

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: BOBBI MERCER) OEIG Case #17-00157

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 this 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 Bobbi Mercer at her last known address.

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

FINAL REPORT

I. INTRODUCTION

On January 25, 2017, the Office of Executive Inspector General (OEIG) received a complaint alleging that former Department of Human Services (DHS) employee Bobbi Mercer improperly issued Illinois Link cards containing Supplemental Nutrition Assistance Program (SNAP) benefits to individuals incarcerated in either the Adams County Jail or the Illinois Department of Corrections (IDOC) and that the benefits had been used since their issuance.

II. BACKGROUND

A. Former DHS Public Aid Eligibility Assistant Bobbi Mercer

On December 1, 2015, Ms. Mercer began working for DHS as a Public Aid Eligibility Assistant in the Quincy, IL office. According to the Public Aid Eligibility Assistant position description, Ms. Mercer's duties included performing "routine casework support functions by screening and registering [Public Aid] applications, sorting of incoming documents, ...[and] providing office receptionist functions for support staff." Ms. Mercer was terminated from her Public Aid Eligibility Assistant position on March 15, 2017, for conduct unbecoming a State employee based on her issuing and mailing "[L]ink cards without authorization" to clients who were incarcerated.

B. Supplemental Nutrition Assistance Program

SNAP is a program administrated by DHS "designed to help people buy food by supplementing the cash they have available to buy food."¹ Benefits are provided on the Illinois Link card, a card that works like a debit card that allows users to purchase food at most grocery stores.²

II. INVESTIGATION

A. Interview Of DHS [Employee 1]

On March 17 and 30, 2017, the OEIG interviewed DHS [Employee 1]. She said she has worked in her current position since September 2016 and has worked for DHS since November 1984. [Employee 1] said that her current duties include [identifying information redacted] to help ensure that DHS clients receive the appropriate benefits.

[Employee 1] explained that DHS utilizes a Data Exchange system that will provide her office with a monthly list that cross references clients receiving benefits, such as SNAP, with a variety of other lists that may make a client ineligible to continue receiving those benefits such as being incarcerated. According to [Employee 1], in January 2017, she received information reflecting that Link cards had been mailed from the DHS office to clients who were incarcerated at that time, and the Link cards were used during the period of the client's incarceration. After receiving this information, [Employee 1] said she began looking into the matter and reviewed documents and transactions for Link cards marked as mailed from her office from November 1, 2016, through January 2017. According to [Employee 1], she found 14 instances of Link cards being mailed to clients who at the time of mailing were in the custody of either the Adams County Jail or IDOC.³

¹ DHS Policy Manual § I-05-01.

² Supplemental Nutrition Assistance Program, <http://www.dhs.state.il.us/page.aspx?item=30357> (last accessed Jan. 9, 2018).

³ [Employee 1] explained that she directed her staff to stop benefits from being applied to those cards and start the process of cancelling those clients' accounts.

[Employee 1] provided the OEIG with documents from her investigation and the files of the 14 clients. The documents include Link Card Issuance forms, EPPIC Client Transaction History reports, Transaction Detail printouts, EPPIC Client Card History reports, and printouts from a Judici search of Adams County defendants or IDOC Inmate Search printouts. [Employee 1] explained that the Link Card Issuance form is used when a DHS caseworker has determined that a client is eligible to receive benefits and those benefits will be provided on a Link card. She said that after the caseworker has filled out this form, the caseworker will provide it to a clerical worker, such as a Public Aid Eligibility Assistant, and the clerical worker is then responsible for activating the Link card. The Link Card Issuance form has identifying information such as the date, client's name, and Link card number of the card being activated. It also has places to note whether the Link card was handed to the client in the DHS office or mailed to the client, whether this is the client's first card or it is a replacement card, and a "Signature of Verifier:" space for the DHS employee verifying the information on the form. On all 14 of the suspect files for incarcerated DHS clients, the Link Card Issuance forms have the name "Bobbi Lee Mercer" written in the "Signature of Verifier" space and the forms were marked as "mailed" by Ms. Mercer without a client signature.

[Employee 1] said she also reviewed EPPIC, a case management system DHS uses to store information regarding, among other things, Link cards and DHS clients. She explained that the EPPIC Client Transaction History report shows the client's name and address as well as information for each action made on a Link card including the date, type of action, Link card number, and if the action was a purchase or credit it displays the dollar amount. DHS also has access to Transaction Detail printouts which lists the user's login identification number for each transaction made on a DHS benefits case. Each DHS employee has a unique identification number assigned to them. [Employee 1] said that the records indicated that Ms. Mercer activated the 14 replacement Link cards in question.

[Employee 1] explained that a Public Aid Eligibility Assistant, such as Ms. Mercer, does not have the authority to authorize or issue benefits. She said after the client speaks to a DHS caseworker, either in person or over the telephone, a determination is made as to whether benefits should be approved. [Employee 1] said that only a caseworker, manager, or administrator could make this decision, and that Ms. Mercer has never been given the authority to make this decision.

According to [Employee 1], if benefits are approved, then the caseworker fills out a Link Card Issuance form. She said that after the Link Card Issuance form is completed, the caseworker provides that form to DHS employees at the front desk to activate the Link card. However, if the employees at the front desk are "bombarded" then they may ask a Public Aid Eligibility Assistant for help in activating the Link card. The Link card will then either be provided to the client in the lobby or mailed to the client.

[Employee 1] explained that after learning this information regarding Ms. Mercer she brought it to the attention of more senior managers. DHS began disciplinary proceedings against Ms. Mercer who was placed on suspended status on February 14, 2017, and discharged on March 15, 2017.

B. OEIG Investigation Into The Improper Use Of Link Cards

As part of its investigation, the OEIG obtained and reviewed multiple documents for the 14 DHS clients identified by [Employee 1] including Link Card Issuance forms, EPPIC Client Transaction History reports, Transaction Detail printouts, EPPIC Client Card History reports, printouts from a Judici search of Adams County defendants, and IDOC Inmate Search printouts. The OEIG conducted a review of the 14 client files and confirmed that the 14 Link Card Issuance forms reflect that the Link cards were marked as a mailed replacement card and signed in the name of "Bobbi Lee Mercer" as the verifying signature. A review of the 14 client files revealed that 13 of the Link cards were entered into EPPIC as lost or stolen and the unique identification number used for those actions was the one assigned to Ms. Mercer. All 14 clients had a replacement Link card activated while they were incarcerated and Ms. Mercer's unique identification number was also the one used for these actions.

The OEIG reviewed the EPPIC Client Transaction History reports and the Transaction Details for the 14 Link cards, and confirmed that 115 Link card transactions were made between November 5, 2016 and January 29, 2017. Of those 115 Link card transactions, 102 were made while the named Link cardholders were incarcerated. The OEIG then reviewed the Transaction Details of the 115 Link card transactions to determine the date, time, and location of the purchases made. The OEIG contacted the various stores regarding the availability of surveillance video for the dates and times of the Link card transactions.

The OEIG reviewed these surveillance videos and compared them to photographs obtained of the DHS clients who were issued the Link cards and of Ms. Mercer. Based on its review, the OEIG concluded that the surveillance videos show Ms. Mercer using Link cards that were issued to four DHS clients for a total of nine transactions on eight different dates. The purchases totaled \$672.92. Three of the four cards used by Ms. Mercer were used an additional 12 times on a variety of different dates. Those additional purchases totaled \$596.56.

The six remaining videos show a person making purchases with Link cards identified as being issued and used when the named cardholder was incarcerated. After comparing photographs of the named cardholders to the person in the videos, the OEIG was able to conclude that the person on video was neither Ms. Mercer nor the named cardholder. In two of the videos the OEIG has reason to believe it has ascertained the identity of the female using the Link card for purchases totaling \$31.36.⁴

C. Criminal Referral By The OEIG To The Illinois Attorney General

Based upon information obtained in the OEIG investigation, on May 31, 2017, the OEIG referred this matter, pursuant to 5 ILCS 430/20-80, to the Illinois Office of the Attorney General

⁴ The adult female was wearing a shirt supporting a Springfield, IL high school extra-curricular club. The OEIG interviewed the principal of that high school and upon viewing the surveillance video, the principal identified her as a relative of one of his students. Through various public record and internet searches the OEIG obtained the name and photographs of a person identified as the student's aunt. The person in the photographs appears to be the same person in the surveillance video. Her identifying information and the videos were also provided to the Illinois Office of the Attorney General.

for criminal investigation. The Office of the Attorney General accepted the OEIG's referral and conducted a criminal investigation into these matters. At that time, the OEIG suspended its investigation so as not to interfere with any criminal investigation or action taken on the part of the Office of the Attorney General.

On October 5, 2017, a Bill of Indictment was filed against Ms. Mercer in the Circuit Court for the Eighth Judicial Circuit of Illinois, charging her with seven felony criminal offenses. Specifically, Ms. Mercer has been charged with two counts of Theft over \$500, two counts of Official Misconduct, Wire Fraud, Public Aid Wire Fraud, and Computer Fraud.

III. ANALYSIS

The DHS Employee Handbook states that "an employee holds a position of public trust and is expected to conduct himself or herself in a responsible, professional manner, refraining from conduct which could adversely affect the confidence of the public" and that "[a]n employee shall not participate in or condone fraud, dishonesty, or misrepresentation in the performance of duties."⁵

A comparison of all the relevant DHS records revealed that Link cards for 14 DHS clients were identified as issued on dates that the DHS clients were incarcerated. Ms. Mercer's unique identification number was used to enter 13 of the 14 Link cards into EPPIC as lost or stolen. All 14 DHS clients had a replacement Link card activated and Ms. Mercer's unique identification number was used for these actions. Furthermore, the Link Card Issuance forms were signed in the name of "Bobbi Lee Mercer." Finally, the surveillance videos showed on at least eight different occasions Ms. Mercer using a Link card that had been issued to DHS clients who were incarcerated at the time of its use, for a total of \$672.92 in purchases.

Based on the foregoing, there is reasonable cause to believe that Ms. Mercer improperly issued Link cards and then proceeded to use the cards herself. Because her actions adversely affect the confidence of the public, and she participated in fraud, dishonesty, or misrepresentation in the performance of her duties, these allegations are **FOUNDED**.⁶

IV. FINDINGS AND RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS:**

⁵ DHS Employee Handbook, Section V- Employee Personal Conduct (April 1, 2009).

⁶ The OEIG concludes that an allegation is "founded" when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

➤ **FOUNDED** – Bobbi Mercer’s improper activation of Link cards with SNAP benefits and improper use of those benefits herself adversely affect the confidence of the public in violation of the DHS Employee Handbook.

➤ **FOUNDED** – Bobbi Mercer participated in fraud, dishonesty, or misrepresentation in the performance of her duties when she improperly activated Link cards and used SNAP benefits in violation of the DHS Handbook.

Since Ms. Mercer has been terminated by DHS, the OEIG recommends that DHS place a copy of this report in Ms. Mercer’s personnel file and that Ms. Mercer not be rehired.

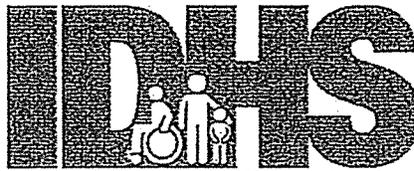
No further investigative action is needed and this case is considered closed.

Date: March 13, 2018

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

Jamiela Kassem
Deputy Inspector General

Trevor Whalen
Investigator #117



Bruce Rauner, Governor

Illinois Department of Human Services

James T. Dimas, Secretary

100 W. Randolph • Chicago, Illinois 60601

March 28, 2018

*Via e-mail to Thomas Klein, Deputy Inspector General and Chief of the
Springfield Office, on behalf of:*

Susan M. Haling

Acting Executive Inspector General

Office of the Executive Inspector General for the Agencies of the Illinois Governor

69 West Washington Street, Suite 3400

Chicago, Illinois 60602

RE: Response to the Final Report for Complaint 17-00157

Dear Acting Executive Inspector General Haling:

This letter responds to the Final Report for Complaint Number 17-00157. The Report essentially details certain allegations against a former Department of Human Services (DHS) employee, Bobbi Mercer, regarding improprieties surrounding public assistance benefits. The Report notes that the allegations are founded. The Report contains a recommendation to place a copy of the Final Report in her personnel file. That recommendation has been followed.

As such, DHS considers this matter closed. If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

James T. Dimas 61
Secretary