extremely subjective, excessive, which no policies exist. I have been employed with

IDOT for over 6 years and have never been disciplined. In fact, over my twenty plus years in civil service, at different levels of government, I never had been disciplined.

A great deal of my work involves using my personal cell phone as I provided as a primary contact for IDOT, which again, is not an expense to taxpayers. Currently, one can imagine the numerous call records that would be generated between work and personal use over a 3-year period. The entire 6 years, in totality, of my employment has consisted of thousands of calls made and received. Did the OEIG separate my total call records to differentiate between business and personal calls during work hours? Moreover, include my state business activities with my IDOT issued blackberry? I believe the OEIG failed to perform this task because they could not be specific in what calls they were referring to as "excessive cell phone use" during business hours. They failed to present any form of burden of proof on their behalf but only an absurd subjective assumption. Most importantly, did the OEIG do a comparative analysis matching my primary contact number to work related activity with my blackberry for state business? I encourage IDOT to have District One IT Manager do a comparative analysis of my work issued blackberry e-mails during the same time frame, which I had been accused of "misuse of state time." These records will dispute the allegations by the OEIG. In fact, the records will display that I was indeed conducting state business, which concur with my IDOT primary contact private cell number. Moreover, why do I have so many calls on my primary contact number, private cell phone, compared to my work issued blackberry number? The conclusion is easy, all stakeholders and IDOT have my private cell number as a primary contact. Those who offer their private cell phone number, as a contact, for IDOT business should then be subjected to the same OEIG investigation and consequence.

My job necessitates managing a very large geographical area for which I am responsible 24 hours and 7 days a week. This also includes oversight of approximately 2,816 lane miles year round and over 118 snow and ice routes during the winter season. Within this area of responsibility, I am accountable for the operational management of numerous IDOT employees under my authority. Past practice displayed at IDOT, the majority of those IDOT employees do utilize personal cell phones as their primary means of communications during work hours. Should they also be subject to the same review as I had been for "excessive cell phone use?" Moreover, there are a very large number of stakeholders that I interact with. I obligate myself being available 24 hours, 7 days a week for numerous work related undertakings for IDOT. Most importantly, as such, I am available for those taxpayers and stakeholders in my area of responsibility for calls too. Such stakeholders include elected officials involved at every level of government, Village Managers, Township Supervisors, District One Chief Engineer and Executive staff located at Schaumburg, Bureau of Traffic, Sign Shop, Business Services, Financial Services, 24/7 Communication Center, Yard Technicians, ninety-plus Highway Maintainers, and over 280 snow and ice seasonal temporary help.

My accessibility to service and communication tasks are immense in my personal dealings at IDOT. I am hoping that one would comprehend how this would generate a large volume of calls when dealing with every task at hand, in my area. Moreover, this includes my personal communications as well. Like most individuals in today's society, I do not have a home phone. Naturally, this adds to my call volume and any reasonable person would understand. Therefore, the claims that I display a pattern of excessive cell phone use during state work hours is a distortion of the facts, in this matter. Moreover, the OEIG's "finding" is solely based on IDOT memos addressing Electronic Devices and Cell Phone Usage. In fact, these memos do not even relate because my private cell phone number was offered as a primary contact for IDOT, and accepted by IDOT, at no expense to taxpayers. Moreover, no upper management objected or questioned my offering of my private cell number as a primary contact. Though the OEIG is relying on these memos by distorting the true meaning and purpose just to base their case and recommendations on. The true purpose and meaning of these particular memos were to specifically address IDOT Highway Maintainers misuse of cell phone usage during work hours. In fact, the main objective was specific to addressing Highway Maintainers not working but wasting work hours on their personal cell phone conducting non-state business. Especially, while in work safety zones. No such memos specifically address IDOT management.

My current supervisor, \_\_\_\_\_, who is the Bureau Chief of Maintenance, has never mentioned, written or orally, that my work productivity or accomplishments lack in any manner. Moreover, my annual evaluations display outstanding ratings for the past two years under \_\_\_\_\_. In addition, the same outstanding ratings were achieved on my evaluations while working for the Bureau of Traffic at IDOT. I would like to emphasize that since I have been working at IDOT, not once has the subject of excessive cell phone usage been addressed. Most importantly, IDOT does not have a cell phone policy currently in place for so-called "excessive" use by their employees. Moreover, IDOT does not define such either. How can one be held liable for something that does not exist on paper or in IDOT policies?

The second discipline was for receiving a red light camera ticket during a weekend in May 2012, while managing an on-going IDOT project in my area of responsibility in the Central Team Section. I made the right personal choice by taking responsibility and paid for this red light ticket of \$100. Now the OEIG wants to discipline me for something that took place over a year and a half ago? Moreover, alleging misuse of a state vehicle during this time frame? Where is the due process in this matter? This allegation is quite absurd and far-fetched. Past practice displayed at IDOT exhibits numerous other employees at IDOT having received red light camera tickets in state vehicles. These same IDOT employees were not burden to pay, or even receive discipline in any shape, form, or way. Additionally, no discipline was issued, but only for the individual to pay for the ticket or better yet, the ticket was thrown out. This variety of past practice outcomes still currently exists. Yet, I paid the red light ticket as a simplistic outcome as directed by , ..

I even utilize either a blue tooth earpiece or speakerphone whenever I am driving in the state vehicle to avoid any traffic violations. Again, what the OEIG tried to undertake is extremely subjective, excessive, and no IDOT policies exist. How can I be held accountable when nobody else at IDOT had been?

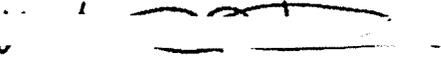
Addressing the \$1,876.11 fine issued in this matter by the OEIG. What was the process? How was this calculated? Who was involved in the decision? What are the guidelines? In my particular matter, what would justify such an extreme unexplainable \$1,876.11 fine? This matter was an administrative review that could not justify such an exorbitant monetary penalty.

In simple terms, I had been deprived the basics of both germane due process and progressive discipline. Instead, issued an unjust penalty. This matter was exceedingly subjective, though IDOT still followed through with discipline. In fact, the OEIG had to find something to justify their case by concluding unjustifiable, misperception, deceptive, and unfounded allegations, which lead up to a five-day suspension and \$1,876.11 being issued. Again, the most serious allegation via anonymous complaint was unsubstantiated by the OEIG's administrative review. Most importantly, how can this issue be pursued in any disciplinary substance in a fair and equitable fashion? Especially, when no specific policies exist? In fact, if this were the case, then every IDOT employee who utilizes his or her personal cell phone, as a contact method, should be scrutinized in the same matter. Moreover, the same for numerous issuances of red light camera tickets in state vehicles for those individuals that were not issued discipline or paid a fine. For the OEIG to pursue discipline for excessive cell phone use during business hours, one red light camera ticket, and misuse of a state vehicle is baseless and unwarranted in this matter. The optional outcome and fine by the OEIG was severely subjective. Instead, a reasonable person would believe, such in this matter, the right corrective action could have been a counseling, at most, a written reprimand and no monetary penalty at all. This particular outcome would satisfy the alleged issues in this matter in a fair and equitable manner solely based on subjective allegations brought forth by the OEIG. Most importantly, what has past practice revealed at IDOT regarding a similar situated matter such as mine?

The OEIG demonstrated arrogance by investigating a non-IDOT matter in my personal life. In fact, they interjected their subjective and meaningless assumptions that I am having a personal relationship with a female who they interviewed in this matter. What does personal life matters have to do with anything in this review? This just reiterates how the OEIG plays by their own rules and interpretation to get somebody, when really they have no facts to support their assumed conclusions.

I am requesting to be afforded the due process of appeals through IDOT regarding this matter.

Professionally yours,



William Helm

Cc: Charles Klemz  
Deborah Allen  
Personnel File



**Office of Executive Inspector General**  
 for the Agencies of the Illinois Governor  
 www.inspectorgeneral.illinois.gov

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY  
 RESPONSE FORM**

Case Number: 11-02070

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

We will implement some or all of the OEIG recommendations but will require additional time to do so.  
 We will report to OEIG within 20 days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

[Handwritten Signature]  
 Signature

IL Dept. of Transportation - Director  
 Print Agency and Job Title

Jeff Heck  
 Print Name

4/23/15  
 Date



**Office of Executive Inspector General**  
**for the Agencies of the Illinois Governor**  
[www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov)

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY  
 RESPONSE FORM**

Case Number: 11-02070

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

We will implement some or all of the OEIG recommendations but will require additional time to do so.  
 We will report to OEIG within 50 days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

[Signature]  
 Signature

IL. Dept. of Transportation, Director  
 Print Agency and Job Title

Jeff Heck  
 Print Name

2/6/15  
 Date



# Illinois Department of Transportation

Office of Quality Compliance & Review  
2300 South Dirksen Parkway / Springfield, Illinois 62764

March 5, 2015

Mr. Joshua I. Grant  
Deputy Inspector General  
Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
69 West Washington Street, Suite 3400  
Chicago, IL 60602

Subject: OEIG Complaint # 11-02070

Dear Mr. Grant:

This letter is in response to your December 23, 2014 letter regarding case number 11-02070 in which you requested that we report to your office the actions that have been taken to address the recommendations made relative to your investigation. With your assistance we were able to analyze the phone records and determined that Mr. Helm spent 41.75 hours on personal phone calls during the period beginning September 9, 2011 and ending March 9, 2012. The Bureau of Claims is preparing a final demand letter to be sent to Mr. Helm requiring him to repay \$1,775.88, which represents the portion of his salary earned while making these calls.

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 217-558-4617.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeff Heck'.

Jeff Heck  
Director

# GOTTREICH & GRACE

Attorneys at Law

200 WEST SUPERIOR STREET, SUITE 210  
CHICAGO, ILLINOIS 60654  
TELEPHONE: (312) 943-0600  
FACSIMILE: (312) 943-7133

RECEIVED  
JUN 04 2015

EXECUTIVE  
ETHICS COMMISSION

Sent Via US Mail & Federal Express

June 3, 2015

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

Re: In re William Helm  
OEIG Case # 11-02070

Mr. Fornoff:

Please be advised that my firm represents the interests of Mr. William Helm with respect to your May 18, 2015 correspondence. It is my understanding that the Governor's Office of Executive Inspector General has completed its report ("Report") and your office is contemplating publication of this report. I further understand that the statute allows Mr. Helm to provide a response. I compose this letter to request that the report not be made public as I believe the offenses complained about, if true, are minor. If your office determines that publication is appropriate, I would ask that this letter also be published as Mr. Helm's response.

Mr. Helm has spent his entire life in public service. He worked for the people of the State of Illinois and citizens of Chicago and Cook County for over twenty-five years. During that time period he has had nothing but exemplary evaluations and has never been disciplined except in relation to these allegations. In fact, all of his evaluations at the Illinois Department of Transportation ("IDOT") have concluded that his performance was superior. One issue which I have much concern with is the idea of punishing Mr. Helm twice for the same infractions. Mr. Helm was suspended for five (5) working days based upon the same allegations. As I am sure you are aware, it is a due process violation to punish an employee twice for the same conduct. I believe the act of publication by the State is a punishment and he has already been punished through the suspension. I believe this is actionable, but hope we do not come to that point.

Page 2 of 3  
June 3, 2015  
Mr. Chad Fornoff

In essence it appears that the Report is claiming that Mr. Helm violated the telephone policy at IDOT and used his vehicle for personal non-IDOT related business. It is my understanding and reading of the statute that publication may occur if in fact the OIEG report indicates a violation of the State Ethics Act. Per the report, the accusation focused on violations of IDOT policy and makes no mention of an Ethics Act Violation. Be that as it may, I will address both issues in turn.

I find the claim that Mr. Helm violated IDOT's Telephone Cellular Usage Directive to be somewhat unreasonable. First and foremost, there was no cellular usage policy that I am aware of at the time of his employment. I have attached the only known regulatory information that I am aware exists regarding the use of wireless electronic devices. Ex. A. It appears this memorandum dated November 29, 2006 spells out the only policy in effect during the time period. Clearly the spirit of the memorandum is to prohibit the use of telephones and electronic devices during work hours when that behavior "disrupts work or impedes the work effort of others." *Id.* The merits of the claim itself fail to pass any reasonable test. Mr. Helm's territory consisted of a very large area of Cook County, from Oakton on the North to 195<sup>th</sup> Street and Wolf Road on the South and from Lake Michigan to Naperville-Aurora on the West. Being that he was the Central Area Supervisor he was required to be at those locations every day. Some days he drove over 200 miles. It should also be noted that Communications at IDOT had Mr. Helm's personal cell phone number due to the fact that the phones issued to the employees were subpar and often did not work. This was a common complaint by many IDOT employees as the issued Blackberrys had bad reception and dead spots. The end result is that even if you could prove that he was on his personal phone during working hours, you are unable to prove that he a) wasn't speaking about IDOT business and b) that he was not driving or at lunch.

Furthermore the time periods of that alleged improper usage is miniscule. The total number of days between September 20, 2011 and March 9, 2012 is 171 days. I reviewed the calendar and the actual working days were approximately 130 work days. Assuming he took ten (10) days off for vacation/personal time and holidays we are left with 120 days. Hence, the simple math tells us he used his personal phone for approximately 3 minutes per day during that time period. Before we encourage the Inspector General's Office to expend more tax payer's money on auditing his lunch schedule, I will save your office the trouble; he was a supervisor and did not have a regular lunch time. I do not mean to be obtuse, but this does seem a little ridiculous. How many other phone records of employees have been investigated? Are you implying that every IDOT employee who while in a truck or at a job site, calls his wife or checks on the status of the repairman, is being disciplined? I highly doubt that and I would certainly doubt a full audit of all IDOT employee cell phones has been conducted. This wreaks of political motivation and more importantly appears to be categorically unfair.

With respect to the improper use of the State vehicle, I also find that charge to lack merit. Mr. Helm admitted that he received a red light ticket. He promptly paid it. It did not affect his work

Page 3 of 3  
June 3, 2015  
Mr. Chad Fornoff

in any manner. I believe that the allegations of conducting personal business with his vehicle and visiting a friend are also petty. I believe it is important to put this allegedly egregious conduct into context as to how he discharged his duties at IDOT. Mr. Helm was responsible as indicated above, for a very large area of the state. He supervised eight (8) yards and in the winter had over 250 plus employees working for him at one time. He was on call twenty-four hours (24) and was required to respond to the needs of IDOT. This availability was especially demanded in winter months during plowing. He never shirked his duties and always ensured the business of IDOT was taken care of. Did he stop at the bank during lunch or on his way home? Possibly. Did he give a person a ride who was stranded and not an IDOT employee? Possibly. But was he abusing the trust of the State and using the vehicle as his personal vehicle? Absolutely not. The findings in the Report do not indicate this and nowhere could a reasonable person glean this. I again question whether or not these types of investigations have been commenced with other employees similarly situated.

I also take issue with the manner in which this investigation has been conducted. The Inspector General has asked for and received a number of extensions. This investigation was closed at one point and then reopened. IDOT has sanctioned Mr. Helm for conduct that is going on four (4) years old and now we are again attempting to duplicitously sanction him. I find the entire process to be bordering on harassment. Is this retribution? Is this an attempt to embarrass? Or is this something much more sinister like an attempt to inhibit Mr. Helm's ability to attain future employment? The new governor has taken great pains to put forth a policy to hamper corruption and abuse. That is a noble agenda, an agenda that all Illinoisans support. However, this current investigation focused on a man with an exemplary record who has done nothing but served the people of Illinois does not achieve that end result. I believe your efforts should be focused on other more legitimate pursuits.

I truly hope that reasonable minds will prevail and this investigation will be closed without publication. It is Mr. Helm's opinion that this matter should end for all parties involved. But I will simply state that if publication occurs it will not be taken lightly. I believe there is cause to proceed in the civil courts as this is willful and reckless conduct and not the type of conduct covered under any immunity that I am aware of.

I thank you for your time and I trust this matter is over. If you have any questions or concerns please feel free to contact me.

Sincerely, /

  
Timothy M. Grace



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

May 5, 2015

William Helm

Chicago, IL 606

Re: **FINAL DEMAND**

OEIG Report #11-02070

Demand Amount: \$1,775.89

IDOT Claim #: 778767

Dear Mr. Helm:

This letter replaces the letter of October 10, 2013 from Deborah J. Allen to you. You acknowledged receipt the same day. Subsequently, you were provided copies of your emails from 09/20/2011 – 12/24/2011 as requested. You made no additional requests.

As you are aware, the Office of the Inspector General (OEIG) conducted an investigation of your employment and cellular phone activities during the period from September 20, 2011 through December 24, 2011.

The results of that investigation indicated you had approximately forty-one (41) hours of misuse of State time. The actual calculations determined the time to be 40.75 hours. See attached invoice.

I am required to advise you that this notice will serve as the Department's **FINAL DEMAND** for reimbursement of the stated sum within fifteen (15) days of the date of this letter. You must:

- (1) Remit the entire sum of \$1,775.89 payable to the Treasurer of the State of Illinois; or
- (2) Enter into a written deferred (installment) payment agreement totaling \$1,775.89; or
- (3) Provide a written request for a face-to-face conciliation conference. The request should include the reason(s) you believe the debt is not owed as well as all documentation that supports your position. You should also remit the amount with which you agree to be a valid debt.

EXIA

Letter to William Helm  
Page 2  
May 5, 2015

A face-to-face conciliation conference, if requested, will be scheduled within fourteen (14) days of receipt of your request. It will be held before the Honorable Thomas Sonneborn, Administrative Law Judge, 2300 South Dirksen Parkway, Conference Room 313, Springfield, Illinois 62764.

I am required to inform you that this is an attempt to recover a debt. A conciliation conference is only for the purpose of collecting a debt through the Illinois Office of the Comptroller (15ILCS 405.1, et seq.). A conciliation conference will not delay or negate a referral to the Office of the Attorney General for the filing of a lawsuit or other efforts to enforce recovery.

I encourage you to bring this matter to a prompt resolution.

Very truly yours,



James E. Sterr  
Chief, Bureau of Claims  
217-782-6263  
[James.Sterr@illinois.gov](mailto:James.Sterr@illinois.gov)

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7011 0470 0001 7561 1759**

c: Jeff Heck, Director QQCR

Certified Mail #7011 0470 0001 7561 1759 and via Regular Mail