

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: CHARLES KEAN)

OEIG Case #18-00366

PUBLICATION OF REDACTED VERSION OF OEIG FINAL REPORT

Below is the redacted 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. 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 Executive Inspector General for the Governor, and to Charles Kean’s last address.

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

FINAL REPORT

I. ALLEGATIONS

The Office of Executive Inspector General (OEIG) received an anonymous complaint on February 14, 2018, alleging that Illinois Department of Financial and Professional Regulation (IDFPR) employee Charles Kean used State resources for his secondary employment as a Lincoln Land Community College (LLCC) instructor.¹ The complainant also stated that Mr. Kean watched television and movies on his State computer, that he left the office “on a regular basis” for extended periods, and “routinely” slept at his desk, did puzzles, and read.

On May 21, 2018, the OEIG received an anonymous complaint with similar allegations but also specifically stating that Mr. Kean did LLCC work on State time.² Additionally, the complaint alleged that Mr. Kean’s supervisor, Susan Gold, knew of “most of” Mr. Kean’s behavior and did not address it.³

II. BACKGROUND

Prior to his State employment, Charles Kean worked for the Springfield Police Department (SPD), and taught Emergency Medical Technician (EMT) courses at LLCC.

Mr. Kean started as the Chief of IDFPR’s Enforcement Administration Unit on August 16, 2017. His office was located in Springfield and according to the IDFPR Policy and Procedure Manual the working hours for the agency are from 8:30 a.m. to 5:00 p.m. Monday through Friday, unless otherwise approved by a supervisor.

Susan Gold is the IDFPR Deputy Director of Statewide Enforcement for the Division of Professional Regulation and she has held that position since October 2016. Ms. Gold was Mr. Kean’s direct supervisor and her office is in Chicago.

IDFPR’s Policy and Procedures Manual reflects that secondary employment must be approved by the employee’s immediate supervisor, Division Director, Ethics Officer, and IDFPR Chief of Staff prior to the employee’s acceptance of the employment. The secondary employment cannot occur during the employee’s regular or assigned working hours, unless the employee, “during the *entire day* on which such secondary employment occurs, is on vacation, personal leave, or compensatory time.”⁴ Employees cannot leave early or arrive late in order to accommodate the secondary employment.⁵

¹ LLCC is located in [Illinois]. <https://www.llcc.edu/> (last accessed May 17, 2019).

² This complaint was assigned Case Number 18-01076 and was closed down into this investigation.

³ Both complaints alleged that Mr. Kean also had secondary employment as an Emergency Medical Technician (EMT). While he did teach EMT classes at LLCC, the OEIG found no evidence that he was employed as an EMT during the times relevant to this investigation.

⁴ IDFPR Policy and Procedure Manual (effective July 1, 2012) (emphasis added).

⁵ *Id.*

III. INVESTIGATION

A. Mr. Kean's Request For Secondary Employment

The OEIG reviewed Mr. Kean's personnel file for any requests for approval of secondary employment. An IDFPR Secondary Employment Request form dated August 24, 2017 and signed in the name of Charles Kean reflected that Mr. Kean disclosed employment with LLCC as an "instructor for basic and advanced emergency medical technicians." The form had the signature of Mr. Kean's immediate supervisor, Susan Gold, as well as signatures in the names of the Division Director, Ethics Officer, and Chief of Staff.⁶ The form indicates that employees cannot engage in secondary employment that "interferes in any way with your performance in your primary occupation as a State employee." Mr. Kean's personnel file did not include Secondary Employment Request forms for any employers other than LLCC.

B. Mr. Kean's State Email, Printer, And Internet Usage

Emails

The OEIG obtained and reviewed Mr. Kean's State email account containing emails dated November 1, 2017, through February 28, 2018, to determine if he used it for matters unrelated to his State employment.⁷ The OEIG found that during that four-month period, Mr. Kean sent 33 emails from his State of Illinois email account related to his duties as an independent contractor for HSHS St. John's Hospital (St. John's), 30 of which were sent during his reported working hours, and not during his reported lunch period.⁸ The OEIG also found an additional three emails Mr. Kean sent from his State of Illinois email account related to his duties as an LLCC instructor, two of which were sent during his reported working hours, and not during his reported lunch period.

For example, on December 20, 2017, Mr. Kean's eTime records reflect that he worked at IDFPR from 8:30 a.m. to 5:00 p.m. with a lunch break from 11:00 a.m. to 12:00 p.m. During that day Mr. Kean exchanged the following emails with a St. John's Trauma Program Coordinator:

Time	From	To	Content
11:57 a.m.	St. John's Employee	Mr. Kean and others	The St. John's employee asked for "short bios."
12:16 p.m.	Mr. Kean	St. John's Employee	Mr. Kean provided four paragraphs summarizing his career and education.
12:17 p.m.	St. John's Employee	Mr. Kean	The St. John's employee thanked Mr. Kean.
12:18 p.m.	Mr. Kean	St. John's Employee	Mr. Kean asked the St. John's employee where the information provided would be used.

⁶ During her interview Ms. Gold confirmed that her signature was on the form.

⁷ Mr. Kean confirmed his State email address in his OEIG interview.

⁸ In his interview Mr. Kean said that he does not always accurately record his lunch break on his time report. However, many of the emails were sent before 11:00 a.m. or after 2:00 p.m.

12:21 p.m.	St. John's Employee	Mr. Kean	The St. John's employee mentioned future training.
12:22 p.m.	Mr. Kean	St. John's Employee	Mr. Kean offered to provide a more "in-depth CV" if needed.
12:25 p.m.	St. John's Employee	Mr. Kean	The St. John's employee invited Mr. Kean to join her and others for dinner before training that evening.
12:27 p.m.	Mr. Kean	St. John's Employee	Mr. Kean asked what time and where they were meeting. He also wrote that he went to work early so he could "dip early."
12:30 p.m.	St. John's Employee	Mr. Kean	The St. John's employee suggested eating at "3:45ish" and asked for suggestions on places to eat.
12:31 p.m.	Mr. Kean	St. John's Employee	Mr. Kean wrote that he was "trying to get some work stuff done here that got dropped on me from Chicago."
12:48 p.m.	Mr. Kean	St. John's Employee	Mr. Kean added that he is also a paramedic.
12:49 p.m.	St. John's Employee	Mr. Kean and another individual	The St. John's employee sent information regarding future classes and asked for confirmation that Mr. Kean was able to "attend/instruct."
12:59 p.m.	St. John's Employee	Mr. Kean and another individual	The St. John's employee sent another class schedule and wrote that she would need an instructor.
1:15 p.m.	Mr. Kean	St. John's Employee	Mr. Kean replied that he could "do that Saturday."
1:49 p.m.	Mr. Kean	St. John's Employee	Mr. Kean inquired about their afternoon plans.
2:14 p.m.	St. John's Employee	Mr. Kean	The St. John's employee listed two restaurants.
2:17 p.m.	Mr. Kean	St. John's Employee	Mr. Kean chose a restaurant.
2:32 p.m.	St. John's Employee	Mr. Kean	The St. John's employee suggested they meet at the restaurant at "1545." ⁹
3:20 p.m.	Mr. Kean	St. John's Employee	Mr. Kean agreed with the suggested time.

As noted above, Mr. Kean's time sheet reflects that he worked until 5:00 p.m. on December 20, 2017; in his OEIG interview Mr. Kean denied leaving early that day, calling his 3:20 p.m. emailed response "wishful thinking." However, there were no further email communications sent from Mr. Kean's account after 3:20 p.m. on that day.

In addition to Mr. Kean's emails related to St. John's and LLCC, during its review the OEIG also found 78 emails Mr. Kean sent from his State of Illinois email account related to SPD, 74 of which were sent during his reported working hours, and not during his recorded lunch period.¹⁰ The emails generally related to him providing training and services; as Mr. Kean

⁹ 15:45 is 3:45 p.m. in military time.

¹⁰ Over half of the emails were sent either before 11:00 a.m. or after 2:00 p.m. and there were multiple days where the time difference before the first email and the last email was more than one hour.

explained in an email dated November 6, 2017, he was trying to get the “SPD guys set up for life,” and he expressed his intent to “stay involved with the team.” As an example, in an email dated February 14, 2018, at 2:49 p.m. Mr. Kean responded to an individual with a City of Springfield email address with six suggestions regarding guidance in the grant process.¹¹

State Printer Usage

The OEIG also reviewed printer logs dated November 21, 2017 through September 20, 2018 from the IDFPR Springfield office printer, for print jobs related to Mr. Kean’s secondary employment. Of the approximately 145 printer log entries for print jobs sent from “charles.kean,” there were approximately 82 separate printouts related to EMT course materials. The file names for the printouts included words like “EMS 101-02,” “test,” “syllabus,” “final exam,” “detailed lesson plan,” and “answer key.” These prints totaled approximately 1,057 pages.

In addition, the OEIG discovered approximately 53 separate printouts sent from “charles.kean” that were related to medical journals, SPD, or EMT and trauma-related materials. The file names for the printouts included phrases like, “EMS-Training Application,” “New Officer 2018 letters,” “Police, fire and EMS response to acts of mass violence,” “Mass Shootings Trigger Change for Emergency Medicine,” “active-shooter-incidents,” and “Trauma Care While Bullets Fly.” These prints totaled approximately 719 pages.

The OEIG interviewed Mr. Kean’s former subordinate, then-IDFPR Executive I [Former IDFPR Employee 1], and former IDFPR Chief of Enforcement [Former IDFPR Chief of Enforcement], both of whom previously worked in IDFPR’s Springfield office with Mr. Kean.¹² [Former IDFPR Chief of Enforcement] described seeing Mr. Kean’s class teaching materials on the office printer and said it was a “frequent” occurrence to pick documents up off the printer/copier and find that course schedules and curriculum would “be in the mix.” [Former IDFPR Chief of Enforcement] said that he could tell by the titles of the documents that they were not related to Mr. Kean’s State employment. [Former IDFPR Chief of Enforcement] also stated that Mr. Kean spent time at work grading papers. [Former IDFPR Employee 1] stated that she had also seen documents Mr. Kean printed with the officer printer reflecting titles such as “Syllabus 1” and “Syllabus 2.” She also stated that, in Mr. Kean’s work area, she saw applications for grants with SPD and documents about mass shootings.

Internet Usage

The OEIG reviewed Mr. Kean’s State of Illinois network usage history from January 24 through March 19, 2018 for sites he accessed related to his secondary employment. The internet history revealed that Mr. Kean accessed LLCC webpages a total of eight times, on four separate dates: January 24, February 13, February 22, and March 5, 2018.¹³ In addition, Mr. Kean accessed the [Association] webpage 25 times between January 24, 2018 and February 27, 2018.

¹¹ Springfield Police Department employees have City of Springfield email addresses that end in @springfield.il.us.

¹² [Former IDFPR Employee 1] and [Former IDFPR Chief of Enforcement] were interviewed on September 19, 2018. [Former IDFPR Employee 1] left IDFPR and began employment with the Illinois [State Agency 1] effective May 1, 2019. At the time of his interview [Former IDFPR Chief of Enforcement] was the [Assistant] at the [State Agency 2].

¹³ The records reflect that Mr. Kean accessed both www.llcc.edu and llcc-test.blackboard.com.

C. Mr. Kean’s St. John’s Employment Records

The OEIG requested and received Mr. Kean’s employment records from St. John’s.¹⁴ An August 2017 contract between St. John’s and Mr. Kean reflected that Mr. Kean would act as an independent contractor and “serve as the instructor for *Stop the Bleed and Combat Outreach Classes* for one year for \$25.00 per hour. Additionally, St. John’s provided 28 invoices or payment requests reflecting payments made to Mr. Kean from August 4, 2017 through December 5, 2018.¹⁵ The documents reflect, among other things, payee information, the date of service, the number of hours worked, and the class taught.¹⁶ The records show that during the 17-month period reviewed, Mr. Kean worked 33 times for St. John’s.

The OEIG compared Mr. Kean’s St. John’s course records and independent contractor invoices to his State time reports¹⁷ and found at least three dates where Mr. Kean taught classes during his State working hours but he did not submit any form of leave request, five dates where he took sick leave during times when he taught classes, and seven dates where he submitted leave requests for partial days when he taught classes.¹⁸ The dates are as follows:

No Benefit Time Used

St. John’s Course Date	Time of Course
Monday, April 9, 2018	9:00 a.m. – 11:00 a.m.
Tuesday, April 17, 2018	12:30 p.m. – 3:30 p.m.
Thursday, August 16, 2018	2:00 p.m. – 4:00 p.m.

Sick Time Used

St. John’s Course Date	Sick Time Used	Time of Course
Wednesday, December 13, 2017	12:30 p.m. – 2:30 p.m.	12:00 p.m. – 1:00 p.m.
Wednesday, February 27, 2018	9:00 a.m. – 11:00 a.m.	9:00 a.m. – 11:00 a.m.

¹⁴ The OEIG also obtained Mr. Kean’s employment records from LLCC and Springfield Police Department. The LLCC records reflected that Mr. Kean taught EMT classes in the evening and on weekends. None of the LLCC scheduled courses were during his State working hours. Mr. Kean’s personnel file from Springfield Police Department indicated that he did not have any paid employment there after he retired from Springfield Police Department and began working at IDFPR.

¹⁵ Some of the invoices provided have the same invoice number but different dates of service. In a March 13, 2019 interview, St. John’s Executive Director of the Emergency Department and Critical Care Services stated that, to her knowledge, contractors are only paid for the time that they are present.

¹⁶ St. John’s also provided the dates and times the classes were offered. Classes that conflicted with Mr. Kean’s State working hours are discussed in more detail below.

¹⁷ IDFPR uses eTime which is a web-based timekeeping system that provides instantaneous access to a variety of employee time records and is continuously updated. <https://www2.illinois.gov/sites/doit/services/catalog/applications/Pages/ctas.aspx> (last visited December 30, 2019).

¹⁸ There were also instances where Mr. Kean submitted a leave request for the entire work day and used the appropriate type of leave. As noted above, IDFPR policy prohibits employees from conducting secondary employment during their regular or assigned working hours, unless they use vacation, personal leave, or compensatory time for the entire day.

Thursday, March 1, 2018	9:00 a.m. – 11:00 a.m.	9:00 a.m. – 11:00 a.m.
Monday, April 23, 2018	Full Day	9:00 a.m. – 11:00 a.m.
Tuesday, April 24, 2018	8:30 a.m. – 11:00 a.m.	9:00 a.m. – 11:00 a.m.

Partial Day of Benefit Time Used

St. John’s Course Date	Benefit Time Used	Type of Benefit Time Used	Time of Course
Thursday, February 8, 2018	1:00 p.m. – 5:00 p.m.	Personal	1:00 p.m. – 4:00 p.m.
Tuesday, February 13, 2018	1:00 p.m. – 5:00 p.m.	Personal	1:00 p.m. – 5:00 p.m.
Wednesday, April 25, 2018	8:30 a.m. – 11:00 a.m.	Other Paid Leave	9:00 a.m. – 11:00 a.m.
Friday, May 4, 2018	1:00 p.m. – 5:00 p.m.	Other Paid Leave	2:00 p.m. – 3:30 p.m.
Friday, May 25, 2018	12:30 p.m. – 5:00 p.m.	Other Paid Leave	1:00 p.m. – 3:30 p.m.
Wednesday, June 20, 2018	12:00 p.m. – 5:00 p.m.	Other Paid Leave	12:30 p.m. – 4:30 p.m.
Friday, October 5, 2018	12:00 p.m. – 5:00 p.m.	Other Paid Leave	1:00 p.m. – 3:00 p.m.

D. Additional Misuse Of State Time And Resources

During his OEIG interview [Former IDFPR Chief of Enforcement], who held various positions at IDFPR from December 1984 through February 2018, stated that his office was right next to Mr. Kean’s when he ([Former IDFPR Chief of Enforcement]) worked for IDFPR. [Former IDFPR Chief of Enforcement] said that he could hear movies streaming on Mr. Kean’s State computer at a volume so high that it was a distraction. [Former IDFPR Chief of Enforcement] recalled specifically that Mr. Kean watched *Raiders of the Lost Ark* and comedies. [Former IDFPR Chief of Enforcement] estimated that Mr. Kean spent 80 percent of his day watching movies with his feet on his desk and his hands behind his head. [Former IDFPR Chief of Enforcement] said he had also witnessed Mr. Kean sleeping at his desk, and that when he would see Mr. Kean sleeping, he would slam his office door to wake up Mr. Kean. Additionally, [Former IDFPR Chief of Enforcement] said that Mr. Kean would take two to three-hour lunches, and spent time at work doing puzzles and reading.¹⁹ He said that he informed his supervisor, Ms. Gold, of some of his observations and Ms. Gold dismissed it.

In her interview, [Former IDFPR Employee 1] said that Mr. Kean did crossword and Sudoku puzzles and watched movies on a daily basis while on State time. She said he turned on a movie within the first 10 to 15 minutes of the day and played them for approximately six to seven hours. She recalled that the movies were usually war or police movies. [Former IDFPR Employee 1] said she once brought to his attention that it was distracting when he watched the movies but that he ignored her. She estimated that Mr. Kean spent no more than one to two hours per day working on his general job duties. According to [Former IDFPR Employee 1], she had not witnessed Mr. Kean sleeping at his desk. However, [Former IDFPR Employee 1] did say that on

¹⁹ The OEIG conducted limited surveillance on seven days from September 2018 through January 2019, but did not observe Mr. Kean take an extended lunch outside the office on those days. During his OEIG interview, Mr. Kean denied taking extended lunches.

Fridays around 10:30 a.m. Mr. Kean left the office and he did not return until the weekly 1:30 p.m. staff meeting. She said that when he left the office he said he had a meeting or was going to lunch.

The OEIG obtained Mr. Kean's State internet usage data from January 24 through March 19, 2018. The internet usage analysis showed that 65.27% of Mr. Kean's internet usage was streaming media. The internet history revealed that websites such as www.youtube.com, player.siriusxm.com, and msn.com were visited on multiple dates.

E. Interview Of Charles Kean

The OEIG interviewed Mr. Kean on March 27, 2019. Mr. Kean stated that his duties as Chief of IDFPR's Enforcement Administration Unit included supervising the complaint intake unit, overseeing the licensing of Permanent Employee Registration Cards, and overseeing mandated medical reporting.²⁰ He confirmed that his scheduled working hours are 8:30 a.m. to 5:00 p.m., his lunch hour is 11:00 a.m. to 12:00 p.m., and he said he did not have other "formal" breaks.

Mr. Kean acknowledged that he had read the IDFPR policies on secondary employment when he started at IDFPR, and said he filled out a secondary employment request for his employment at LLCC as an adjunct instructor. Mr. Kean then disclosed that he was also a paid independent contractor with St. John's and that he taught Stop the Bleed and Tactical Combat Casualty Care courses, but that he did not disclose his St. John's employment to the State. He stated that he did not disclose that employment because the courses were short and "sporadic," and it slipped his mind.

Mr. Kean initially denied conducting secondary employment during his State working hours and said that he had taken benefit time to teach courses during the day. After the OEIG showed Mr. Kean his IDFPR time reports and records reflecting that he taught classes for St. John's on three dates during his State compensated hours without using any benefit time, Mr. Kean responded by saying that it was an "oversight," he did not have an answer, and "I don't have an explanation for that one."²¹ When shown the dates he used sick time to teach courses for St.

²⁰ In her interview Ms. Gold confirmed that those were Mr. Kean's duties.

²¹ The OEIG also asked Mr. Kean about a fourth date when he taught classes at St. John's: Thursday, August 17, 2017. In response to the OEIG's first request for Mr. Kean's timekeeping documents, IDFPR produced a printout dated March 11, 2019 of Mr. Kean's August 17, 2017 time report that reflected that Mr. Kean did *not* submit or use any benefit time for August 17, 2017. However, during his OEIG interview, Mr. Kean provided a copy of a leave request purporting to be for August 17, 2017. According to Mr. Kean, he submitted the leave request approximately a week before his interview in March 2019, at Ms. Gold's request. The OEIG attempted to confirm that Mr. Kean, in fact, submitted a leave slip for August 17, 2017, albeit almost two years later. In response to the OEIG's second request to IDFPR for leave requests submitted by Mr. Kean, IDFPR this time produced a printout dated May 15, 2019, of Mr. Kean's August 17, 2017 time report reflecting that the leave request was submitted and approved on August 25, 2017. Because Mr. Kean stated that he had not submitted the August 17, 2017 leave request until 2019, the OEIG attempted to have the Department of Innovation and Technology (DoIT) conduct an audit history in order to determine how and when the August 17, 2017 leave request had actually been submitted and approved. In a subsequent interview with DoIT [Employee Title] [DoIT Employee], [DoIT Employee] said that she could not explain how the time report printed on March 11, 2019, did not show leave was approved for August 17, 2017 while other subsequent records suggest it was submitted and approved on August 25, 2017. In her interview, [DoIT Employee] said it did not make sense and it appeared records could have been manipulated but believes it would have been outside the eTime system. In her August 29, 2019 interview, Ms. Gold said she could not explain the discrepancies in the time documentation,

John's, Mr. Kean responded with statements like "it is what it is" and that it was a mistake on his part and he meant to use vacation time. Regarding the dates he used leave time for a portion of the day that he conducted secondary employment, Mr. Kean said he was not aware that using benefit time for partial days was not allowed.

Mr. Kean stated that he did use his State email to send and receive personal emails, it was possible that he used his State email for secondary employment, and that he provided his State email address to his LLCC students in case they need to contact him about a time-sensitive issue. He explained that since he has his State email open the entire work day it is easier to contact him that way. When shown a sampling of emails sent from his State email account to individuals at St. John's, LLCC, SPD, and other non-IDFPR addresses he did not dispute that he sent them. With regards to the February 14, 2018, email where Mr. Kean offered advice regarding grants and the grant writing process to an individual with a City of Springfield email address, Mr. Kean said the email took approximately 10 to 15 minutes to write.

Mr. Kean told the OEIG that it is possible that he used the State printers and computers for his secondary employment but maintained that "it would be incidental," and it would be a "rare" occurrence if he did. However, when Mr. Kean was shown a sampling of IDFPR printer logs showing print jobs sent from "charles.kean," he acknowledged that a number were unrelated to his IDFPR duties, including print jobs that he admitted were related to his LLCC work, EMT developments, his paramedic license, and personal reading or correspondence. He also stated that other printouts could be related to SPD.²² When directed to the portion of the internet usage history that showed multiple hits on LLCC's webpage, the [Association] webpage, and YouTube, Mr. Kean said that he visited those websites if he had "down time" during the day and during his lunch hours.

Mr. Kean said that he played YouTube movies "every now and then" on his State computer for background noise. When he was presented with his internet usage history showing that 65.27% of his use was for streaming media, Mr. Kean stated that on a daily basis he streamed music through his work computer because the radio signal in his office is "spotty." He explained that he has [a disability] and he cannot sit in a quiet room. However, when asked if he had any paperwork documenting that he discussed his condition with IDFPR or otherwise requested an accommodation, Mr. Kean said that he did not want anyone to feel bad for him, so he dealt with it his way.²³

and that she did not recall why the time report was changed over a year later. Although the change in the time records is highly irregular and did not comport with Mr. Kean's interview statements, the OEIG was not able to determine how or who may have manipulated the records and thus, is not making a finding regarding this irregularity.

²² Mr. Kean stated that he used a terabyte hard drive to back up his personal documents that he printed at IDFPR, and that he did not ask for permission to use the hard drive with his State equipment. The OEIG notes that DoIT's Mobile Device Security Policy requires mobile devices, such as external hard drives, to be Authorized Mobile Devices in order to be connected to State networks, IT infrastructure, or resources. The OEIG recommends that IDFPR take steps to ensure that its employees are familiar with DoIT's Mobile Device Security Policy and its prohibition on the use of mobile devices that have not been determined to be Authorized Mobile Devices.

²³ According to the IDFPR Policy and Procedure Manual, any employee who believes he or she needs accommodation based on a disability "shall submit a completed *Reasonable Accommodation Request for Employees* Form together with current medical documentation establishing the existence of a disability, any job-related restrictions, and the estimated length of time for which accommodation is needed."

Less than two months after his OEIG interview, Mr. Kean submitted his resignation and separated from State employment effective May 17, 2019.

F. Interview Of Deputy Director of Statewide Enforcement For The Division Of Professional Regulation Susan Gold

In light of the evidence of Mr. Kean's unauthorized secondary employment and abuse of State time and resources, on August 29, 2019, the OEIG interviewed Mr. Kean's former supervisor, Susan Gold, about her remote oversight of Mr. Kean and others. Ms. Gold explained that eight of her direct reports work in the Chicago office while one direct report works in Des Plaines and one (previously Mr. Kean) works in Springfield. She confirmed her office location in Chicago and estimated that she travels to Springfield fewer than 10 times per year, and she visits Des Plaines "at most" twice per year. She added that visits are planned and staff knows that she is coming. Ms. Gold explained that her usual way to communicate with her remote staff is through email, telephone, and occasionally through video conferencing and that she is in contact with them a couple times per week.

Ms. Gold said Mr. Kean did not inform her he was teaching at St. John's, and that she was not aware if Mr. Kean left IDFPR during working hours to teach there. Ms. Gold said that she did not review Mr. Kean's responsibilities related to his secondary employment with him, except to remind him that he could not work on secondary employment during State time; she said the rest of the restrictions were listed on the request form he completed for his LLCC secondary employment, and she felt like she did her duty.

Ms. Gold said that when Mr. Kean reported to her, she met with him face-to-face every two to three months, and otherwise communicated with him a couple of times per week. Ms. Gold said that she did not recall getting any complaints about Mr. Kean abusing time or resources. She said she was not aware that Mr. Kean used his State email to correspond with people about his secondary employment and SPD work, and agreed that it was inappropriate for him to use his State email that way. She said she also was not aware that Mr. Kean used State printers for his secondary employment as no one brought this to her attention. Ms. Gold said she was not aware that while on State time Mr. Kean used his State computer to stream media for personal use, and agreed that streaming movies, music, and YouTube videos [would] be inappropriate to do on a State computer or using State internet. Ms. Gold said there is a process for asking for accommodations related to disabilities, but she could not recall Mr. Kean requesting any accommodations related to streaming music for [a disability].

Ms. Gold said that Mr. Kean issued weekly reports that she would review, and that he provided her with information from the complaint unit. She said she did not remember ever having to ask Mr. Kean for something that was overdue and called his overall work performance "very good to excellent." However, when asked if she had any systems in place to ensure that her subordinates, particularly the ones she supervised remotely, were not abusing State time or resources, Ms. Gold said no. She said she does not conduct unannounced visits, make unannounced telephone calls, or have others check on her direct reports. Ms. Gold said that she trusts her employees to do their jobs appropriately.

IV. ANALYSIS

A. Charles Kean Violated IDFPR's Policy Regarding Secondary Employment

The investigation revealed that Mr. Kean failed to disclose his secondary employment at St. John's to IDFPR. IDFPR's Policy and Procedures Manual requires that employees request and receive approval of secondary employment prior to engaging in the secondary employment.²⁴

Mr. Kean's personnel file did contain a Secondary Employment Request form dated August 24, 2017, requesting employment as an instructor at LLCC. St. John's is not mentioned anywhere on the Secondary Employment Request form, his personnel file did not contain such a request, and Mr. Kean admitted he did not make the request because it slipped his mind. However, documents received from St. John's confirm Mr. Kean was a paid contractor for St. John's beginning in August 2017. Invoices reflect that in 2017 and 2018, Mr. Kean was compensated for providing services to St. John's on 33 dates. While Mr. Kean was aware of his obligation to obtain IDFPR approval for his secondary employment, as evidenced by his disclosure of his LLCC secondary employment, Mr. Kean admitted that he failed to disclose his St. John's secondary employment.

In addition, Mr. Kean improperly conducted secondary employment activities during his State working hours. Even if approved, secondary employment "shall not occur during the employee's regular or assigned working hours, unless the employee, during the entire day on which the secondary employment occurs, is on vacation, personal leave, or compensatory time," and employees are not allowed to leave work early or arrive late to accommodate their secondary employment.²⁵

During its investigation, the OEIG discovered that Mr. Kean conducted secondary employment activities during his IDFPR work hours on multiple occasions without properly using personal time, vacation, or compensatory time for the entire working day, as IDFPR policy requires. Records show, and Mr. Kean did not dispute, that on at least three days, he did not put in benefit time at all and simply left his IDFPR duties to engage in secondary employment for St. John's. In addition, Mr. Kean used sick time five times to teach classes for St. John's, and took vacation, personal, or other paid leave time for only parts of seven other days.

For these reasons, the OEIG finds that Mr. Kean violated IDFPR's secondary employment policy when he failed to disclose his St. John's secondary employment and conducted secondary employment activities during his State working hours without appropriately using benefit time. Therefore, this allegation is **FOUNDED**.²⁶

B. Charles Kean Used State Time And Resources For Secondary Employment And Other Personal Purposes

²⁴ IDFPR Policy and Procedure Manual (effective July 1, 2012).

²⁵ IDFPR Policy and Procedure Manual (effective July 1, 2012).

²⁶ 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.

The investigation also revealed that Mr. Kean violated IDFPR policy by using IDFPR computers and printers and State time for secondary employment and other personal purposes. The IDFPR Policy and Procedure Manual reflects that “misuse of State property such as...computers [and] printers...” may lead to disciplinary action.²⁷ IDFPR’s Personal Computer Policy & Procedure Manual also states that “[e]quipment use is limited to IDFPR related operations.”²⁸ Although the latter policy recognizes that personal use may be appropriate in emergency or unusual circumstances, while “discouraged,” “[r]egular or habitual personal use” is prohibited.²⁹ IDFPR’s computer policy notes that managers have an added responsibility in that they must exercise appropriate oversight of any users they supervise.³⁰

The OEIG’s review of Mr. Kean’s State email account showed that he sent over 100 emails during the four-month period reviewed, related to LLCC, St. John’s, and SPD. In addition, during the ten-month period reviewed, he used a State printer approximately 135 times to print over 1,700 pages of material that appears unrelated to his IDFPR duties; this represented 93% of his total State printer usage. During his interview, Mr. Kean acknowledged that the emails from his State email account related to LLCC, St. John’s, and SPD were not related to his State employment. In addition, he acknowledged that he had printed documents related to his secondary employment, his paramedic license, SPD, and personal reading materials.

Additionally, Mr. Kean’s internet usage history reflected that 65.27% of his usage was for streaming media, and two of his former co-workers said that they saw and/or heard Mr. Kean streaming movies in his office. Mr. Kean admitted to watching movies in his office on YouTube “every now and then,” and admitted to daily streaming music on his State computer. Although Mr. Kean claimed that he did so for background noise because he suffers from [a disability], he did not request or receive an accommodation to use the State resources in this manner, as required by IDFPR policy.

According to the IDFPR Policy and Procedure Manual, “devoting work time to non-IDFPR related tasks...may be cause for disciplinary action up to and including discharge.” As discussed above, Mr. Kean conducted secondary employment activities, sent numerous emails, and streamed movies during his State work hours.

For these reasons, the OEIG finds that Mr. Kean improperly used State time and resources for secondary employment and other personal purposes, in violation of IDFPR policy, and this allegation is **FOUNDED**.

V. FINDINGS AND RECOMMENDATIONS

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

²⁷ IDFPR Policy and Procedure Manual (effective July 1, 2012).

²⁸ IDFPR Personal Computer Policy & Procedure Manual (revised February 2011).

²⁹ *Id.*

³⁰ *Id.*

- **FOUNDED** – Charles Kean failed to request and receive approval of his secondary employment and conducted secondary employment activities during his State working hours without appropriately using benefit time, in violation of IDFPR’s secondary employment policy.
- **FOUNDED** – Charles Kean regularly used State time and resources for personal purposes, in violation of IDFPR policy.

Since Mr. Kean left State employment during the course of this OEIG investigation, the OEIG recommends that a copy of this Final Report be placed in his IDFPR personnel file and that he not be rehired for State employment.

While the OEIG understands that managing employees at different locations can be challenging, IDFPR may want to consider its remote supervision assignments and processes. For example, IDFPR may consider having a timekeeper or a person in charge of monitoring time/resources at remote work locations to prevent or at least reduce this type of abuse of State time and resources in the future.

Date: January 2, 2020

Office of Executive Inspector General
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Jamiela Kassem
Senior Assistant Inspector General

Melissa Brandenburg
Supervising Investigator # 160



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

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**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
RESPONSE FORM**

Case Number: 18-00366

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: *per OEIG recommendations, a copy of the final report was placed in Charles Kean's personnel file. IDFPP will not rehire him if he applies to IDFPP.*

We will implement some or all of the OEIG recommendations but will require additional time to do so.
We will report to OEIG within _____ 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

*Department of Financial & Professional
Regulation, Senior Deputy General
Counsel*

Print Agency and Job Title

Dina Masiello

Print Name

1/14/20

Date