

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: DERRONALD WARD) OEIG Case # 11-2080

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 Derronald Ward 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. Initial Allegation

The Chicago Transit Authority (“CTA”) Office of Inspector General received an anonymous complaint alleging that CTA employee Derronald Ward was working secondary employment as a celebrity tour bus driver while on medical disability. Pursuant to Section 75-10(b) of the State Officials and Employees Ethics Act (“Ethics Act”), the Office of Executive Inspector General (“OEIG”) assumed the investigation.

II. Background

A. CTA Employee Derronald Ward

On December 10, 1993 Mr. Ward completed portions of his application for a bus operator position with the CTA. Mr. Ward signed a “secondary employment survey” wherein he was

asked whether he has or anticipates having a job in addition to his employment with CTA. Mr. Ward answered “no” to the question and signed the form.¹ He also signed his name indicating that he had received a copy of the CTA General Rulebook and the CTA Code of Ethics, both of which prohibit secondary employment without the CTA’s permission. On December 13, 1993, Derronald Ward began working for the CTA as a bus operator.

B. CTA’s Long-term Disability Policy

CTA employees who become disabled and unable to work because of a non-occupational illness may seek short-term disability leave. If the CTA approves the employee’s disability leave, the employee is entitled to financial benefits for up to 26 weeks while absent from work. In addition, CTA employees who become disabled and unable to work also have the right to maintain their employee status for up to two years from the last day worked if the employee’s medical condition renders them unable to perform their essential job duties.

CTA employees seeking to take advantage of the two-year long-term leave must comply with the CTA’s Temporary Medical Disability (hereinafter “Long-term Disability Policy”).² The Long-term Disability Policy is distinct from short-term disability leave because the Long-term Disability Policy does not entitle an employee to financial benefits. Rather, it preserves the employee’s opportunity to return to work for CTA if a position in the same job classification is available when the employee recovers from his illness. Employees who are on long-term disability must nevertheless provide medical documentation from their physician, confirming continued treatment and inability to return to work. The CTA contracts with a third party administrator to process short and long-term disability claims.

If after the two-year period an employee can demonstrate through medical documentation that he or she will return to work within an additional year (third year), the CTA Disability Review Committee may grant a one-year extension of long-term disability status. However, if after two years of long-term disability leave the employee does not return to work or does not request a one-year extension of their leave, the CTA will administratively separate the employee.

C. Former CTA [Administrator]

[Identifying information redacted] [Former CTA administrator] knew Mr. Ward and knew he worked as a bus operator in the 103rd Street garage where [former CTA administrator] previously served as Transportation Manager for several years and had encountered Mr. Ward on five or six occasions.

III. Investigation

A. Mr. Ward’s Long-term Disability Leave

According to medical documents, on May 3, 2010, Mr. Ward [redacted] and was hospitalized. In late May 2010, Mr. Ward requested and was granted short-term disability leave. Mr. Ward’s treatment plan included, among other things, “rest.” Documentation stated that “on

¹ As of December 9, 2011, Mr. Ward’s personnel file did not contain a *Secondary Employment Application* from Mr. Ward requesting the CTA’s permission to pursue secondary employment.

² CTA refers to employees on this long-term disability as being in “Area 605” status.

09/10/2010?” Mr. Ward could resume work. Mr. Ward, however, did not return to work on September 10, 2010. Thereafter, the CTA placed Mr. Ward on long-term disability leave and informed him to provide continual medical documentation in order to remain on long-term disability leave.

Mr. Ward did submit documentation postponing his return to work date. Specifically, he submitted medical documents stating that he would return to work on the following subsequent dates:

- October 6, 2010
- January 28, 2011
- February 25, 2011
- May 13, 2011
- November 29, 2011

Despite submitting documentation indicating that he would return to work on each of the above dates, Mr. Ward never returned to work.

B. Investigation of Mr. Ward’s Activities While on Long-term Disability Leave

1. Review of Documents

During the course of the investigation, the OEIG obtained a document that appeared to be a tour bus invoice dated March 3, 2010. The invoice included the name “Ron Ward” and was for a fourteen-day bus tour with the address of 718 Thompson Lane #108-260 Nashville, TN 37204. The Thompson Lane address is for a company called Tour Bus Leasing. In the column labeled “phone #,” the invoice lists telephone number [redacted]. The invoice also listed tourbusleasing@gmail.com as the email address and www.tourbusleasing.com as the company’s website. Finally, under an entry entitled “bill to” the invoice included the name “Ron Ward.”

The OEIG reviewed Mr. Ward’s personnel file and identified telephone number associated with him. A review of his cellular telephone records for the period of August 3, 2010 (or three months after Mr. Ward’s May 3, 2010 [hospitalization]) through February 6, 2012 revealed over 2,900 calls made between Mr. Ward’s cellular telephone number and numbers associated with Tour Bus Leasing.

As part of its investigation, the OEIG also conducted numerous internet searches related to Mr. Ward’s activities as a bus driver for entertainers and discovered the existence of a “YouTube” video called “Ron’s Bus.”

2. Review of “Ron’s Bus” YouTube Video

On December 2, 2011, the OEIG reviewed a “YouTube” video called “Ron’s Bus” which featured an individual identified as “Ron Ward, Celebrity Bus Driver.”³ In the video, a “Ron Ward” states that he has driven numerous entertainers. The video also declares that Mr. Ward is a “million mile club” member because he has driven “a million miles in the United States and Canada.” The “Ron Ward” then shows the camera what appears to be various tour dates and

³ The video was removed from YouTube sometime after December 2, 2011.

schedules, one of which reads: “April 22, 2011 – Diddy Dirty Money Tour – Madison Square Gardens, New York, NY – Hammerstein Ballroom.”⁴

On May 18, 2012, [former CTA administrator] viewed the “YouTube” video and immediately stated that the “Ron Ward” depicted in the video is CTA employee Derronald Ward. When asked how he could be sure the individual in the video is Mr. Ward, [former CTA administrator] stated that he particularly recalled Mr. Ward’s appearance because of a memorable personnel issue in 2006.⁵

C. Investigation Relating to Mr. Ward’s Secondary Employment

The OEIG also obtained documents from the CTA describing an interview that took place on November 30, 2011 between various CTA employees and Mr. Ward. As noted above, Mr. Ward’s CTA personnel file did not contain a *Secondary Employment Application*. The CTA documents revealed that when asked, Mr. Ward stated that he has not engaged in secondary employment in the entire course of his employment with CTA and had not engaged in secondary employment since his May 3, 2010 absence.

Records OEIG investigators reviewed, however, revealed that Mr. Ward may have been working secondary employment since at least 2007. Specifically, Mr. Ward’s personnel file included an August 15, 2007 Cook County Circuit court order that stated, among other things, that Mr. Ward is “employed as a driver for a rapper tour.”

A search using Mr. Ward’s name and date of birth revealed that he had been issued a speeding citation in Cleveland County, North Carolina on February 29, 2008. In fact, Mr. Ward’s Illinois driver’s license number is listed on the citation which states that Mr. Ward was operating a “green Prevost Bus”⁶ at a speed of 80 miles per hour in a 65 mile per hour zone and failed to display vehicle registration.

D. OEIG Attempts to Schedule an Interview with Mr. Ward

On March 27, 2012, in an effort to speak with Mr. Ward about the allegations relating to his operation of a bus while on medical leave and secondary employment, an OEIG investigator called a telephone number registered to Mr. Ward. After dialing the number, the individual who answered the telephone identified himself as Deronnald Ward. During the course of the conversation, the investigator was able to schedule an interview with Mr. Ward for April 24, 2012 at 10:00 a.m.

⁴ Further investigation revealed that this tour did take place and was in New York at the Hammerstein Ballroom on April 22, 2011.

⁵ [Former CTA administrator] stated that in 2006 Mr. Ward was returning from a prolonged absence and had to attend training. According to [former CTA administrator], Mr. Ward submitted an Illinois driver’s license to training personnel that had a hole punched through the date on the license. Mr. Ward told training personnel his child punched the hole in his driver’s license, but told [former CTA administrator] that the hole was punched when he surrendered the license in another state.

⁶ The OEIG determined that the vehicle is registered to an individual from Webster, Florida. A search indicated that the individual’s name is associated with a bus leasing company.

After this telephone call, the investigator confirmed Mr. Ward's interview date and time. The investigator confirmed the appointment via certified mail on April 4, 2012, electronic mail on April 3 and 11, 2012, and voicemail on April 23, 2012.

On April 24, 2012 at 10:00 a.m., Mr. Ward did not appear for his scheduled interview. In an effort to provide Mr. Ward with another opportunity to cooperate and respond to the allegations in this case, a certified letter was sent to Mr. Ward on April 26, 2012. In the letter, Mr. Ward was reminded about his duty to cooperate and directed him to contact the OEIG for the purpose of appearing for a May 3, 2012 interview. Mr. Ward neither contacted the OEIG nor did he appear for his scheduled May 3, 2012 interview.

E. The CTA Terminates Derronald Ward

The OEIG learned that in January 2012, the CTA Benefits Compliance Manager informed Mr. Ward via correspondence that if he did not return to active employment status by May 2, 2012, his long-term disability leave would end. The CTA also informed Mr. Ward that he had until May 2, 2012 to request a one-year extension of inactive status.

Mr. Ward did not return to work nor did he provide CTA any further documentation of his illness. The CTA administratively separated Mr. Ward from employment on May 3, 2012.

IV. Analysis

A. CTA's Secondary Employment Policies

The CTA policy on secondary employment requires employees to complete the *Secondary Employment Application*, Form 7822, prior to engaging in secondary employment and receive permission from the CTA to engage in such employment. See CTA Administrative Procedure #1022, 4.2. CTA General Rule 9⁷ (a) and CTA Code of Ethics Section 2.10 also prohibit outside employment without prior written permission of the CTA.

The evidence obtained during the course of this investigation reveals that Mr. Ward worked secondary employment as a tour bus driver without the permission of the CTA and had been doing so for years. The "Ron's Bus" YouTube video which [former CTA administrator] confirmed depicted Mr. Ward, reveals that Mr. Ward was in fact a celebrity bus driver and that from August 2010 to February 2012 telephone records confirm that he was in frequent contact with a telephone number associated with Tour Bus Leasing. The 2007 court order also confirms that Mr. Ward has been a bus driver and the 2008 speeding ticket in North Carolina further corroborates Mr. Ward's bus driving for a number of tours.

In sum, the evidence reveals that Mr. Ward worked as a tour bus driver without the CTA's permission both before and after taking long-term disability leave. Therefore, the allegation that Mr. Ward violated CTA's secondary employment policy is **FOUNDED**.

⁷ The *Chicago Transit Authority General Rule Book Governing All Employees* (in effect October 1, 1989; Adopted and Approved by CTA Ordinance No. 77-63, June 8, 1977).

B. CTA Rules Regarding False Statements

Under the applicable CTA rules,⁸ “[t]he following acts are not permissible...falsifying any *written or verbal statement*” (emphasis in the original). Rule 14(j): Personal Conduct.

In this matter, Mr. Ward’s November 2011 statements to CTA Transportation staff in which he denied having secondary employment while employed at the CTA was knowingly false. As discussed above, the totality of the evidence, including the bus tour invoice, telephone records, a YouTube video, a court order, and a speeding ticket, indicate that this statement was false. Because Mr. Ward falsified a statement to CTA managers, this allegation is **FOUNDED**.

C. Failure to Cooperate

CTA employees have a duty to cooperate with the OEIG under the Ethics Act. *See* 5 ILCS 430/20-70. Failure to cooperate with an investigation of the OEIG is grounds for disciplinary action, including dismissal. *Id.*

Mr. Ward failed to appear for his scheduled interview as requested by the OEIG on two separate occasions. Moreover, despite numerous attempts to schedule and confirm his interview, Mr. Ward failed to appear and this conduct constitutes non-cooperation in violation of the Ethics Act. Therefore, the allegation that Mr. Ward failed to cooperate is **FOUNDED**.

V. Recommendations

After due investigation, the OEIG issues these findings:

- **FOUNDED**—Derronald Ward violated CTA’s secondary employment policies by working as a bus driver without the CTA’s permission.
- **FOUNDED**—Derronald Ward violated CTA’s rules by making false statements to CTA managers regarding secondary employment.
- **FOUNDED**—Derronald Ward violated the State Officials and Employees Ethics Act by failing to cooperate with the OEIG.

In light of the fact that on May 3, 2012 Mr. Ward was administratively separated from his CTA employment, no further disciplinary action need be taken. The OEIG recommends that the CTA place a copy of this report in Mr. Ward’s file and that Mr. Ward not be considered for future CTA employment.

In light of the circumstances of this investigation, the OEIG will not request that the Illinois Attorney General file a complaint against Mr. Ward regarding his violation of Section 20-70 of the Ethics Act.

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

⁸ *Id.*

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July 10, 2012

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RE: OEIG Case No. 11-02080/CTA Response

Dear Mr. Olson:

We have implemented the OEIG's recommendations in this case. Specifically, a copy of the OEIG's Final Report has been placed in Mr. Derronald Ward's file and, per the OEIG's recommendation, Mr. Ward will not be considered for rehire by the CTA.

If you have any questions concerning this response, please do not hesitate to call. Thank you.

Very truly yours,

Karen G. Seimetz
General Counsel

Cc: Forrest Claypool
Terry Peterson