

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: SAM COOPER and) OEIG Case #18-01776
MICHAEL LITTLE)

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 Executive Inspector General for the Governor, and to Sam Cooper and Michael Little at their last known addresses.

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

FINAL REPORT

I. ALLEGATION

On August 29, 2018, at approximately 9:07 a.m., the Office of Executive Inspector General (OEIG) received an anonymous complaint that an employee of the Abraham Lincoln Presidential Library and Museum (ALPLM) was in the process of sawing a State-inventoried wooden desk into pieces and disposing of it in a dumpster. The complaint stated that the desk was from the old Springfield Union Station and may have historical value.

II. BACKGROUND

The ALPLM maintains papers, artifacts, and exhibits relating to Abraham Lincoln and Illinois history, as well as maintaining a nineteenth-century former train station building, Springfield Union Station.¹ The ALPLM is housed in two buildings on North Sixth Street in

¹ <https://www2.illinois.gov/alplm/museum/About/Pages/Museum-History.aspx> (last visited April 4, 2019).

Springfield, about two blocks from the OEIG's Springfield office and across the street from Springfield Union Station.

The Illinois Department of Central Management Services (CMS) regulates the accountability and control of all State-owned tangible personal property.² State agencies are responsible for marking each piece of State-owned equipment in their possession to indicate that it is State property.³ When a State agency has property it no longer needs, it is required to report it to CMS's Property Control Division, to be sent to surplus or otherwise disposed of.⁴ If the agency wishes to dispose of the property, it needs to complete a "Request for Deletion from Inventory" form, on which the agency lists the property, its inventory tag number, the purchase date and price, and how the agency wishes to dispose of the property (for example, "Scrap (Destroy)," or "Scrap-Cannibalize"); CMS Property Control then signs the form indicating that the disposal is approved. Special procedures apply for CMS's disposal of personal property that is at least 40 years old, has historic value, or that is of "special interest, culturally, scientifically or otherwise."⁵

III. INVESTIGATION

A. The OEIG's Observation Of The ALPLM Parking Lot

Immediately after receiving the complaint, at approximately 9:12 a.m. on August 29, 2018, OEIG investigators observed the south parking lot of the ALPLM's 212 North Sixth Street building from a north-facing window of the OEIG's fourteenth-floor offices at 607 East Adams Street in Springfield. At that time and location, investigators saw and photographed a man using a machine-powered saw to cut apart what appeared to be a decorative wall. The wall unit was approximately waist-high to the man and about one foot wide, appeared to be made of wood with carved rectangles, and was comprised of two sections at slight angles to each other. At the time investigators began observing the scene, one side of the wall unit had raw, cut edges.

B. Steps Taken To Identify The Wall Unit And Establish Its Value

The complaint the OEIG received supplied the State inventory tag number for the piece of furniture that was allegedly being cut up. Investigators asked CMS to produce records of any deletion of property from the ALPLM's inventory between January and October 2018, as well as records relating to the property associated with that tag number. CMS responded that it had no records of any such deletions, and specifically that it had no record of any deletion of the property associated with the inventory tag number listed in the complaint. CMS produced an inventory report that described the property associated with that inventory tag number as a "RECEPTION DESK AND BACK WALL," and reflected that it was inventoried from the former Union Station.

² See 44 Ill. Admin. Code § 5010.110(a).

³ 44 Ill. Admin. Code. § 5010.210(a). "Equipment" is defined as "all tangible personal property of a non-consumable nature." *Id.* § 5010.200(a).

⁴ 44 Ill. Admin. Code §§ 5010.620; 5010.630(a)-(c).

⁵ 44 Ill. Admin. Code § 5010.1300(a). In such cases, the Director of CMS is required to attempt to loan or donate the property to a public museum or gallery, and if that is unsuccessful, to dispose of it through a negotiated sale. *Id.* § 5010.1300(b).

The report indicated that the State purchased the reception desk and back wall in February 2008, and that the set had an original and current price of \$22,600.

On October 15, 2018, ALPLM Chief Operating Officer Michael Little advised investigators that a piece of furniture with the inventory tag number discussed above was in the ALPLM's reading room.⁶ Investigators went to the main floor of the library on that date and observed and photographed a desk marked with the inventory tag number listed in the complaint. The desk was a large wood reception-type desk with carved rectangles and a stone top, comprised of three sections at slight angles to each other. The desk did not have any wall unit, however.

Given that the desk and wall set came from a nineteenth-century train station and was priced at over \$20,000 in 2008, investigators sought information about its provenance in an effort to determine whether the set may have had historic or other value. The OEIG requested information from the ALPLM and the Department of Natural Resources regarding the ALPLM's acquisition of the set.⁷ Both agencies responded that they were unable to locate any documentation other than the inventory report discussed above; the ALPLM added that it appeared from the invoice number listed on the inventory report that the set had been donated to the ALPLM or purchased on the ALPLM's behalf by another entity or individual.

Investigators interviewed State Historian Sam Wheeler on February 7, 2019. Mr. Wheeler said he did not know how the set was purchased, and noted that it was acquired prior to his time as State Historian. Mr. Wheeler said he had been told the set was at Union Station, then was used as a reception desk at the former Historic Preservation Agency's offices, then was transferred to the ALPLM. Mr. Wheeler opined that the desk did not appear to be an antique or have any historic value based on the appearance of its modern construction.

C. Interview Of ALPLM Director Of Facilities Sam Cooper

On December 3, 2018, investigators interviewed then-ALPLM Director of Facility Services Sam Cooper.⁸ Mr. Cooper stated that in that position, he was responsible for managing three buildings, a parking garage, and the technical parts of museum shows.

Investigators showed Mr. Cooper the OEIG's August 29, 2018, photographs of a man cutting up a wall unit in the ALPLM's parking lot. Mr. Cooper identified the man as ALPLM [Employee 1] and said that he instructed [Employee 1] to cut up the wall unit, through the chain of command.

Mr. Cooper explained that the wall unit originally was part of a set with a desk that was placed in the ALPLM's reading room. Mr. Cooper said that the State Historian, Sam Wheeler, subsequently decided that he did not want the wall unit, and so it was taken down and moved to a

⁶ Mr. Little provided this information following his OEIG interview, which is discussed later in this report.

⁷ In 2008, when the desk and wall set was purchased, the ALPLM was part of the Historic Preservation Agency; however, in 2017 the ALPLM became an independent agency and the Historic Preservation Agency's remaining functions were placed under the Illinois Department of Natural Resources. *See* 20 ILCS 3405/30 (eff. July 1, 2002-Aug. 17, 2017); Executive Order 2017-01 (eff. July 1, 2017); 20 ILCS 3475/10 (eff. Aug. 18, 2017).

⁸ Mr. Cooper retired from State employment shortly after his OEIG interview, effective December 31, 2018.

storage room.⁹ Later, Mr. Cooper said, ALPLM Director Alan Lowe and Chief Operating Officer Michael Little decided to convert the area, where the wall unit was stored, into a secure file storage area. Mr. Cooper said he had a discussion with Mr. Lowe and Mr. Little about the wall unit, and that he (Mr. Cooper) said the wall unit did not have an inventory tag.¹⁰ Mr. Cooper said he was asked what could be done with the wall unit, and that he responded that he did not know, but that they could probably get rid of it. Mr. Cooper said that, as he recalls it, Mr. Lowe then told him to make it happen.

Mr. Cooper said that the standard procedure for disposing of an item is to take it to surplus. He said that he provides inventory tag numbers and descriptions to [Employee 2, identifying information redacted].

Mr. Cooper said he did not check the desk in the reading room for an inventory tag, even though the wall unit originally was with the desk. He said he checked with the ALPLM's exhibits department to see if anyone wanted the wall unit, and that he also considered whether it could be taken apart and stored in smaller sections. Mr. Cooper said that no department wanted the wall unit and the ALPLM did not have storage space for it. Therefore, he said, the wall unit was cut up and thrown into a dumpster. Mr. Cooper said that Mr. Lowe told him to get rid of the wall, he (Mr. Cooper) told [Employee 3], and [Employee 3] told [Employee 1] to cut it up based on Mr. Lowe's directive.

Mr. Cooper said that while the wall unit was being destroyed, ALPLM Chief Financial Officer Ed Harmeyer and Chief of Staff Nadine O'Leary came and told him that there should be paperwork for the wall unit. Mr. Cooper said that Mr. Harmeyer said that the wall unit was State property, and someone also noted that the other piece of the set was in the ALPLM's lobby. Mr. Cooper said he told Mr. Harmeyer and Ms. O'Leary that the necessity of paperwork was not made clear to him, and that the wall unit did not have a property tag. According to Mr. Cooper, Mr. Harmeyer said that he would take care of the paperwork; Mr. Cooper said he did not know if paperwork was ever completed, however, and said he did not follow up with Mr. Harmeyer about it.

D. Interview Of ALPLM Chief Operating Officer Michael Little

On October 15, 2018, investigators interviewed then-ALPLM Chief Operating Officer Michael Little, who had been in that position since January 2017.¹¹ Mr. Little said that since the ALPLM became responsible for Union Station in July 2017, his duties included overseeing that property. He said that the ALPLM maintains all of Union Station's property and inventory.

Mr. Little told investigators that approximately five to six weeks before his OEIG interview, ALPLM staff began cleaning out a mailroom in preparation for converting it to a secure

⁹ Mr. Cooper confirmed that the photographs taken by the OEIG in the ALPLM reading room on October 15, 2018 depicted the desk from the set.

¹⁰ When property consists of "several pieces that are likely to be used separately," the applicable administrative rules direct agencies to mark each piece. *See* 44 Ill. Admin. Code § 5010.210(c)(3).

¹¹ ALPLM records reflect that Mr. Little later was permitted to resign in lieu of termination, after he left a historical artifact in his custody (Lincoln's "Minute Book") unattended and unsecured in the State Capitol building on November 27, 2018.

file retention area; Mr. Little said that this project was his responsibility. Mr. Little said that he worked with Mr. Cooper to send three unneeded desks that were in the mailroom to surplus, and that Mr. Cooper and a crew took the desks to a secure loading area to be picked up.¹² Mr. Little said that he assumed some sort of paperwork was completed. Mr. Little added that any item with an inventory tag should go to surplus even if it is damaged.

When shown the OEIG's August 29, 2018 photographs of the wall being cut up, Mr. Little initially identified the wall unit in the photographs as a piece that had been stored in the mailroom.¹³ According to Mr. Little, he looked for an inventory tag on the wall unit but did not see one. Mr. Little claimed he "asked around" to see if the wall unit could be repurposed and learned that it may have come from Union Station, although he said he was not sure how long ago. Nevertheless, Mr. Little maintained that the wall unit was not the kind of item that would have historical relevance, noting that such items were kept in a secured storage area. Mr. Little said he did not know what the wall unit was used for, and that he had not been aware of a desk that went with it.

Mr. Little said he told Mr. Cooper that he needed the wall unit gone, although he said he was unsure of the exact wording he used. According to Mr. Little, he did not know that the wall unit was going to be cut up until he saw building and maintenance staff cutting it into three sections, which were placed in a dumpster. Mr. Little said the dollar amount associated with an item would not affect the process the ALPLM used to remove it from its inventory, and that he did not know whether there was a CMS deletion form for the wall unit.

E. Interview Of ALPLM Executive Director Alan Lowe

Investigators interviewed ALPLM Executive Director Alan Lowe on December 19, 2018. Mr. Lowe said that he has been the Executive Director of the ALPLM since July 2016, and that in that position he is responsible for every element of the ALPLM's operations.

Mr. Lowe said that the ALPLM is responsible for maintaining Union Station's inventory. He said that the ALPLM should not dispose of property outside the surplus process, and that he relied on Mr. Cooper and Chief Financial Officer Ed Harmeyer to know and follow applicable rules for removing property from the ALPLM's inventory.

Mr. Lowe said that in approximately late summer or early fall 2018, he asked Mr. Little to clean out the mailroom so that it could be converted into a secure file storage area. According to Mr. Lowe, he told Mr. Little to talk to Mr. Harmeyer about how to deal with any property in the room that needed to be disposed of, noting that Mr. Harmeyer is responsible for the property and knows the procedures that need to be followed. Mr. Lowe said he recalled walking through the mailroom with Mr. Cooper, but did not recall whether Mr. Little was also there at that time. Mr. Lowe said he did not recall having a specific conversation with Mr. Little about the wall unit section of the desk, and that he did not tell Mr. Little to get rid of it. Mr. Lowe also denied that he

¹² CMS records reflect the transfer of various types of property from the ALPLM to surplus in September or October 2018, including multiple desks.

¹³ Later in the interview, Mr. Little said he was not sure the wall unit taken from the mailroom was the same piece depicted in the OEIG's August 29, 2018 photographs.

instructed anyone to destroy it. Mr. Lowe said he later heard that the wall unit had been destroyed, but said that he did not know if Mr. Little spoke to Mr. Harmeyer about its disposal.

F. Interviews Of ALPLM Chief Financial Officer Ed Harmeyer And [Employee 2]

Investigators interviewed ALPLM Chief Financial Officer Ed Harmeyer and [Employee 2] about whether the ALPLM had submitted a request to CMS for permission to dispose of the wall unit.¹⁴ When shown the OEIG's August 29, 2018, photographs of the wall unit being cut up, Mr. Harmeyer said he was in his office when he heard that a saw was being taken to the wall unit and went with various other ALPLM employees to see what was going on. Mr. Harmeyer said he asked Mr. Cooper about the wall unit being dismantled, and that Mr. Cooper told him that the Director had told him to get it out. Mr. Harmeyer said he told Mr. Cooper that instead of destroying the wall unit, he (Mr. Harmeyer) would have had surplus paperwork completed and had CMS pick up the furniture. Mr. Harmeyer said that no one talked to him before the wall unit was destroyed, and that he did not recall telling anyone after the fact that he would complete paperwork for it.

[Employee 2] said that she maintains a list of the ALPLM's inventory, and that if an item is sent to surplus, ALPLM staff notify her so that she can create a surplus list and schedule a truck from CMS to pick up the items. She said that if the ALPLM wants to dispose of property, it first must send a form to CMS Property Control for permission; she said the agency is required to obtain this permission even if the property does not have an inventory tag. [Employee 2] said she was familiar with the desk/wall set that came from Union Station, and that any authorization to destroy the wall portion of the set would have had to go through her. However, she said she heard that the wall unit had been destroyed after it happened; [Employee 2] said that there was no CMS deletion form for the wall unit, and that it had been destroyed without permission.

IV. ANALYSIS

The State Property Control Act tasks CMS with the responsibility of reassigning, selling, or scrapping unneeded State property in the manner "most advantageous and most profitable to the State."¹⁵ Therefore, State agencies are required to follow specific procedures for reporting and transferring to CMS any State property that they no longer need, or requesting CMS's permission to scrap it.¹⁶ ALPLM staff ignored these important requirements when, instead of seeking CMS's direction and approval for transferring or otherwise properly disposing of the decorative wall unit, they cut it up with a saw and discarded the pieces in a dumpster.

The disposal of State-owned transferable equipment is the responsibility of CMS's Property Control Division, and State agencies may not dispose of such property without that Division's knowledge and approval.¹⁷ When a State agency has property it no longer needs, it is

¹⁴ Mr. Harmeyer was interviewed on February 7, 2019; [Employee 2] was interviewed on October 31, 2018.

¹⁵ 30 ILCS 605/1.03, 605/7(b), & 605/7.3.

¹⁶ See, e.g., 44 Ill. Admin. Code §§ 5010.610-5010.630; 5010.920-5010.930.

¹⁷ 44 Ill. Admin. Code § 5010.610(a). "Transferable equipment" is "State-owned equipment which is no longer needed and/or useful to the agency currently in possession of it." 44 Ill. Admin. Code § 5010.600. As noted above, "equipment" is defined as "all tangible personal property of a non-consumable nature." 44 Ill. Admin. Code. § 5010.200(a).

required to report it to CMS's Property Control Division and then move it to the location that that Division designates, which normally is the State Surplus Warehouse in Springfield or another State agency.¹⁸ If moving an item would impose an unreasonable expense or risk on the State, the reporting agency may submit a written request to the Property Control Division for permission to dispose of the property at its current location.¹⁹ As noted above, special procedures apply for CMS's disposal of personal property that is at least 40 years old or otherwise has historic value.²⁰

CMS also regulates the disposal and sale of scrapped State property.²¹ Property valued at \$100 or more may not be scrapped without the permission of CMS's Property Control Division, and property that could otherwise be transferred or sold cannot be scrapped without the express written permission of CMS's Director.²² Permission to scrap equipment will only be granted if the equipment is damaged beyond repair, is so severely damaged that it is not economically practical to repair it, or its value is so low that it is not economically practical to ship it for redistribution or offer it for sale.²³

Although it is undisputed that the decorative wall unit was State property, when ALPLM staff discovered that it did not have an inventory tag they saw an opportunity to circumvent the rules and dispose of it without the inconvenience of complying with the required CMS process. Given that the desk and wall set was valued at \$22,600 as of at least 2008, it is likely that the wall unit had some significant value on its own. The OEIG attempted to establish whether the set also may have had some historic value, which appeared to be a possibility given that it came from a nineteenth-century train station. However, the ALPLM was unable to provide any documentation about its acquisition of the set, and therefore the wall unit's age and provenance are unknown. Had the ALPLM staff transferred the wall unit to CMS or requested CMS's permission to dispose of it, as required, CMS would have had an opportunity to consider what steps to take to obtain the greatest benefit for the State.

Mr. Cooper was aware that the wall unit was State property and was familiar with the proper procedures for sending unwanted State property to surplus; indeed, he helped arrange for three other pieces of furniture that were stored in the same space as the wall unit to be sent to surplus. However, when he discovered that the wall unit did not have an inventory tag, and therefore appeared to be untraceable in the inventory of State property, he directed that staff dump it, rather than following the required procedures to send it to surplus or obtain CMS's permission to dispose of it. The allegation that Mr. Cooper improperly disposed of State property without the knowledge and approval of CMS's Property Control Division is **FOUNDED**.²⁴

Mr. Little also did not dispute that the wall unit was State property, stating that he understood that it may have come from Union Station. Like Mr. Cooper, Mr. Little also was aware

¹⁸ 44 Ill. Admin. Code §§ 5010.620; 5010.630(a) & (b).

¹⁹ 44 Ill. Admin. Code § 5010.630(c).

²⁰ 44 Ill. Admin. Code § 5010.1300(a).

²¹ 44 Ill. Admin. Code § 5010.110(e).

²² 44 Ill. Admin. Code §§ 5010.920(a) & 5010.930.

²³ 44 Ill. Admin. Code §§ 5010.910 & 5010.920(c).

²⁴ 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.

of the process for sending unwanted State property to surplus, as evidenced by the fact that he worked with Mr. Cooper to send other furniture to surplus that also had been stored in the mailroom. However, he did not take steps to ensure that that process was followed once it was decided that the ALPLM no longer wanted the wall unit. Instead, after Mr. Cooper advised him that the wall unit did not have an inventory tag and suggested that they could probably just get rid of it, Mr. Little told Mr. Cooper that he needed the piece gone. The allegation that Mr. Little improperly disposed of State property without the knowledge and approval of CMS's Property Control Division is also **FOUNDED**.²⁵

V. FINDINGS AND RECOMMENDATIONS

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

- **FOUNDED** – ALPLM Director of Facility Services Sam Cooper improperly disposed of State property without the knowledge and approval of CMS's Property Control Division, in violation of 44 Ill. Admin. Code § 5010.610(a).
- **FOUNDED** – ALPLM Chief Operating Officer Michael Little improperly disposed of State property without the knowledge and approval of CMS's Property Control Division, in violation of 44 Ill. Admin. Code § 5010.610(a).

Because Mr. Cooper and Mr. Little are no longer State employees, the OEIG recommends that a copy of this report be placed in their personnel files and that they not be rehired.

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

Date: April 26, 2019

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

By: Angela Luning
Deputy Inspector General

Mark Garst
Investigator #127

²⁵ Based on the conflicting evidence regarding what direction ALPLM Executive Director Alan Lowe gave Mr. Cooper and/or Mr. Little regarding disposing of the wall unit, the OEIG does not make any further findings.

AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
RESPONSE FORM

Case Number: 18-01776

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 have placed a copy of the OEIG final report in the personnel file of each individual in question in order to ensure they are not hired in the future.

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:

ALPLM

Signature

Alan C. Lowe

Print Name

ALPLM - Executive Director

Print Agency and Job Title

4/29/19

Date