

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: CHARLEY HOLSTEIN)

OEIG Case #18-01896

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 Charley Holstein’s last address.

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

OEIG'S FINAL REPORT

I. ALLEGATIONS

On September 13, 2018, the Office of Executive Inspector General (OEIG) received a complaint alleging that in August 2018, an Illinois Department of Employment Security (IDES) employee named Charley Holstein sexually assaulted an IDES client named [IDES Client].¹

II. BACKGROUND

IDES' mission is to encourage economic growth and stability in Illinois by providing employment services to Illinois residents and employers and administering Unemployment Insurance programs.²

In September 2015, Charley Holstein was hired by IDES as an Employment Security Representative. In July 2016, Mr. Holstein began working in his current position in the IDES Veterans Outreach Program as a Disabled Veterans Outreach Program Specialist. Mr. Holstein works in the office and in the field to find and assist veterans in need of employment by conducting work history assessments, offering vocational guidance, providing referrals and job placement, and reassessing employment or support services. Mr. Holstein conducts outreach in 18 counties while headquartered at the Effingham IDES office.

III. INVESTIGATION

A. Interviews Of IDES Client [IDES Client]

On September 28, 2018, and October 9, 2018, OEIG investigators interviewed IDES client [IDES Client]. [IDES Client] reported that, since mid-June 2018, she has received unemployment benefits from IDES in the amount of \$200.00 every two weeks. [IDES Client] explained that she applied for unemployment benefits online after being fired from her previous employment on May 31, 2018.³

[IDES Client] reported that her IDES case manager is named "[IDES Employee 1]," but she did not remember his last name, explaining that she had only seen [IDES Employee 1] once in person at a workshop she attended. According to [IDES Client], she received a letter from IDES in the mail, dated July 2, 2018, regarding a "Re-Employment Services Workshop" scheduled for July 11, 2018, at 9:30 a.m. at the IDES office located at 2311 Hoffman Drive in Effingham, Illinois. The letter indicated that [IDES Client] was required to attend the workshop and that if she did not attend, she would not be eligible for unemployment insurance benefits; there were also instructions

¹ The OEIG did not refer this complaint to law enforcement because at the time the OEIG received the complaint, it had already been reported to the [City] Police Department and a police investigation had occurred.

² See <http://www.ides.illinois.gov/Pages/mission.aspx> (last visited May 22, 2019).

³ IDES requires individuals who receive unemployment benefits to certify their eligibility every two weeks. See <http://www.ides.illinois.gov/Pages/BenefitRightsInformation.aspx> (last visited May 29, 2019). [IDES Client] reported that she recertifies for her benefits via telephone and said that at the time of the October 9, 2018 interview she had last recertified on October 8, 2018.

on the second page of the letter regarding a “Request for Change of Date for Re-Employment Workshop.” [IDES Client] stated she called [IDES Employee 1] after receiving the letter to inform him that she was unable to attend the July 11, 2018 workshop. [IDES Client] stated that she was informed she could attend a different workshop on July 25, 2018.

[IDES Client] reported that she attended a workshop facilitated by [IDES Employee 1] on July 25, 2018, at the Effingham IDES office. [IDES Client] stated that the workshop was at 9:30 a.m., but she arrived a little late. [IDES Client] explained that the [Transportation Company] bus driver⁴ who transported her from her residence in [City], Illinois to the workshop got lost in Effingham on the way.

[IDES Client] reported that after the workshop, she went outside to smoke a cigarette and contact her [Transportation Company] driver to inform him she was ready to be picked up.⁵ [IDES Client] stated that while she was waiting for her ride out front of the Effingham IDES office where the workshop was held, an IDES employee named “Charley” approached her.⁶ [IDES Client] stated Charley informed her that he worked in the IDES Veterans Program, that he was a Marine, and that he traveled often for his job. [IDES Client] reported that Charley asked her about her unemployment situation and she told him about the positions for which she had been applying. [IDES Client] stated that during her conversation with Charley, she thought that maybe if she was nice to him he could help her get a good job. Although [IDES Client] stated Charley never promised her that he could get her a job or otherwise help her, [IDES Client] said she felt she could not be a “witch” to him because she believed that he could affect her unemployment benefits.

[IDES Client] reported that during their conversation, they also discussed her [information redacted] and Charley suggested she go to a marijuana dispensary like he does and stated that he could give her a doctor’s name. [IDES Client] explained that while Charley denied smoking marijuana, he said he gives marijuana to his friends. [IDES Client] stated that Charley had several grams of marijuana on hand and when she asked him how much money he wanted for it, he told her that he would give it to her for free. [IDES Client] said she asked Charley when she could get the marijuana from him and he told her that he was going to Paris, Illinois for work in the next few days and that he could bring it to her then.

[IDES Client] reported that Charley talked a lot about himself during their conversation and told her details about his fitness habits, his former employment in the military, and his family, including that he has a 15-year old son and was married for 18 years before getting a divorce. [IDES Client] described Charley as “very forward.” [IDES Client] stated that Charley told her he would give her his phone number but stated that he might get in trouble for doing so; [IDES Client]

⁴ [Transportation Company] receives funding through the Coles County Council on Aging, the Illinois Department of Transportation, and the Department of Human Services to offer public transportation in Coles and Douglas Counties in Illinois to persons of all ages and abilities. See [Transportation Company Website] (last visited May 28, 2019).

⁵ [IDES Client]’ cellular phone records reflect that on July 25, 2018, her cellular phone was used to call the [Transportation Company] transportation service at 12:42 p.m., 1:58 p.m., 5:50 p.m., and 7:00 p.m.

⁶ [IDES Client] said she could not recall Charley’s last name. When OEIG investigators showed [IDES Client] a photograph of IDES employee Charley Holstein from his State-issued identification card, without any personal identifiers on the image, including his first and last names, [IDES Client] said, “he looks a lot different,” but that the photograph could be an old picture of Charley. During his OEIG interview, Mr. Holstein confirmed to the OEIG that he met [IDES Client] outside the Effingham IDES office.

reported that Charley eventually stated he did not care if it got him into trouble and gave her his phone number.

[IDES Client] stated that Charley offered her a ride home or to pay for her \$7.00 return trip fare for the [Transportation Company] bus, but she declined both offers because she “felt uncomfortable.” [IDES Client] reported that Charley followed her to the [Transportation Company] bus when it arrived and tried to talk her into letting him take her home. [IDES Client] said she told the [Transportation Company] driver that he could not have returned to pick her up at a better time and that “guy was really hitting on me,” referring to Charley.⁷

Following their interaction outside the Effingham IDES office, [IDES Client] reported that Charley sent her a text message saying, “Hi [IDES Client], this is Charley, the one you were talking to outside.” [IDES Client] said she responded to the text saying that she remembered.⁸ [IDES Client] stated that Charley also called her the next day and said that he was at the Mattoon IDES office and asked if he could take her to lunch around 11:00 a.m. or 12:00 p.m. [IDES Client] said that she felt uncomfortable meeting Charley at her apartment but told her friend [Friend of IDES Client] that maybe he could help her ([IDES Client]) get a really good job. [IDES Client] explained that she waited in the parking lot of her apartment for Charley to pick her up.

According to [IDES Client], Charley picked her up at her apartment complex and when she got in the car, there was a gun inside that Charley moved. [IDES Client] said Charley asked her if the gun bothered her and she said yes because she is a [information redacted], but that she was not scared. [IDES Client] said she also saw in the car a photo ID, which appeared to be a State badge, bearing Charley’s picture attached to a lanyard. [IDES Client] reported that Charley treated her to lunch at [Restaurant 2]’s. [IDES Client] said that on that same day, Charley gave her approximately one gram of marijuana and three yellow colored marijuana pills before taking her back to her apartment complex. [IDES Client] stated that Charley told her that he had time to come up to her apartment. [IDES Client] opined that nothing is for free and that she thought Charley wanted sex in exchange for giving her the marijuana, but he left without coming into her apartment.

⁷ On January 24, 2019, OEIG investigators interviewed [Transportation Company] Driver [Transportation Company Driver]. [Transportation Company Driver] stated he “believe[s]” he transported a female passenger on July 25, 2018 from [City] to Effingham, although he did not recall her name. [Transportation Company Driver] confirmed that he initially went to the wrong location in Effingham because he was given the wrong address. [Transportation Company Driver] also recalled picking his female passenger up from the Effingham IDES office but did not recall seeing another person waiting with her. After being shown a photograph of Mr. Holstein by investigators, [Transportation Company Driver] denied seeing him outside of the Effingham office with [IDES Client] when he picked her up. However, [Transportation Company Driver] stated his female passenger “may have said something” about him arriving at the right time because there was a male who was hitting on her in the parking lot; [Transportation Company Driver] explained that she said to him in passing that, “somebody was hitting on me out there.”

⁸ [IDES Client] reported that Charley gave her his phone number during their conversation outside the Effingham IDES office, but she does not know how he got her phone number. [IDES Client] stated she assumed Charley got her phone number from the IDES computer at work. During his interview with OEIG investigators, IDES Program Representative [IDES Employee 1] explained that IDES uses two internal software programs called “IBIS” and “JobLink” and, while both programs list claimant’s phone numbers, IDES veteran representatives do not have access to IBIS and searching a claimant’s name in JobLink can be difficult, especially if a claimant has a common name that would yield too many results due to Illinois JobLink being a statewide system. Further, in his interview with investigators, Mr. Holstein denied accessing any IDES databases to obtain [IDES Client]’ personal contact information.

[IDES Client] reported that soon after their lunch, Charley told her that he was leaving on a two-week trip to Texas for work. [IDES Client] stated that while Charley was away he sent her various pictures of restaurants he visited, sent her a picture of the bed at the hotel he stayed at, and sent her a message saying he wished she ([IDES Client]) was there with him.

[IDES Client] reported that Charley came to her apartment the night of August 13, 2018, when he returned from Texas. [IDES Client] explained that she remembers the date because she was [information redacted], the following day. [IDES Client] stated that when Charley arrived at her apartment, he had marijuana pills and a Cherry Coke he brought her from the restaurant [Name of Restaurant]. [IDES Client] explained that during their lunch at [Restaurant 2]'s they could see [Name of Restaurant]'s out the window, so she mentioned to Charley that [Name of Restaurant]'s was her favorite place to get a Cherry Coke.⁹ [IDES Client] reported that Charley told her she should take three pills and relax, but [IDES Client] said she only took one pill.

[IDES Client] then provided details regarding the alleged sexual assault. [IDES Client] later recalled that during the incident, when she and Charley were in the bedroom, her downstairs neighbor, "[IDES Client's Neighbor]," came up to complain about the noise. [IDES Client] said she recalls opening the door and speaking to [IDES Client's Neighbor]. [IDES Client] said that [IDES Client's Neighbor] later told her ([IDES Client]) that she saw a man trying to hide inside [IDES Client]' apartment.

[IDES Client] reported that on August 15 or 16, 2018, she went to Indiana and was admitted to the hospital due to [information redacted]. [IDES Client] stated she did not report the assault while at the hospital and had intended to "let it go."¹⁰ [IDES Client] explained that she was embarrassed about the incident because she let Charley into her apartment "over marijuana." However, [IDES Client] stated that when she returned home on August 25, 2018, she broke down, called her dad and told him what had occurred.

[IDES Client] said she believes that she reported the assault to the [City] Police Department the last week of August 2018. [IDES Client] said that she gave the [City] Police Department a statement but did not participate in a medical exam because when she reported the assault it had been three weeks since the assault occurred. [IDES Client] said the police also talked to [IDES Client's Neighbor] and asked [IDES Client] to produce certain physical evidence that could corroborate her statement; however, [IDES Client] stated she could not produce the requested evidence.

[IDES Client] stated that she also called IDES to report the incident. [IDES Client] explained that a gentleman at IDES answered her phone call and she inquired about who to report the incident to. [IDES Client] said that she provided IDES with general information related to the incident because she was trying to learn Charley's last name. [IDES Client] said she received a

⁹ A search on Google Maps confirmed that the [Name of the Restaurant]'s Double Drive Thru restaurant in [City], Illinois is across the street from a [Restaurant 2].

¹⁰ [IDES Client] stated that during the end of August or in the first week of September 2018, [information of a confidential and personal nature redacted]. [IDES Client] said [information of a confidential and personal nature redacted], at the time of her OEIG interview.

paper in the mail from IDES to document the complaint but said she did not do so and threw the paper away.¹¹

[IDES Client] stated Charley called her once from a different phone number after the assault and after she spoke to the police.¹² [IDES Client] said Charley was screaming at her saying, “I don’t even know who you are.”

B. Review of [City] Police Department Report

Police records indicate that on September 1, 2018, [IDES Client] reported a sexual assault to the [City] Police Department and a police report was filed. The report included a three-page narrative statement that identified the reporting officer as Officer [Police Officer], the officer who took [IDES Client]’ complaint. The narrative statement detailing [IDES Client]’ statements to police was largely consistent with the version of events provided to the OEIG by [IDES Client].

The police report indicates that [IDES Client] stated she continued to receive phone calls from Charley from two phone numbers and eventually told him that she was going to report him to the police.¹³ However, [IDES Client] would not allow [Police Officer] into her apartment to gather potential evidence of the assault, explaining the evidence was no longer there. [IDES Client] also refused to be evaluated at the hospital, refused to go to the [City] Police Department to provide a more detailed statement, and, although she stated she was afraid of Charley, she did not want to pursue charges against him.

The police report indicated that [Police Officer] also spoke with [IDES Client's Neighbor], [IDES Client]’ neighbor. According to the narrative, [IDES Client's Neighbor] told [Police Officer] that on the Sunday two weeks prior to September 1, 2018, she had been lying in bed around 6:00 – 8:00 p.m. and heard loud noises from [IDES Client]’ apartment above her. [IDES Client's Neighbor] reported that after the noise continued for approximately 30 minutes, she went upstairs to speak to [IDES Client].

[IDES Client's Neighbor] informed [Police Officer] that she knocked on [IDES Client]’ door and initially [IDES Client] spoke to her through the door asking what she wanted, before answering her door in a robe. [IDES Client's Neighbor] stated she informed [IDES Client] there was too much noise. [IDES Client] told [IDES Client's Neighbor] that she would quiet down. [IDES Client's Neighbor] described [IDES Client]’ demeanor during the interaction as embarrassed and opined that she did not seem “normal” but denied that [IDES Client] was “out of

¹¹ As discussed in further detail later in this report, IDES conducted an internal investigation into [IDES Client]’ report. The OEIG obtained emails and documents from the IDES investigation. Emails produced by IDES indicate that the IDES employee who took [IDES Client]’ call told his supervisor that [IDES Client] initially asked to speak to Mr. Holstein, was informed he was out of the office and was transferred to his voicemail, and reported the incident when she called back.

¹² Cellular phone records confirm that Mr. Holstein corresponded with [IDES Client] from July 25, 2018 to August 30, 2018 from one cellular phone number, but called [IDES Client] three times on August 31, 2018 from a different cellular phone number.

¹³ The report indicated that [IDES Client] permitted [Police Officer] to review her call log between her and one of Mr. Holstein’s phone numbers and he saw that an outgoing call from [IDES Client] had been made to that number on August 13, 2018.

it” or intoxicated. [IDES Client's Neighbor] stated she had not seen anyone else in [IDES Client]’ apartment during their exchange and could not recall if she heard a male voice on that night.¹⁴

C. IDES Workshop In Effingham On July 25, 2018

The OEIG obtained documents from IDES regarding the workshop and services provided at the Effingham IDES office on July 25, 2018.

A spreadsheet titled “Job Service Staff Assisted Counts of Services Provided Report/Effingham Local Office” for July 25, 2018 at the Effingham IDES office lists IDES staff names and the services they provided that day. The document confirms that IDES Program Representative [IDES Employee 1] facilitated a Re-Employment Services Workshop at the Effingham office on July 25, 2018. An email dated July 25, 2018, sent from Mr. Holstein’s State of Illinois email account to his supervisor, indicated that he would be in Effingham County on July 25, 2018, and the Job Service Staff Assisted Counts of Services Provided Report/Effingham Local Office spreadsheet shows that Mr. Holstein provided an individual employment plan and initial assessment at the Effingham IDES office on July 25, 2018.

On January 24, 2019, OEIG investigators interviewed IDES Program Representative [IDES Employee 1]. [IDES Employee 1] reported that he has been in his current position since [date redacted] and his job duties include helping individuals who receive unemployment benefits to file unemployment claims, fielding questions claimants have, and assisting the Employment Services side of IDES¹⁵ to help claimants seeking assistance with obtaining employment. [IDES Employee 1] stated that he previously helped to facilitate workshops,¹⁶ which are intended to help attendees understand the hiring process, how to apply for employment, how to complete a resume, and how to tailor their resume to specific jobs.

[IDES Employee 1] reported that the workshops are held three times per month, in the conference room located in the Effingham IDES office. [IDES Employee 1] explained that the workshops are held on the first and second Wednesday of each month and a make-up workshop is held on the fourth Wednesday of the month. [IDES Employee 1] stated that if a claimant is unable to attend their scheduled workshop, the claimant is automatically scheduled for the make-up workshop. [IDES Employee 1] explained that for those claimants mandated to attend a workshop

¹⁴ As discussed in further detail later in this report, IDES conducted an internal investigation into [IDES Client]’ complaint. In its investigation, IDES obtained from the [City] Police Department information indicating that “a [police] report was taken and the investigation into this allegation is ‘inactive’ at this time, which simply means further investigation is not being done.” In her interview with OEIG investigators, Rissa Robertson, the IDES Assistant Labor Relations Manager who conducted the IDES internal investigation, stated that the [City] Police Detective she spoke with about the case told her that [IDES Client] filed a police report regarding the incident but did not want anything else done, so the police closed their investigation.

¹⁵ The IDES Employment Services Division is a separate division from the Unemployment & Veteran Outreach Division in which Mr. Holstein works.

¹⁶ On January 24, 2019, the OEIG interviewed IDES Employment Service Program Representative [IDES Employee 2]. [IDES Employee 2] reported that three times per month, part of her job duties includes attending or facilitating Re-Employment Service Workshops. [IDES Employee 2] confirmed that [IDES Employee 1] used to assist her in that responsibility and did so at the July 25, 2018 workshop. [IDES Employee 2] reported that Mr. Holstein did not attend workshops.

as a condition of the IDES unemployment program, an IDES software program generates letters sent to those individuals directing them to attend.

[IDES Employee 1] reported that workshop attendees sign-in in the lobby and he tried to ensure all attendees actually signed in so that the individuals who received unemployment benefits did not lose their benefits. [IDES Employee 1] explained that not all workshop attendees are necessarily claimants, that some individuals “come off the street,” and that individuals can sign up on a volunteer basis to attend the workshops. However, [IDES Employee 1] stated that “for the most part, the pool of people that attend the workshop” are claimants who receive unemployment benefits and are mandated to attend a workshop as a condition of the IDES unemployment program.

[IDES Employee 1] confirmed that he helped facilitate an IDES Re-Employment Services Workshop on July 25, 2018 at the Effingham IDES office. After determining that the July 25, 2018 workshop was held on the fourth Wednesday of July 2018, [IDES Employee 1] stated that workshop would have been a make-up workshop. [IDES Employee 1] confirmed that [IDES Client] attended the July 25, 2018 workshop, explaining that she appeared on the Re-Employment Services sign-in sheet. [IDES Employee 1] indicated that the fact that her name was generated on the Re-Employment Services sign-in sheet “typically” meant that she received unemployment benefits.¹⁷ However, [IDES Employee 1] stated that he did not independently recall her attending the workshop.

[IDES Employee 1] reported that he works within the same IDES Effingham office as Mr. Holstein, but that Mr. Holstein has a different supervisor than he does. [IDES Employee 1] was shown the “Job Service Staff Assisted Counts of Services Provided Report/Effingham Local Office” spreadsheet for July 25, 2018, which listed Mr. Holstein. [IDES Employee 1] explained that Mr. Holstein’s name appearing on the document could mean that Mr. Holstein was present in the IDES Effingham office that day, but not that he was participating in the July 25, 2018 workshop. [IDES Employee 1] noted that Mr. Holstein did not participate in the workshops that he ([IDES Employee 1]) facilitated because Mr. Holstein works as a veteran representative. [IDES Employee 1] stated he could not recall if he witnessed Mr. Holstein interact with any claimants on July 25, 2018 or with [IDES Client].

D. Review Of Cellular Phone And Email Records

For the period of June 1, 2018 to October 11, 2018, OEIG investigators obtained the phone records associated with [IDES Client]’ cellular phone number and both of Mr. Holstein’s cellular phone numbers,¹⁸ including incoming and outgoing call details and incoming and outgoing text message details (but not the content of the text messages).

¹⁷ [IDES Employee 1] said that later, when he received a call from [IDES Client] and he was preparing to mail her complaint forms, he verified in IDES’ system that [IDES Client] was an IDES claimant.

¹⁸ During their interviews with OEIG investigators, both [IDES Client] and Mr. Holstein confirmed that those cellular phone numbers were theirs. Mr. Holstein explained that one of the cellular phone numbers was associated with his personal cellular phone and the other was associated with a cellular phone that his son previously used, but that Mr. Holstein had since taken from his son and used himself.

The cellular phone records revealed that contact between one of Mr. Holstein's phone numbers and [IDES Client]' phone number began at 2:13 p.m. on July 25, 2018, with a text message originating from Mr. Holstein's phone number to [IDES Client]. Thereafter, between July 25, 2018 and September 1, 2018, there were 222 text messages and 18 phone calls exchanged between Mr. Holstein's phone numbers and [IDES Client]' phone number.

More specifically, the following timeline shows times and number of calls made relevant to certain significant events discussed by [IDES Client]:

July 25, 2018¹⁹

- **Between 11:30 a.m. - 1:00 p.m.:** Mr. Holstein and [IDES Client] met in the IDES parking lot in Effingham.
- **2:13 p.m.:** first phone contact between Mr. Holstein and [IDES Client] when Mr. Holstein text messaged [IDES Client].
- Mr. Holstein and [IDES Client] exchanged another 14 text messages on that day.

July 26

- **Between 12:00 p.m. - 1:00 p.m.:** [Restaurant 2]'s meeting between Mr. Holstein and [IDES Client].
- Mr. Holstein and [IDES Client] exchanged 38 text messages and 9 phone calls that day.²⁰

July 27 through August 5

- Mr. Holstein and [IDES Client] exchanged 39 text messages and 5 phone calls.

August 6

- Mr. Holstein traveled to Texas.
- **5:45 p.m.:** Mr. Holstein text messaged [IDES Client], which was the first phone communication of the day between them.
- Mr. Holstein and [IDES Client] exchanged another 10 text messages.

August 7 through August 12

- Mr. Holstein was in Texas.
- Mr. Holstein and [IDES Client] exchange 90 text messages.

August 13

- Mr. Holstein returned from Texas.
- Mr. Holstein and [IDES Client] exchanged 28 text messages, ending at **5:14 p.m.**
- Mr. Holstein went to [IDES Client]' apartment in the evening.

August 14

¹⁹ All of the dates in the timeline occurred in 2018.

²⁰ Phone calls were counted if initiated by either Mr. Holstein or [IDES Client] but only counted once even though the call appeared on both records. The OEIG did not count a call if designated "MF" indicating it was a voicemail.

- [IDES Client] text messaged Mr. Holstein once, and there was no further phone contact until August 31.

August 30

- In an email dated August 30, sent at 3:49 p.m., IDES employee [IDES Employee 3] informed Mr. Holstein that, “This lady named [IDES Client] called and I transferred her to your voicemail. She stated that it was important and I attempted to help her but she said it was really something that she needed to talk to you about. I told her I would email you her info. Her name is [IDES Client].” The email also included [IDES Client]’ phone number – the same phone number that Mr. Holstein exchanged text message and calls with from July 25 to September 1.
- Emails indicate that on August 30, [IDES Client] contacted IDES a second time and she spoke with IDES employee [IDES Employee 1] and reported the sexual assault.

August 31

- In response to [IDES Employee 3]’ email, Mr. Holstein wrote on August 31 at approximately 7:09 a.m., “I’m not familiar with the name but will give her a call this morning.”
- Mr. Holstein called [IDES Client] three times: 1) at 2:46 p.m. with a call duration of 10 seconds; 2) at 2:47 p.m. with a call duration of 11 seconds; and 3) at 2:48 p.m. with a call duration of 15 seconds.

September 1

- **5:36 p.m.:** [IDES Client] called Mr. Holstein once with a call duration of one minute and fifty seconds.
- **8:10 p.m.:** [IDES Client] contacted the police and a report was taken.

E. Interview Of IDES Disabled Veterans Outreach Program Specialist Charley Holstein

On December 4, 2018, the OEIG interviewed IDES Disabled Veterans Outreach Program Specialist Charley Holstein. Mr. Holstein stated his current job duties include working in the office and in the field, finding and assisting veterans in preparing for or finding employment.

Mr. Holstein reported that IDES Employment Services provides employment workshops at least quarterly; Mr. Holstein said although he does not facilitate these workshops, he sometimes participates in them based upon the projected participants and whether he feels there are clients on his caseload who could attend the workshops. Mr. Holstein acknowledged an email dated July 25, 2018 sent from his State of Illinois email account to his supervisor, which indicated that he would be in Effingham County on July 25, 2018.

Mr. Holstein said he did not recall whether he attended the IDES Re-Employment Services Workshop at the Effingham IDES office on July 25, 2018, and denied meeting [IDES Client] at

the IDES workshop held that day. Mr. Holstein explained that he met [IDES Client] in the parking lot of the Effingham IDES office when he was leaving for lunch sometime between 11:30 a.m. and 1:00 p.m.²¹

Mr. Holstein reported that he noticed [IDES Client] sitting on the ground and asked her if she was waiting for a ride; she said yes, and he struck up a conversation with her. Mr. Holstein reported that the conversation lasted for approximately 15 minutes during which they laughed, joked, and talked; Mr. Holstein said they discovered that they were both divorced and have children. Mr. Holstein explained that they were mutually interested in each other, so they exchanged phone numbers to talk further. Thereafter, because Mr. Holstein said that he only has 30 minutes for lunch, he went back into the office. Mr. Holstein denied offering [IDES Client] a ride home.

Mr. Holstein reported that after that initial encounter, he spoke with [IDES Client] several times, primarily via phone calls and some text messages. Mr. Holstein stated they also went out socially on “two brief occasions.” Mr. Holstein said that during their first outing things went well and they got along great; however, he stated that during their second outing he knew something was definitely “not clicking there.” To initiate the first outing, Mr. Holstein stated they contacted each other in July or August 2018 and they went out to eat in [City] that same night. Mr. Holstein reported that [IDES Client] told him that she could not drive and that he would need to pick her up, which Mr. Holstein said he did. Mr. Holstein reported that after they ate, he went to [IDES Client]’ apartment for two hours. According to Mr. Holstein, [IDES Client] smoked marijuana once back at her apartment that evening, which he did not want to be a part of.

Mr. Holstein explained that his second outing with [IDES Client] occurred weeks later, but that he was unsure when. Mr. Holstein said that he was hesitant to see [IDES Client] again after their first outing,²² but reported that [IDES Client] text messaged him²³ while he was on vacation in Texas and they went out again shortly after his return to town.²⁴ Mr. Holstein said that when he picked [IDES Client] up at her apartment for their second outing he noticed from the moment that he picked her up that she was “on something.” Mr. Holstein reported that they went to either [Restaurant 2]’s or Burger King then returned to [IDES Client]’ apartment, where Mr. Holstein stayed for approximately two hours. Mr. Holstein reported that [IDES Client] again brought out marijuana and informed him that she had [information of a personal and confidential nature

²¹ Investigators obtained Mr. Holstein’s time sheets, but they do not record his lunch breaks.

²² Although Mr. Holstein stated he was hesitant to see [IDES Client] again after their initial outing, cellular phone records show that between July 26, 2018, the date according to [IDES Client] of their first outing, and August 13, 2018, the date of their second outing, Mr. Holstein called [IDES Client] six times and sent her 76 text messages.

²³ As reflected in the timeline above, cellular phone records show that although Mr. Holstein stated [IDES Client] initiated contact with him while he was in Texas, he was the one who actually initiated contact by sending [IDES Client] a text message on August 6, 2018, the first day of his vacation.

²⁴ OEIG investigators showed Mr. Holstein various IDES records indicating that he used vacation time from August 6, 2018 to August 10, 2018, and returned to work on August 13, 2018; investigators also showed Mr. Holstein a Microsoft Excel spreadsheet that included phone calls between his personal cellular phone numbers and [IDES Client]’ phone number. Based on those documents, Mr. Holstein stated he recalled his trip to Texas, stated his return to work on August 13, 2018 was “possibly” the same day he had his second and last date with [IDES Client], that he believes the text messages exchanged between one of his phone numbers and [IDES Client]’ number on August 13, 2018 were on the same day as their final date, and that the text messages exchanged between one of his phone numbers and [IDES Client]’ number on August 14, 2018 occurred after their second and final date.

redacted]. Mr. Holstein stated that “turned me off” and that he made the decision that he and [IDES Client] “weren’t going to click.” Mr. Holstein said he left [IDES Client]’ apartment around 8:00 p.m. or 9:00 p.m. and remembers the time because he stopped near her apartment to make a withdrawal at the ATM and to get gas.

Mr. Holstein stated that marijuana is “not [his] thing” and denied having a license for medical marijuana. However, Mr. Holstein admitted that he told [IDES Client] that she should look into medical marijuana because there is a dispensary in Effingham. Mr. Holstein said he “never” brought [IDES Client] marijuana or any other type of drug.

Mr. Holstein reported that he had sexual intercourse with [IDES Client] on both occasions they spent time together. Mr. Holstein denied sexually assaulting [IDES Client] and denied providing [IDES Client] with drugs or alcohol. Mr. Holstein reported that during the second sexual encounter in [IDES Client]’ apartment, a female from downstairs of the apartment building came up to [IDES Client]’ apartment and told her to keep the noise down because she had to go to work the next morning. Mr. Holstein reported that [IDES Client] answered the door and that the neighbor was there approximately two to three minutes. Mr. Holstein stated he was in the living room when the neighbor came to the door, but he did not go to see who was at the door. Mr. Holstein reported that he left [IDES Client]’ apartment approximately one hour after the neighbor came to the door. Mr. Holstein stated [IDES Client] was awake when he left as he remembers she asked him to spend the night.

Mr. Holstein said that after their second outing, he immediately ended communication with [IDES Client], but she continued to text message him, sometimes asking for him to bring her marijuana, recalling one instance in which she texted him at 2:00 a.m. asking for marijuana.²⁵ Mr. Holstein said he did not respond to [IDES Client]’ messages and felt that she would eventually stop texting him.

Mr. Holstein reported that he also saved a threatening voicemail he received from [IDES Client] and a man who he described as her “abusive” boyfriend; Mr. Holstein added that he did not make any attempts to reach out to [IDES Client] or the male person.²⁶ Mr. Holstein stated he consulted with an attorney after receiving the threatening voicemail to see if he should pursue an Order of Protection against [IDES Client] but was informed that he should wait because he had only received the one voicemail. Mr. Holstein said there was no additional contact made by [IDES

²⁵ As reflected in the timeline above, cellular phone records confirm that [IDES Client] text messaged Mr. Holstein on August 14, 2018 at 11:09 a.m., but Mr. Holstein did not respond. However, after that message, all further communication ceased between their phone numbers until Mr. Holstein called [IDES Client] three times on August 31, 2018 and [IDES Client] called him once on September 1, 2018. Thus, contrary to Mr. Holstein’s statements, the cellular phone records do not reflect that [IDES Client] sent Mr. Holstein any text messages after August 14, 2018, including any at 2:00 a.m.

²⁶ When asked if he could play the voicemail for OEIG investigators, Mr. Holstein went through his personal cellular phone to locate the voicemail he referenced. Mr. Holstein eventually explained that his voice messages were only saved back to September 18, 2018 and that he could not locate the voicemail on his personal cellular phone; Mr. Holstein stated he did not have his son’s cellular phone with him. Cellular phone records indicate that [IDES Client] called Mr. Holstein once on September 1, 2018, and the call lasted 1 minute and 50 seconds.

Client] or the male. Mr. Holstein said that his “perception” is that [IDES Client] was “upset” and mad over him ending their relationship and that he had stopped contacting her “all together.”²⁷

Mr. Holstein admitted that he does own a gun that [IDES Client] may have seen in the doorframe of his vehicle when he picked her up for the two outings but denied displaying it to her. Mr. Holstein denied making any implicit or implied threats toward [IDES Client].

Mr. Holstein said he does not know whether [IDES Client] was an IDES client or whether she received IDES benefits, explaining that he “never asked” her, nor did she volunteer that information. Mr. Holstein stated that when he met [IDES Client], he assumed that she was at the Effingham IDES office to look at the job bulletin board located inside of IDES. Mr. Holstein stated that that the job board is “pretty extensive” and if someone comes in to look at the board it does not necessarily mean they are an IDES client. Mr. Holstein reported that he understood [IDES Client] was not eligible for the veterans services he provided in his capacity at IDES because he told [IDES Client] he was a retired military member and that during their initial conversation, she mentioned that due to [information redacted] she never had the opportunity to join the military.

Mr. Holstein denied working with [IDES Client] in any capacity as an IDES employee, denied promising [IDES Client] anything in relation to his IDES employment, and denied threatening [IDES Client]’ benefits if she did not have sexual intercourse with him. Mr. Holstein explained that he only discovered that [IDES Client] was an IDES client when [IDES Client] called the IDES office asking to speak with him and he was notified of her call via email by another IDES employee.²⁸ Mr. Holstein stated he informed his colleague who sent the email that he “did not know who that is” but that he would try to reach out to her. Mr. Holstein said he searched his records to ensure [IDES Client] was not his client because based on their personal contact he did not know or did not recall [IDES Client]’ last name.

Mr. Holstein denied meeting other romantic interests at IDES or having other romantic interests who are IDES clients. Mr. Holstein stated he did not know whether there was any rule prohibiting him or other IDES staff from socializing with clients but stated that from his “perspective” [IDES Client] was not an IDES Veterans Outreach Program client. Even given the nature of his dating relationship with [IDES Client], Mr. Holstein stated that he believed that he “absolutely” conducted himself “in a professional manner.” Mr. Holstein stated that even had he been aware that [IDES Client] was an IDES client at the time of their initial contact, it would not have changed anything because he is not involved on the Employment Services side of IDES from which she received services. Mr. Holstein stated that had [IDES Client] been a client of the IDES Veterans Outreach Program, his interaction with her would have been different since he is involved in that program. Mr. Holstein opined that even though he met [IDES Client] at the IDES office while she was obtaining services from IDES, it was appropriate to have a romantic relationship with her.

²⁷ When shown cellular phone records indicating that he contacted [IDES Client] three times on August 31, 2018, at 2:46 p.m., 2:47 p.m., and 2:48 p.m., Mr. Holstein explained that he believes he attempted to reach out to [IDES Client] after he was informed she called the Effingham IDES office attempting to contact him.

²⁸ Mr. Holstein acknowledged the email dated August 31, 2018, and explained that he typically contacts IDES clients from his personal cellular phone number because the IDES landline does not dial out.

F. IDES Investigation

The OEIG obtained documents related to the internal investigation conducted by IDES into the alleged sexual assault. The records indicate that [IDES Client] reported the incident to IDES via phone on August 30, 2018, and IDES completed its investigation into the matter on September 18, 2018. According to the records, the IDES Director, Ethics Officer, Chief of Staff, head of the Veterans Outreach Program, and other high-level administrators were aware of the investigation and involved in the decision making. Rissa Robertson, the Assistant Labor Relations Manager, conducted the IDES internal investigation.

Records show that at the beginning of the investigation, Mr. Holstein was instructed to remain in his office and not to do any field work, have no contact with [IDES Client], and not to engage [IDES Client] in any way if he encountered her while conducting agency business. Statements were taken from three individuals: [IDES Employee 1], the IDES employee who took [IDES Client]' phone call to IDES reporting the incident; [IDEA Employee 4], the supervisor [IDES Employee 1] reported the call to; and Todd Lowery, the head of the Veterans Outreach Program who contacted [IDES Client] to get further detail regarding her complaint to [IDES Employee 1]. IDES also contacted the [City] Police Department to determine whether the police were conducting an active investigation into the incident. While IDES did not formally interview Mr. Holstein, he was provided a list of seven questions and asked to respond to them in writing.²⁹ The written statements from [IDES Employee 1] and Mr. Holstein were largely consistent with the version of events they provided to the OEIG.

On March 6, 2019, OEIG investigators interviewed IDES Labor Relations Manager Rissa Robertson. Ms. Robertson indicated that she did not think [IDES Client] would cooperate with Labor Relations since she did not cooperate with the police, so [IDES Client] was not contacted by IDES. Further, Ms. Robertson explained that Labor Relations typically requests written statements during an investigation rather than interviewing individuals, but added that if the violation is egregious, then they conduct an investigatory interview in addition to requesting a written statement. Ms. Robertson acknowledged that in this case, she did not conduct an investigatory interview with Mr. Holstein because she felt that IDES did not have anything to charge him with.

However, Ms. Robertson stated she spoke with Mr. Holstein on the phone to advise him not to have any further contact with [IDES Client] while he is working, and to request a written signed response to seven questions she drafted. Ms. Robertson stated that during their phone conversation, Mr. Holstein denied the allegations but admitted to knowing [IDES Client] and reiterated what he put in his written statement. Ms. Robertson stated Mr. Holstein told her that his relationship with [IDES Client] "went sour" and that he ended the relationship and suggested that she ([IDES Client]) was retaliating against him for ending the relationship.

²⁹ The following are the seven questions IDES asked Mr. Holstein to provide written answers to: (1) When did you first meet [IDES Client]? (2) Where did the meeting take place? (3) Was it during an Agency sponsored event? (4) Do you know her personally, (5) What was the nature of your relationship? (6) Are you friends on social media such as Facebook, Snap Chat, Twitter, etc.? and (7) What reason would [IDES Client] makes [sic] such allegations against you?

Ms. Robertson explained that after speaking with [IDES Employee 1], gathering statements, speaking with a Detective from the [City] Police Department, and speaking with Mr. Holstein on the phone, her recommendation was that Mr. Holstein return to work. Ms. Robertson stated that even though the allegation against him was serious, IDES had nothing from the [City] Police Department to substantiate the allegation as the [City] Police Department did not have any active investigation ongoing. Ms. Robertson stated that they must go on facts and opined that they had nothing to use to go forward with the investigation. Accordingly, Ms. Robertson stated they closed the IDES internal investigation, and the decision was made not to file any charges against Mr. Holstein. Ms. Robertson reported that they made the determination for Mr. Holstein to return to his regular job duties.

IV. ANALYSIS

[IDES Client] made compelling statements to OEIG investigators regarding the alleged sexual assault, and the general timeline she provided to the OEIG regarding when she met and interacted with Mr. Holstein was largely corroborated by IDES records, [IDES Employee 1]’s interview, the cellular phone records, and the interview of, and records from, [Transportation Company]. However, beyond the sequence of meetings, there is little to no corroborating evidence of what took place during those meetings. There were no witnesses to the alleged assault, no physical examination of [IDES Client] around the time of the alleged assault, nor was there any physical evidence from [IDES Client]’ apartment. [IDES Client]’ neighbor, [IDES Client’s Neighbor], told the [City] Police that when she spoke to [IDES Client] after hearing loud noises coming from [IDES Client]’ apartment on the night of the alleged incident, [IDES Client] seemed embarrassed and did not seem “normal” but also did not seem “out of it” or intoxicated. When interviewed, Mr. Holstein denied sexually assaulting [IDES Client]. Because of the conflicting accounts given by [IDES Client] and Mr. Holstein, without more corroborating evidence, the OEIG concludes that there is insufficient evidence to make a finding that Mr. Holstein sexually assaulted [IDES Client], and that allegation is **UNFOUNDED**.

The OEIG, however, does find reasonable cause to believe that Mr. Holstein’s romantic pursuit of [IDES Client], who was an IDES client, violated the IDES and State’s Codes of Conduct. The IDES Code of Ethics states that all employees have an obligation “to conduct themselves in an ethical and professional manner” and indicates that IDES employees must also comply with the State’s Code of Personal Conduct.³⁰ The Illinois Code of Personal Conduct indicates that “State Employees hold a position of public trust and are expected to conduct themselves in a responsible and professional manner.”³¹ Accordingly, the Code requires State employees, “when on State-compensated time (other than vacation, personal, or compensatory time off, as defined in the Ethics Act), on State property, or carrying out the State Employee’s official duties,” to “conduct himself or herself (a) with integrity and in a manner that reflects favorably upon the State.”³²

Mr. Holstein initiated a romantic relationship with [IDES Client] on State property during the work day. [IDES Client] reported that she first met Mr. Holstein in the parking lot of the Effingham IDES office on July 25, 2018, when Mr. Holstein approached her, began “hitting” on

³⁰ See IDES Procedure Manual, Sections 1019.10-15.

³¹ See Illinois Code of Personal Conduct, Principles of Public Services, p 2.

³² *Id.* at Specific Instances of Unethical Conduct, Conduct Unbecoming of a State Employee, p 4.

her, and eventually gave her his phone number. The [Transportation Company] driver confirmed that [IDES Client] told him that someone was hitting on her. Cellular phone records confirmed that it was Mr. Holstein who initiated contact with [IDES Client] on July 25, 2018 by texting her at 2:13 p.m., during Mr. Holstein's scheduled work day. Additionally, Mr. Holstein admitted that he met [IDES Client] outside the Effingham IDES office, he struck up a conversation with her, and that they exchanged numbers to pursue a romantic interest. While Mr. Holstein denied being initially aware or asking if [IDES Client] was an IDES client or received IDES benefits, he said he assumed she was there to look at the job bulletin board in the IDES office. [IDES Client] reported that during their initial encounter, Mr. Holstein informed her that he worked in the IDES Veterans Outreach Program and asked her about her unemployment situation, a natural topic of conversation given that they initially met in an IDES parking lot. According to [IDES Client], Mr. Holstein told her he might get in trouble for giving her his phone number but then said he did not care if it got him into trouble and gave her the number, also indicating that Mr. Holstein was aware of [IDES Client]' status as an IDES client. Furthermore, [IDES Client] was aware of Mr. Holstein's position of power and told OEIG investigators that she believed that if she were nice to Mr. Holstein he could help her get a good job. [IDES Client] also stated that although Mr. Holstein never promised her that he could help her or get her a job, [IDES Client] felt that she could not be a "witch" to him because she believed that he could affect her benefits.

As part of his job, Mr. Holstein was required to engage in a variety of actions designed to assist IDES clients in addressing their unemployment. Thus, Mr. Holstein had a great deal of influence in the lives of his clients, in that he has the authority to make referrals and job placements and reassess a client's employment or support services. Although Mr. Holstein may have been unable to affect or assist [IDES Client] because she was not a veteran, it is apparent that [IDES Client] believed that he had the authority and ability to help her.

Mr. Holstein continued to deny in his interview that he knew [IDES Client] was an IDES client. This denial, however, is not credible for several reasons. First, any reasonable person would believe that [IDES Client] was in the parking lot that afternoon as an IDES client. The parking lot only services the building housing the Effingham IDES office. There was a presentation going on at the office at that time for IDES clients that [IDES Client] attended. Even Mr. Holstein had to admit he believed [IDES Client] was at the Effingham office for the job board which was open to the public but also a resource for IDES clients. [IDES Client] clearly knew that Mr. Holstein worked for IDES as evidenced by her call to the office in August. It is more reasonable that the topic of his employment and her being a client came up in conversation, as depicted by [IDES Client], rather than Mr. Holstein's version that this was never discussed especially considering the personal details that [IDES Client] knew regarding Mr. Holstein. Second, Mr. Holstein's credibility with regard to the nature of this relationship is questionable based on his efforts to downplay his interest in and pursuit of [IDES Client], even though the cellular phone records contradicted many of those statements. For instance, the phone records show that Mr. Holstein made the first phone contact with [IDES Client] by texting within an hour or two after their meeting in the parking lot. According to Mr. Holstein, he was hesitant to see [IDES Client] after their first outing, but that [IDES Client] texted him while he was on vacation. The phone records, however, show otherwise. Mr. Holstein was the one who actually initiated the contact on August 6, 2018, the first day of his vacation, and from July 26, 2018, the date of their first outing according to [IDES Client], through August 13, 2018, the date of their second outing,

Mr. Holstein called [IDES Client] six times and sent her 76 text messages. Mr. Holstein said that after their second outing, he immediately ended communication with [IDES Client], but she continued to text message him, recalling one instance in which she texted him at 2:00 a.m. asking for marijuana. While cellular phone records confirm that [IDES Client] text messaged Mr. Holstein once on August 14, 2018 at 11:09 a.m., after that message, all further communication ceased between their phone numbers until Mr. Holstein called [IDES Client] three times on August 31, 2018 and [IDES Client] called him once on September 1, 2018. Contrary to Mr. Holstein's statements, the cellular phone records do not reflect that [IDES Client] sent Mr. Holstein any text messages after August 14, 2018, including any at 2:00 a.m.

The nature of the work of many State employees places them in a position of inherent authority over their customers who rely on these employees for assistance in obtaining services they need to carry on with their daily lives. As a result of this power imbalance, clients can be exploited or harmed by relationships with State employees who provide services, and vulnerable clients can feel pressure to accept a romantic invitation so as not to lose or reduce those services or benefits; the expectations expressed by [IDES Client] highlight this. State employees are in a position of public trust and are expected to conduct themselves in a responsible and professional manner, and avoid the appearance of impropriety. Because of the power imbalance between State employees and the clients they serve and the inherent conflict of interest a romantic relationship between a State worker and client presents, it is inappropriate and unprofessional for State employees to initiate romantic relationships with clients; that is especially true if the State employee works for an agency that provides services to clients.³³ Mr. Holstein acknowledged that a relationship between a State employee and client would be inappropriate when he told investigators that if [IDES Client] had been a client of the Veterans Outreach Program, his interaction with her would have been different since he is involved in that program. However, the distinction between IDES programs makes little difference from the point of view of a client of the agency. At the very least, Mr. Holstein should have shown better professional judgment.

Mr. Holstein's actions in initiating the romantic relationship with [IDES Client] on State property during the work day, and pursuing that relationship given the fact that [IDES Client] was an IDES client, constituted unprofessional behavior that reflects unfavorably upon the State, and violated the IDES and Illinois Code of Personal Conduct. For these reasons, this allegation is **FOUNDED**.³⁴

³³ The Illinois Department of Human Services (DHS) recognizes that, “[a]n 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.” See DHS Employee Handbook at V-1 – Employee Personal Conduct. Because DHS recognizes that as an agency it “is responsible for protecting customers from harm and exploitation,” DHS prohibits certain actions between employees and customers, including prohibiting employees from “having sexual relations with a customer” or “socializing with customers, the customers’ family members, or individuals closely associated with the customer or the customers’ family when such a relationship may constitute or give the appearance of a conflict of interest.” See DHS Employee Handbook at V - Employee Interaction with Customers and DHS Employee Handbook at V-3 – Employee Personal Conduct.

³⁴ 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.

While the OEIG recognizes that these are not easy allegations for an agency to handle, it is important for IDES to consider its process for proceeding in such cases and the OEIG strongly encourages IDES to improve their policies with regard to employee interaction with clients. First, IDES chose not to interview or have any face-to-face discussions with Mr. Holstein or [IDES Client]. Instead, IDES requested Mr. Holstein provide written answers to seven questions limited in nature. The serious nature of this type of allegation, requires a more thorough inquiry. Simply asking an employee to fill out written answers to minimal questions likely provides decision makers with little meaningful information and can also send a message that such alleged conduct is of little concern to the agency. Additionally, not having any specific policies regarding employee/client relations fails to recognize the power differential between IDES employees and clients and fails to provide the necessary guidance to employees.

V. FINDING AND RECOMMENDATIONS

As a result of its investigation, the OEIG finds that **THERE IS REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDING:**

- **FOUNDED** – IDES Disabled Veterans Outreach Program Specialist Charley Holstein violated the IDES and Illinois Codes of Personal Conduct when he initiated a romantic relationship on State property during the work day with a member of the public who received services and benefits from his employing agency.

Based on this finding, the OEIG recommends that IDES discipline Mr. Holstein, up to and including termination. The OEIG also recommends that IDES review its processes for investigating allegations of this nature and implement a policy directing employees to refrain from socializing or engaging in a romantic relationship with clients receiving IDES services. In drafting the policy, the OEIG suggests IDES review other agency's personnel policies, such as DHS'.

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

Date: June 27, 2019

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

By: **Kelly Fasbinder, #146**
Assistant Inspector General

Casandra Austin-McDonald, #161
Investigator



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

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
RESPONSE FORM**

Case Number: 18-01896

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:

Please see attached letter.

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

Employment Security, Acting Director

Print Agency and Job Title

Thomas D. Chan

Print Name

July 17, 2019

Date

J.B. Pritzker
Governor



Thomas Chan
Acting Director

July 17, 2019

Via Email

Ms. Fallon Opperman
Deputy Inspector General
and Chief of Chicago Office
69 W. Washington Street, Suite 3400
Chicago, IL 60602

Re: OEIG Complaint No. 18-01896

Dear Ms. Opperman:

This is in response to the above referenced complaint. IDES reviewed the OEIG's report and will implement the recommendations by taking the following actions: 1) disciplinary proceedings will be initiated against Mr. Holstein; 2) improve the investigative steps taken by Labor Relations when serious allegations of misconduct are made; and 3) revise IDES' Code of Ethics procedure 1019.551 to address concerns with employee and client fraternization.

IDES agrees that Mr. Holstein's behavior in this case was unacceptable. Therefore, the disciplinary process will begin against Mr. Holstein. Labor Relations will prepare pre-disciplinary charges for violations of IDES' procedures. Once those have been given to Mr. Holstein, he will have time to prepare a rebuttal. His rebuttal, if any, will be reviewed and a determination will be made on what discipline will be issued.

Labor Relations' investigative steps have been improved. Going forward, Labor Relations will interview the complainant and witnesses in person or via video conference whenever there are allegations of a serious nature, rather than submitting a questionnaire for them to fill out. The following situations are examples, and not an exhaustive list, where an interview would be conducted: sexual harassment or misconduct, harassment in general, workplace violence and time theft.

IDES conferred with DHS and IDOR regarding its policies on employees fraternizing with clients. After review of DHS' policies, IDES revised its Code of Ethics procedure by adding language prohibiting IDES employees from initiating or participating in a romantic or sexual relationship with an IDES client where that relationship wasn't already established before the person became an IDES client when such relationship may constitute a conflict of interest. Please note that the changes may need to be negotiated with the union.

We believe the above actions have addressed any instances where the investigative process or procedure was lacking and will prevent future concerns regarding investigations or IDES employees fraternizing with clients. Please let me know if you would like to discuss this further.

Sincerely,



Thomas Chan
Acting Director



OFFICE OF EXECUTIVE INSPECTOR GENERAL
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR
69 WEST WASHINGTON STREET, SUITE 3400
CHICAGO, ILLINOIS 60602
(312) 814-5600

September 11, 2020

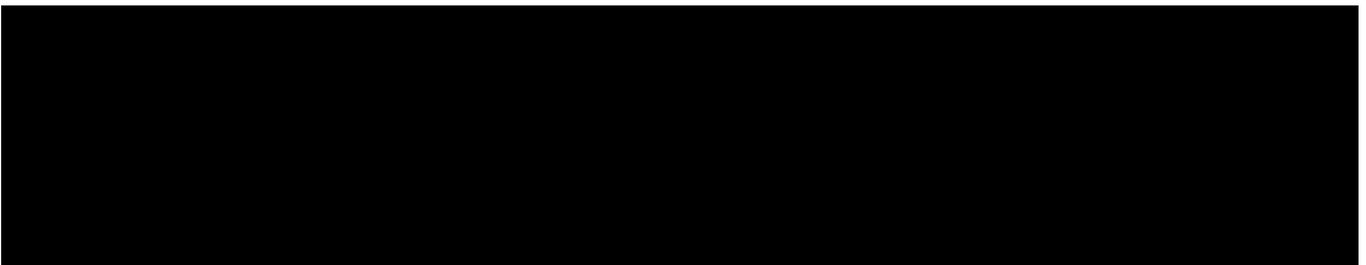
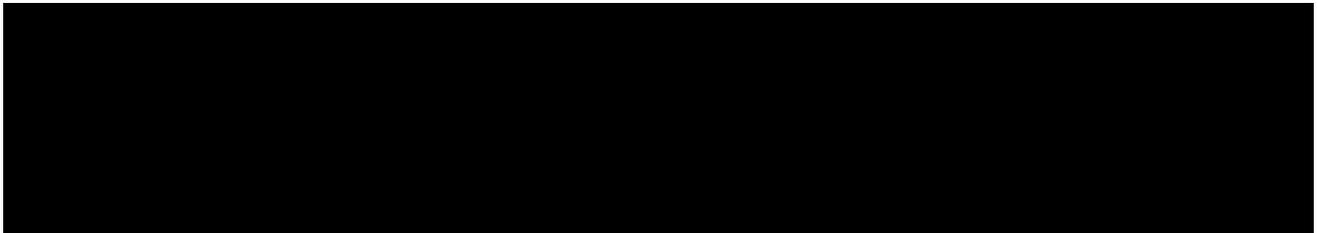
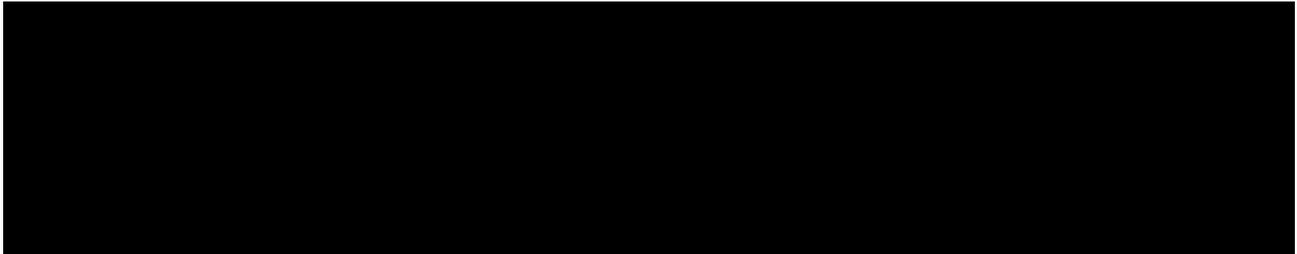
Via Electronic Mail

Michelle Casey
Executive Director
Executive Ethics Commission
515 William Stratton Building
Springfield, IL 62706

Re: Agency Response Updates

Dear Executive Director Casey:

In response to your August 25, 2020 letter, below is a summary of information obtained from agencies regarding some of the cases you requested updates on. If an agency provided a substantive and/or final response, it has been attached to this letter. If the agency merely indicated that discipline was still pending, we only summarized that information below.



[REDACTED]

[REDACTED]

[REDACTED]

Holstein, 18-01896

In a September 2, 2020 letter, IDES reported that Mr. Holstein was suspended for seven days. In light of this response, the OEIG considers this matter closed. This letter is attached.

[REDACTED]

[REDACTED]



We will continue to forward you updates to the other cases as we get them in. If you have any questions, I can currently be reached at (312) 882-2897.

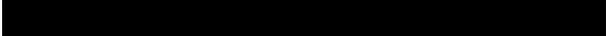
Sincerely,

Susan M. Haling
Executive Inspector General

By: 
Fallon Opperman
Deputy Inspector General & Chief

cc: Alexa Elam, via email at alexa.c.elam@illinois.gov

Encl: Agency responses for the following OEIG cases:

- 
- September 2, 2020 letter regarding 18-01896
- 



JB Pritzker
Governor

Kristin A. Richards
Acting Director

September 2, 2020

Via Email

Ms. Angela Luning
Deputy Inspector General and
Acting Chief of Springfield Division
Office of the Executive Inspector General
for the Agencies of the Illinois Governor
69 West Washington Street, Suite 3400
Chicago, IL 60602

RE: OEIG Complaint No. 18-01896

Dear Ms. Luning:

As follow up to the above-referenced matter, please be notified that the subject of the complaint, IDES employee Charley D. Holsten, was suspended without pay for seven (7) calendar days effective September 16, 2019 and returned to work on September 23, 2019.

The charges presented to Mr. Holstein resulted from the OEIG investigation and final summary report dated June 27, 2019, and the suspension was issued in accordance with the governing collective bargaining agreement. Mr. Holstein was found in violation of the IDES Code of Ethics Section 1019.551, Personal Conduct, and Section 1019.558, Making False Statements. The suspension remains a permanent part of his personnel file.

The Department considers the matter closed. Please feel free to contact me if you have questions or need anything further.

A black rectangular redaction box covers the signature of Gina Wilson. A blue arrow points to the top right corner of the redaction.

Gina Wilson
IDES Ethics Officer

cc: Kristin Richard, IDES Acting Director
Kevin Lovellette, IDES Chief Legal Counsel
Jeff Crabtree, IDES Labor Relations Manager