

OEIG FINAL REPORT

I. SUMMARY OF THE ALLEGATIONS

On December 11, 2018, the Office of the Executive Inspector General (OEIG) received an anonymous complaint alleging that Illinois Department of Agriculture (IDOA) employee Nancy Johnson abused State time by working on her operation of a rescue habitat for animals named 2nd Hand Ranch & Rescue (Ranch) during State time, and using IDOA property to conduct Ranch business. The complaint also alleged that Ms. Johnson did not follow policy with regard to her use of a State vehicle and her required vehicle reporting.

II. BACKGROUND

IDOA monitors various invasive species, including the gypsy moth, which is responsible for millions of acres of defoliation annually.¹ IDOA works with an organization known as Slow the Spread, in which eleven states, in cooperation with the United States Department of Agriculture (USDA) Forest Service, have implemented a region-wide strategy to minimize the rate at which the gypsy moth spreads into uninfested areas.² IDOA is responsible for ten territories, known as “bid units,” that cover the Northernmost portion of the State.³ IDOA and Slow the Spread place over 7,000 traps per season in these areas.⁴ The USDA is responsible for gypsy moth activities in the remaining portion of the State.

Since February 2013, Nancy Johnson has held the position of Plant and Pesticide Specialist 2, Gypsy Moth Program. Her position description lists her work location as IDOA’s DeKalb Field Office. For approximately the last four years, Ms. Johnson has reported to IDOA Nursery and Northern Field Office Section Manager Scott Schirmer, who is also headquartered at the DeKalb Office.

III. INVESTIGATION

A. Ms. Johnson’s Duties As An IDOA Plant And Pesticide Specialist

Ms. Johnson is responsible for heading up IDOA’s Gypsy Moth trapping program (Gypsy Moth Program), including coordinating with Slow the Spread in its efforts. Ms. Johnson said that the Gypsy Moth Program is funded by a grant from Slow the Spread. Ms. Johnson said that as part of her position, she coordinates with Slow the Spread and creates the budgets for the Slow the Spread grant.⁵ Ms. Johnson supervises eleven contract trappers during the trapping season—roughly May through September. According to Ms. Johnson, Slow the Spread hires and pays these

¹ <https://www2.illinois.gov/sites/agr/Insects/Pests/Pages/gypsy-moth.aspx> (last visited Jan. 14, 2020)

² <https://www.gmsts.org/about.html> (last visited Jan. 28, 2020)

³ The bid units cover Jo Daviess, Stephenson, Winnebago, McHenry, DuPage, Kane, Ogle, DeKalb, Ogle, Carroll, Whiteside, Lee, La Salle, Kendall, Cook, Will, Grundy, Kankakee, and Iroquois Counties.

⁴ <https://www2.illinois.gov/sites/agr/Insects/Pests/Pages/gypsy-moth.aspx> (last visited Jan. 14, 2020)

⁵ OEIG investigators interviewed Ms. Johnson on September 11, 2019.

contract trappers, but she posts the trapper positions to be filled, reviews their timesheets, and administers payroll.

Mr. Schirmer stated he has been a supervisor with IDOA for four years and supervises 14 employees, including Ms. Johnson.⁶ Mr. Schirmer said that Ms. Johnson manages “the operations and the administrative portion” of the Gypsy Moth Program. Mr. Schirmer said that part of this job entails supervising seasonal trappers, who use tablet devices to place and monitor gypsy moth traps, and then upload that information to a national electronic database maintained by Virginia Polytechnic Institute and State University (Virginia Tech). Mr. Schirmer said that these trapping activities are critical to the Gypsy Moth Program, because the terms of the grant require IDOA to perform quality control (QC) checks on ten percent of the gypsy moth traps, and because they allow IDOA to track the number and location of gypsy moths and direct treatment to those areas. Mr. Schirmer confirmed that Ms. Johnson works out of the DeKalb IDOA Office, but that her position requires her to spend a lot of time in the field and that she is temporarily assigned an IDOA pool vehicle during the gypsy moth trapping season for that purpose. He also stated that during the summer months, Ms. Johnson’s schedule is shifted from five eight-hour days to four 10-hour days to allow her to work more efficiently, given the extensive travel inherent in her position. He said he requires Ms. Johnson and other IDOA employees who work in the field to fill out activity reports to track their time and activities in the field. Mr. Schirmer said that Ms. Johnson typically hand-delivers these activity reports by placing them in a designated basket in the DeKalb Office.

B. OEIG’s Review Of Records Reflecting Ms. Johnson’s Gypsy Moth Program Activities

1. IDOA Activity Reports

IDOA policy requires, “[w]ith the exception of break and lunch periods, work time should be spent on official state business and documentation of time worked shall be required.”⁷ Pursuant to IDOA policy, Ms. Johnson is required to submit written activity reports tracking her work activities for each day she works.⁸

The OEIG obtained and reviewed Ms. Johnson’s activity reports between July 1, 2018 and January 31, 2019. Each activity report covered a work week, from Monday to Friday, and contained spaces for Ms. Johnson to record times she arrived to and departed from her “headquarters”; the time of her lunch break; and the activities she performed. Each activity report was dated and signed by both Ms. Johnson and Mr. Schirmer, and several of the activity reports were also date stamped as having been received by IDOA. Although there was a space on each activity report to record her mileage, Ms. Johnson did not fill in this information for any of her activity reports. In many cases, the activity reports were submitted weeks after the relevant events. Overall, for seven of the 30 weeks examined, Ms. Johnson submitted the corresponding activity

⁶ OEIG investigators interviewed Mr. Schirmer on April 25, 2019.

⁷ IDOA Employee Handbook 2.1.100, Attendance.

⁸ IDOA Employee Handbook 2.1.111, Activity Reports. The handbook also states that “[f]ailure on an employee’s part to file and accurately report activities on the required activity report form may result in disciplinary action up to and including discharge.”

reports more than a week after they were due, and in one case, the activity report, which covered the week ending October 26, 2018, was not submitted until March 2019.⁹

Many of Ms. Johnson's activity reports included vague or repetitive descriptions of her daily activities. For example, for each Monday on the activity reports reviewed by OEIG investigators, she included the phrase, "[p]ayroll, general office duties, weekly reporting, monthly reporting." On 44 of the 63 days Ms. Johnson reported working between July 1 and October 26, 2018, Ms. Johnson's activity reports stated that she performed gypsy moth trapping activities in various locations across the State. Many of these entries were also vague and repetitive: for example, between September 17 and October 18, 2018, on 13 of the 17 days Ms. Johnson reported working, she generally reported performing trap take downs in Carroll or JoDavie Counties. There is no particular area on the activity report that specified whether she used a State vehicle, or whether she worked with another individual; however, on a number of entries she reported working either "solo" or with an individual named "[Slow the Spread Trapper 1's First Name]" or "[Slow the Spread Trapper 1]."¹⁰

2. IDOA E-Time Records

In addition to her activity reports, Ms. Johnson records her hours for payroll purposes on a system called E-Time, which requires an employee submitting their time to agree that the information provided is complete and accurate. IDOA policy forbids the use of State time, property, and facilities for personal business.¹¹

OEIG investigators reviewed Ms. Johnson's E-Time records from July 1, 2018 to January 31, 2019. Ms. Johnson is required to spend 40 hours per week on State business, unless she is using paid time off. According to Ms. Johnson's E-Time records for the months of July through September 2018, except for days when she used paid time off, Ms. Johnson reported working from 7:00 a.m. until 5:30 p.m. each day, Monday through Thursday; while during the other months, she reported working from 8:00 a.m. until 4:30 p.m. each day, Monday through Friday. These times were consistent with the times Ms. Johnson reported on her activity reports. At times, Ms. Johnson also submitted her E-Time records late: overall, for seven of the 30 weeks examined, Ms. Johnson submitted the corresponding activity reports more than a week after they were due.¹²

3. Vehicle Records

Ms. Johnson submits Monthly Automotive Cost Reports (Auto Reports) each month in connection with her use of the IDOA pool vehicle. The Auto Reports record each date on which Ms. Johnson filled up her car with gasoline, as well as how much gas was purchased on those

⁹ This activity report was not originally turned over to OEIG after it requested Ms. Johnson's activity reports between July 1, 2018 and January 31, 2019. OEIG investigators followed up with IDOA on March 18, 2019, and IDOA provided this activity report the next day. The activity report was dated March 19, 2019.

¹⁰ Ms. Johnson's activity reports indicated that she worked with "[Slow the Spread Trapper 1's First Name]" or "[Slow the Spread Trapper 1]" on July 5, 19, 23, and 30; August 2 and 29; September 6 and 13; and October 1 and 2, 2018.

¹¹ IDOA Employee Handbook 2.3.113, "State Property and Facilities."

¹² As examples, Ms. Johnson submitted her E-Time report for the week ending July 29, 2018 on August 13, 2018; submitted her E-Time report for the week ending September 9, 2018 on September 24, 2018; and her E-Time report for the week ending November 4, 2018 on November 13, 2018.

dates. The Auto Reports do not include a space to record the car's mileage on each date it is filled with gas, but they do include an area in which the user states how much mileage was accrued during the month. OEIG investigators cross-referenced the gasoline purchases recorded by Ms. Johnson in her Auto Reports with her activity reports, and noted that on some occasions, Ms. Johnson did not purchase gasoline despite reporting having done field work in various remote locations across the State.

4. Slow the Spread Data Records

OEIG investigators interviewed [Virginia Tech Employee 1], a[n] [employee in the] Virginia Tech Gypsy Moth Program,¹³ which supports Slow the Spread by providing information systems and by engaging in data collection and mapping duties. He explained that in the field, trappers hired by Slow the Spread, as well as Ms. Johnson, use tablets loaded with special software to record information relating to gypsy moth traps. For example, he stated that a trapper can use these tablets to locate the nearest trap and record information, such as the condition of a particular trap, known as quality control; the number of gypsy moths caught in the trap; and trap takedowns. [Virginia Tech Employee 1] said that all information related to trapping activities would be recorded and uploaded to the Virginia Tech servers, including information on the identity of the trapper who uploaded the information. Thus, [Virginia Tech Employee 1] was able to identify data that was uploaded by Ms. Johnson. [Virginia Tech Employee 1] added that it was possible that two trappers working together would only record activity on one tablet. [Virginia Tech Employee 1] also noted that the trapping software features a dropdown menu that allows a trapper to collect and upload data on behalf of another trapper.

The OEIG obtained and reviewed spreadsheets from Virginia Tech showing location and date information for gypsy moth trap placements and inspections (Slow the Spread data) that were submitted under Ms. Johnson's login information during calendar year 2018. According to this data, Ms. Johnson scanned traps on 22 days during the 2018 trapping season between July and October of 2018. The information provided by Slow the Spread showed Ms. Johnson performing field work in 2018 on July 9, 10, 11, 17, 19, 23, 24, and 31; August 14, 15, 16, 21, and 22; September 20 and 24; and October 2, 4, 5, 11, 17, 19, and 25. Ms. Johnson's activity reports for these dates all reported field activity that was geographically consistent with the corresponding Slow the Spread data, with the exception of August 21, 2018. On that date, the Slow the Spread data shows 33 entries by Ms. Johnson, but, according to her daily activity report and E-Time records for that date, she worked only one and a half hours due to illness.¹⁴ However, as further described below, there were 22 other dates when Ms. Johnson reported doing field work on her activity reports, which was not supported by the Slow the Spread data.

5. Comparison of Documentation Reflecting Ms. Johnson's Activities

In comparing Ms. Johnson's Slow the Spread data to her activity reports, the OEIG noted 22 days where Ms. Johnson reported engaging in quality control or trap takedown activities on her

¹³ Investigators interviewed [Virginia Tech Employee 1] on August 2, 2019.

¹⁴ When OEIG investigators asked Ms. Johnson about this apparent discrepancy, Ms. Johnson stated that the relevant activity took place in an area where a trapper quit and where "everybody was chipping in," so other trappers may have used her tablet sign-in to perform quality control work.

activity reports, with no corresponding records of Ms. Johnson undertaking these activities in the Slow the Spread data. Below is a summary of discrepancies between Ms. Johnson’s activity reports, Auto Reports, and Slow the Spread data:

Review of Ms. Johnson’s Records

Date	Reported Travel According to Activity Reports	Minimum Miles Needed for Travel Reported¹⁵	Date of Last Gas Purchase	Miles Traveled Since Last Gas Purchase	Slow the Spread Data
7/12/2018	Area 4 ¹⁶	152.6	7/11/2018	152.6	None
7/16/2018	Area 6 ¹⁷	66.8	7/11/2018	219.4	None
7/18/2018	Bureau, LaSalle, Ogle, Lee, and Winnebago Counties; Rockford, Illinois	176.8	7/18/2018	176.8	None
7/30/2018	Area 5 and Area 8 ¹⁸	212	7/24/2018	212	None
8/1/2018	Ogle, Lee, and LaSalle Counties, Area 5	141	7/31/2018	141	None
9/4/2018	“Trap removal,” with no location specified	Unknown	8/16/2020	Unknown	None
9/10/2018	Shannon, Illinois	142.8	9/5/2018	142.8	None
9/11/2018	Area 2; ¹⁹ Freeport, Illinois	186.2	9/5/2018	329	None
9/17/2018	Carroll County	152.6	9/5/2018	481.6	None
9/18/2018	Carroll County	152.6	9/5/2018	634.2	None
9/19/2018	Carroll County	152.6	9/5/2018	786.8	None
9/25/2018	Carroll County	152.6	9/24/2018 ²⁰	152.6	None
10/1/2018	Carroll and Jo Daviess Counties	208	9/24/2018	360.6	None
10/10/2018	Jo Daviess County	208	10/10/2018	N/A	None
10/12/2018	Carroll and Jo Daviess Counties	208	10/11/2018	208	None
10/15/2018	Carroll and Jo Daviess Counties	208	10/11/2018	416	None
10/16/2018	Carroll and Jo Daviess Counties	208	10/11/2018	624	None

¹⁵ OEIG calculated the approximate distance Ms. Johnson reported traveling using Google Maps. To reach these calculations, OEIG used the shortest route from Ms. Johnson’s home address in [City], Illinois to the furthest location listed on her daily activity report, and assumed a round-trip to that destination with no stops on the way.

¹⁶ Area 4 includes Carroll, Whiteside, Bureau, and the western portions of Ogle and Lee Counties.

¹⁷ Area 6 includes portions of Lee and La Salle Counties

¹⁸ Area 5 includes portions of DeKalb, Ogle, and Lee Counties. Area 8 includes Will, Cook, and Kendall Counties.

¹⁹ Area 2 includes eastern Stephenson County, Winnebago County, and northern Ogle County.

²⁰ Ms. Johnson also purchased gas on September 20, 2018.

Date	Reported Travel According to Activity Reports	Minimum Miles Needed for Travel Reported¹⁵	Date of Last Gas Purchase	Miles Traveled Since Last Gas Purchase	Slow the Spread Data
10/18/2018	Jo Daviess County	208	10/18/2018	N/A	None
10/22/2018	Galena	236	10/18/2018	236	None
10/23/2018	Galena	236	10/18/2018	472	None
10/24/2018	Galena	236	10/18/2018	708	None
10/26/2018	Galena	236	10/18/2018	1180 ²¹	None

During the OEIG’s review of Ms. Johnson’s activity reports, investigators found that Ms. Johnson’s activity reports for November 5-9, 2018 reflected that she attended the Annual Gypsy Moth Review Conference (AGMR Conference) in Indianapolis, Indiana. Ms. Johnson’s E-Time entries for each day reflected that she worked 8:00 a.m. to 4:30 p.m., with a half hour lunch. Ms. Johnson’s activity report entry for November 9, 2018 stated, “Travel Day back to Illinois, return e-mails and phone calls.” However, a hotel receipt included in her e-mails, that she submitted to USDA Forest Service and Slow the Spread personnel, indicated that she checked out of her Indianapolis hotel at noon on November 8, 2018. Ms. Johnson’s gas receipts also reflect that she purchased gas in Danville, Illinois—approximately 88 miles west of Indianapolis, and on the way back to Ms. Johnson’s residence—at 4:07 p.m. on November 8, 2018. Ms. Johnson submitted this gas receipt to IDOA along with her Auto Reports for the month of November 2018.

6. Interview of Ms. Johnson Regarding Work Activities

Ms. Johnson said that she works from her home in [City], Illinois during the “summer months”—which she defined as May through September—despite the fact that her position description formally designates her work headquarters as the “DeKalb Field Office,” because much of her time is spent meeting with contract trappers or performing QC work. Ms. Johnson said during the summer, she goes into the DeKalb Office approximately once a month or less and that she otherwise works from her home. She said she also occasionally works from home during non-summer months, estimating that she spends three or four days a week in the DeKalb Office and works from home the remainder of the week. Ms. Johnson said that between May and September every year, she goes on a summer work schedule, working 7:00 a.m. to 5:30 p.m. four days a week with every Friday off.

Ms. Johnson said sometimes she gets a late start on her workday, but she always lets Mr. Schirmer know via a call or a text. Ms. Johnson said she does not reflect these late starts and non-State interruptions in her daily activity reports, but she also does not record the extra hours she works on weekends and evenings in the daily activity reports. Ms. Johnson stated she has always been told by her supervisors that overtime comes out of a separate “general operations fund” and to put in for it “would throw it over budget.” Accordingly, Ms. Johnson said she treats everything over her standard workday as unofficial comp time.

²¹ Ms. Johnson’s daily activity report also reflects Ms. Johnson doing QC work in Galena on October 25, 2018, which was supported by the Slow the Spread data. Accordingly, the OEIG included the round-trip mileage from October 25, 2018 in this total. Ms. Johnson did not purchase gas again until October 29, 2018.

Ms. Johnson confirmed that she takes an IDOA pool vehicle in May and keeps it at her home throughout the summer months though the vehicle is not formally assigned to her. Ms. Johnson said she usually uses her personal vehicle to commute between her home in [City], Illinois and the IDOA DeKalb Office, which is a 95-mile commute, but if there is a field stop in between, she takes an IDOA pool vehicle instead. Ms. Johnson explained that she generally uses her pool vehicle to travel when she is doing field work, but has occasionally taken her personal vehicle. Ms. Johnson said that she did not use her personal vehicle for field work in 2018, and confirmed she had a pool vehicle available to her for the entire period of May through September 2018.²² Ms. Johnson denied using the pool vehicle for personal errands or even getting lunch. OEIG investigators showed Ms. Johnson Auto Reports for July 2018 through January 2019. Ms. Johnson said she fills out these reports and submits them to IDOA along with any associated receipts. Ms. Johnson stated she reviews her Auto Reports to ensure they are accurate and that all of her expenses related to her use of the pool vehicle are reflected in the Auto Reports.

During her interview, OEIG investigators showed Ms. Johnson a series of her completed activity reports. When asked if the hours on her timekeeping records are correct, Ms. Johnson replied that she often fills them out many weeks after the date indicated on the entries so they are often incorrect. She explained that she often relies on memory or “terrible notes” she takes in the field when filling out her activity reports and that she often “cut[s] and paste[s]” her activity reports “in a hurry,” which may lead to errors in recording her activities. She acknowledged, however, that it is important to properly record trap takedowns on the Virginia Tech tablets in order to ensure accurate calculations of the next season’s spraying and trapping activities. Ms. Johnson said the trappers self-report their mileage and activities on their timesheets, but she cross checks the QC work they claim to be doing with the Slow the Spread data collected by Virginia Tech.

OEIG investigators showed Ms. Johnson her activity report for November 9, 2018 reflecting that this was a travel day, as well as her hotel and gas receipts showing a checkout and fill-up on November 8, 2018. Ms. Johnson eventually said that she thought she drove back home on November 8 after a tour sponsored by the AGMR Conference and arrived home very late.²³ Ms. Johnson said that instead of putting in for “overtime” for the extra hours she drove, she took the morning of November 9 off “with comp time” and did paperwork on Friday afternoon. Ms. Johnson said she may have done Ranch work that morning.

When the OEIG asked Ms. Johnson about the “comp time” she claimed to have used to take off the morning of November 9, Ms. Johnson stated that when she works later than her scheduled end time, she counts any additional time she worked as “comp time” that she can later use as paid time off. Ms. Johnson said she neither tracks nor formally submits the extra hours she works and takes off later as comp time, and there is no way to verify that the number of hours she takes off matches the number of extra hours she works. When asked why she wrote on her daily activity report that she traveled on Friday when she knew that she did not, Ms. Johnson said,

²² According to Ms. Johnson’s Auto Reports, this vehicle was a 2007 Chevrolet Malibu, which has a fuel tank capacity of approximately 16 gallons and an estimated fuel economy ranging from approximately 19 to 30 miles per gallon. See <https://www.fueleconomy.gov/feg/Find.do?action=sbs&id=23252> (last visited June 15, 2020).

²³ During her interview with OEIG investigators, Ms. Johnson said she got home about 9:00 or 10:00 p.m. at night on November 8, however, her gas receipt indicates that she filled up her tank in Danville, Illinois at 4:07 p.m. Danville, Illinois is approximately 2 ½ hours away from [City], according to Google Maps.

“Because I had all that comp time, I messed up the timesheet.” Ms. Johnson said she should have recorded her travel date as Thursday. Ms. Johnson said she thought she let Mr. Schirmer know that she left the hotel on Thursday and that she was taking comp time on Friday. OEIG investigators then showed Ms. Johnson an e-mail she sent to Mr. Schirmer on November 13 in which she described her attendance at the conference. Ms. Johnson agreed that she did not mention in her e-mail that she left on Thursday and took unofficial comp time on Friday morning.²⁴

After her interview, the OEIG reexamined Ms. Johnson’s daily activity reports and E-Time records to determine whether Ms. Johnson accrued or used any official compensatory time. The records reflected that from July 1, 2018 to January 31, 2019, Ms. Johnson *earned* 8 hours of compensatory time on November 6, 2018, which was a State holiday, while she was attending the AGMR Conference, and 7 hours of compensatory time on December 11, 2018, when she reported working until 11:30 p.m. Ms. Johnson reported *using* compensatory time on three other dates: 8 hours on November 26, 8 hours on December 17, and 1 ½ hours on December 20, 2018. There were no other records of Ms. Johnson claiming to earn or use compensatory time during this period.

When asked about other possible discrepancies between her activity reports, Slow the Spread data, and Auto Reports, Ms. Johnson provided several explanations as to why her activity report would say she was out in the field doing QC checks or trap takedowns, yet Slow the Spread had no data showing the same, including:

- she had difficulty with her paperwork and did not always recall what she was doing on particular dates, so she reported information that she believed to be accurate, but was not;
- she could have been following trappers who were scanning, while she was not;
- the tablet she used may have had having technical problems;
- she may have been traveling to a QC site on a particular day and was diverted by other State business, such as a long conference call, that caused her to stop her travel and pull off to the side of the road for safety; and
- she may have used another trapper’s device to scan traps, which would not be attributed to her by the Slow the Spread data.

Ms. Johnson also suggested that the trapping data would be attributed to lead trapper [Slow the Spread Trapper 1] if they trapped together, using one tablet. According to Ms. Johnson, once Slow the Spread hires the trappers, they are trained and assigned to a bid unit, where they set gypsy moth traps. Ms. Johnson stated that after the traps are set, all of the trappers are furloughed with the exception of [Slow the Spread Trapper 1], who helps Ms. Johnson on QC checks of the traps to ensure they were properly set. Ms. Johnson stated she often does trap placement and takedown with [Slow the Spread Trapper 1]. According to Ms. Johnson, when the two of them work together, they take [Slow the Spread Trapper 1] car because otherwise she ([Slow the Spread Trapper 1]) gets car sick.

After Ms. Johnson’s interview, OEIG investigators analyzed [Slow the Spread Trapper 1]’s timesheets and Slow the Spread data to determine whether Ms. Johnson could have been with

²⁴ During his interview, Mr. Schirmer said he was aware that Ms. Johnson attended an AGMR Conference in Indianapolis, but he was not aware if, contrary to the descriptions on Ms. Johnson’s daily activity report, she left Indianapolis and returned home on Thursday, November 8. Mr. Schirmer said this would surprise him if it were true.

[Slow the Spread Trapper 1] on the dates when her Slow the Spread data and Auto Reports conflict with her activity reports. OEIG investigators found that [Slow the Spread Trapper 1] did not work on many of the relevant dates.²⁵ Furthermore, on several dates when [Slow the Spread Trapper 1] was working, the Slow the Spread data showed that she was not anywhere near the locations Ms. Johnson reported on her daily activity report. For example, on July 18, 2018, Ms. Johnson reported being in Bureau, LaSalle, Ogle, Lee, and Winnebago Counties, while Slow the Spread data shows that [Slow the Spread Trapper 1] performed QC checks around Kankakee, Illinois approximately 146 miles away.²⁶ Similarly, Ms. Johnson reported in her daily activity report for August 1, 2018 that she worked in Ogle, Lee, and LaSalle Counties, whereas Slow the Spread data showed that [Slow the Spread Trapper 1] worked in the Joliet area, which is approximately 98 miles away.²⁷ Finally, Ms. Johnson reported in her daily activity report for October 26, 2018 that she spent the day “taking down traps in Galena area;” however, Slow the Spread had no records of trapping activity by [Slow the Spread Trapper 1] on that date. Further, [Slow the Spread Trapper 1] reported on her timesheet that she worked only one hour that day and traveled only 31 miles. Thus, after reviewing [Slow the Spread Trapper 1]’s timesheets and Slow the Spread data, Ms. Johnson still had a number of discrepancies.

Date	Johnson Reported Travel	Johnson’s Slow the Spread Data	[Slow the Spread Trapper 1]’s Slow the Spread Data/Time Sheet
7/12/2018	Area 4	None	None/No Work Reported
7/16/2018	Area 6	None	None/No Work Reported
7/18/2018	Bureau, LaSalle, Ogle, Lee, and Winnebago Counties; Rockford, Illinois	None	QC checks around Kankakee, Illinois
7/30/2018	Area 5 and Area 8	None	None/No Work Reported
8/1/2018	Ogle, Lee, and LaSalle Counties, Area 5	None	49 traps checked in Joliet area ²⁸
9/10/2018	Shannon, Illinois	None	None/No Work Reported
9/11/2018	Area 2; Freeport, Illinois	None	None/No Work Reported
9/19/2018	Carroll County	None	None/No Work Reported
9/25/2018	Carroll County	None	None/No Work Reported
10/10/2018	Jo Daviess County	None	None/No Work Reported
10/12/2018	Carroll and Jo Daviess Counties	None	None/No Work Reported
10/22/2018	Galena	None	None/No Work Reported
10/23/2018	Galena	None	None/No Work Reported
10/24/2018	Galena	None	None/No Work Reported
10/26/2018	Galena	None	No trapping data. Worked one hour and recorded 31 miles on her timesheet.

²⁵ According to Slow the Spread tablet data and timesheets, [Slow the Spread Trapper 1] did not work on July 12, 16, or 30; September 10, 11, 19, or 25; or October 10, 12, 18, 22, 23, or 24.

²⁶ Distance between Kankakee, Illinois and Winnebago County, the furthest point from Kankakee, according to Google Maps.

²⁷ Distance between Joliet, Illinois and Ogle County, the furthest point from Joliet, according to Google Maps.

²⁸ Joliet, Illinois is in Will County, which is not a location cited by Ms. Johnson in her August 1, 2018 daily activity report.

C. Allegations Relating To Ranch Activities On State Time

1. The Ranch

According to its website, the Ranch is “a small independent wildlife rehab home and all animal rescue,” and a 501(c)(3) charity.²⁹ OEIG investigators found that the Ranch files taxes each year, since at least 2011, on the Internal Revenue Service’s (IRS) Form 990-N with Ms. Johnson³⁰ listed as the principal officer.³¹ IRS guidelines allow most tax-exempt organizations with annual gross receipts of \$50,000 or less to file on Form 990-N.³²

2. Starved Rock Presentation

During a review of Ms. Johnson’s State email account, OEIG investigators discovered a series of e-mails between Ms. Johnson and [IDNR Employee 1], Natural Resource Coordinator for IDNR, including a few that were sent on State work time. The e-mails related to a request by [IDNR Employee 1] for Ms. Johnson to do a presentation on wildlife rehabilitation related to the Ranch, with the first e-mail being sent by [IDNR Employee 1] on September 24, 2018. Over the next several weeks, [IDNR Employee 1] and Ms. Johnson, via her IDOA e-mail account, corresponded regarding the presentation, and they ultimately agreed that the presentation would occur on Sunday, April 14, 2019 (a non-State work day), and that the Starved Rock Foundation would pay Ms. Johnson \$150 for the presentation, which would include a description of her Ranch.

On May 22, 2019, OEIG investigators interviewed [IDNR Employee 1], who works as a Park Interpreter and Natural Resource Coordinator at Starved Rock, which includes organizing monthly presentations at the Starved Rock visitor’s center. [IDNR Employee 1] confirmed that she contacted Ms. Johnson through her State email to do a presentation, and Ms. Johnson agreed, provided a presentation, and was paid \$150, which is the standard fee paid by the Starved Rock Foundation

3. IDNR Officer [IDNR Employee 2]’s Visit to the Ranch

OEIG investigators also obtained and reviewed [social media posts].³³ An August 20, 2018 post referenced IDNR Conservation Police Officer [IDNR Employee 2] bringing two baby opossums to the Ranch.

OEIG investigators interviewed [IDNR Employee 2] on August 20, 2019. [IDNR Employee 2] said that on August 20, 2018, he received a call from the Putnam County dispatcher about a resident who reported a mother opossum killed at the roadside, which left two juvenile

²⁹ <https://www.2ndhandranch.com/> (last visited Feb 7, 2020).

³⁰ Ms. Johnson was formerly known as Nancy Williams, and for tax year 2011 and 2012, the principal officer of the Ranch was listed as “Nancy Williams.”

³¹ See <https://apps.irs.gov/app/eos/> (search by “Organization” for “2nd hand ranch and rescue”; then follow hyperlinks under “Form 990-N (e-Postcard)”).

³² <https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard> (last visited Jan. 15, 2020).

³³ [https://www.\[social\]media.com](https://www.[social]media.com) (last visited Dec. 18, 2019).

opossums alive and stranded. [IDNR Employee 2] said that after picking up the juvenile opossums, the dispatcher suggested he call Ms. Johnson, so he did, and she told him to bring the opossums to the Ranch. [IDNR Employee 2] said he arrived at the Ranch approximately 2:30 - 3:00 p.m. [IDNR Employee 2] stated once he arrived at the Ranch, he was met by Ms. Johnson and a young woman in her early 20's. [IDNR Employee 2] stated that Ms. Johnson then gave him a tour of the Ranch. He estimated that he was at the Ranch approximately 45 minutes in total.

4. Interview of Nancy Johnson Regarding the Ranch

During her OEIG interview, Ms. Johnson said that the Ranch is a wildlife animal rescue headquartered at her home that has been in existence since 2007 and houses about 30 animals, including raccoons, opossums, and squirrels, as well as pets she keeps. Ms. Johnson said the Ranch generally charges adoption fees of \$50 - \$150, which goes to the non-profit. Ms. Johnson stated that the Ranch increased its revenue every year from 2014 through 2017, culminating in a 2018 income of over \$46,000, but she does not draw a salary from the Ranch, and all the money goes back to help the animals.³⁴

Ms. Johnson stated she does not do much work at the Ranch as most of the work is done by 10 or 12 volunteers and her boyfriend, though she feeds the animals in the morning and in the evening if no volunteer is available. Ms. Johnson said [Slow the Spread Trapper 1] has been volunteering at the Ranch since 2014 but receives no compensation. Ms. Johnson said she did not know how many hours a week [Slow the Spread Trapper 1] worked at the Ranch but maintained that Slow the Spread has never paid [Slow the Spread Trapper 1] for hours she worked at the Ranch.

When shown correspondence regarding her Starved Rock presentation, Ms. Johnson said she recalled these e-mails and acknowledged that it was a "mistake" to use her State e-mail address to communicate with [IDNR Employee 1] about the presentation, and that her E-Time timesheets reflected that she was on State time when she e-mailed [IDNR Employee 1] for some of these communications. Ms. Johnson confirmed that she accepted the \$150 check made out to the Ranch after she gave the presentation. Ms. Johnson said she did not recall another instance in which she negotiated a Ranch contract using State time and e-mail.

When showed the Ranch Facebook post showing [IDNR Employee 2]'s August 20, 2018 visit to the Ranch, Ms. Johnson said she recalled [IDNR Employee 2] stopping by with the opossums and that she "broke for a moment," left her office, and "popped out and took a photo." She added that just because the photo was posted on August 20 did not mean the event occurred that day. However, when pressed, she stated that she would have no reason to dispute any statements [IDNR Employee 2] may have made about visiting the Ranch midafternoon on August 20 and about Ms. Johnson spending 30 – 40 minutes showing him around the Ranch. Ms. Johnson said she would have made up this time in the evening as she would "never cheat the taxpayer."

³⁴ [Information redacted].

When investigators showed Ms. Johnson IDOA’s policy forbidding the use of State time, property, or facilities for personal business, Ms. Johnson said she did not know that she is not supposed to use State time for personal business.³⁵

During her OEIG interview, Ms. Johnson said she works so many jobs for the Gypsy Moth Program that she does get interrupted with non-State business while working from home. However, she stated that she works “many, many extra hours” that are off the clock.

D. IDOA Supervision Of Ms. Johnson

Mr. Schirmer said that although Ms. Johnson is technically assigned to the DeKalb Office, he allows Ms. Johnson to work from home when she is going to spend part of her day in the field near her house rather than commuting back and forth between her home and DeKalb and then going into the field. Mr. Schirmer said that Ms. Johnson is allowed to work from home on an as-needed basis and is not just “a free pass” during the trapping and treatment season. He said Ms. Johnson would generally inform him of her plans to work from home via e-mail or phone. Mr. Schirmer said “it’s certainly possible” that Ms. Johnson was not in the office at all for three or four weeks during the summer, though he does not formally document days when Ms. Johnson works from home or the field versus coming into the office. Mr. Schirmer said that he generally reviews activity reports submitted to him to ensure they are “within reason,” adding that he takes his employees at their word when reviewing activity reports and that it is the employee’s responsibility to accurately record their time and whereabouts.

Mr. Schirmer confirmed that Ms. Johnson has never entered anything in the mileage columns on her activity report because it was his understanding that only field staff with individually assigned vehicles needed to complete this column and Ms. Johnson was not considered “a field person.”³⁶ He said Ms. Johnson is not permitted to use her temporarily-assigned IDOA vehicle to commute back and forth to DeKalb. Mr. Schirmer stated that Ms. Johnson at times drove her IDOA vehicle to stop by the office on her way to field work, but she did not use the IDOA vehicle if she was spending the day in the office. He added that he would have noticed if Ms. Johnson was consistently commuting in an IDOA vehicle and would have questioned her on it. Mr. Schirmer said that although he was aware that Ms. Johnson operates an animal rescue, he had no knowledge of Ms. Johnson using a State vehicle for Ranch work or otherwise doing Ranch work while on State time.

IV. ANALYSIS

A. Nancy Johnson Failed To Accurately Report Her Activities

IDOA policy provides that “[w]ith the exception of break and lunch periods, work time should be spent on official state business and documentation of work time shall be required.”³⁷

³⁵ IDOA Employee Handbook 2.3.113, “State Property and Facilities.”

³⁶ Mr. Schirmer clarified that “field staff” referred to IDOA personnel who were headquartered out of their homes, and that he did not consider Ms. Johnson to be “field staff” because she was assigned to the DeKalb Office.

³⁷ IDOA Employee Handbook 2.1.100, Attendance

IDOA policy also states that to the extent that written activity reports are required, “[f]ailure on an employee’s part to file and accurately report activities on the required activity report form may result in disciplinary action up to and including discharge.”³⁸ Here, the evidence establishes that Ms. Johnson failed to fulfill either of these requirements.

First, Ms. Johnson, by her own admission, often failed to accurately report her activities on her activity reports. Ms. Johnson noted that she often filled out her activity reports weeks or even months after the fact, relying on “notes” and often copying and pasting. During her interview, when confronted with inconsistencies between her daily activity reports, gas receipts, and Slow the Spread data, Ms. Johnson gave OEIG investigators several possible explanations:

1. She misrecalled what she was doing on particular dates and thus provided incorrect information in her activity report description;
2. She was following trappers who were scanning but she was not scanning herself;
3. The tablet she was using was having technical problems that day;
4. She was traveling to a QC site and was diverted by other State business;
5. She was using another trapper’s tablet when performing QC work, and thus Slow the Spread’s data did not properly attribute her scanning activities to her; or
6. She was trapping with [Slow the Spread Trapper 1], and the two of them were using [Slow the Spread Trapper 1]’s tablet to capture trapping information.

However, even on days where reasons 2 through 5 may have occurred, Ms. Johnson would still be traveling and using gasoline, while reason 6 could only occur on dates when [Slow the Spread Trapper 1] was working. On several dates when Ms. Johnson and [Slow the Spread Trapper 1] were both reportedly working, the data provided by Slow the Spread shows [Slow the Spread Trapper 1] working in a different part of the State than was reported in Ms. Johnson’s activity reports. Thus, even given these explanations, there are still dates in which her activity reports appear to be inaccurate, or at the very least inconsistent.

Furthermore, a comparison of Ms. Johnson’s Auto Reports to her travel reported in her activity reports highlights other discrepancies; most notably, according to her Auto Reports:

- Ms. Johnson did not make gasoline purchases between September 5 and 20, 2018. Thus, according to the information she provided to IDOA in her activity reports, she would have driven over 481 total miles without purchasing gasoline.³⁹
- Ms. Johnson did not make gasoline purchases between October 18 and 29, 2018. According to the information she submitted on her daily activity reports, she would have driven 944 miles without purchasing gasoline.⁴⁰

³⁸ IDOA Employee Handbook 2.3.111, Activity Reports.

³⁹ This mileage is calculated using the trips Ms. Johnson reported on her daily activity reports on September 10, 11, and 19, 2018. [Slow the Spread Trapper 1] did not work any of those days.

⁴⁰ This mileage is calculated using the trips to Galena she reported on her daily activity reports on October 22, 23, 24, and 26, 2018. [Slow the Spread Trapper 1] did not work on October 22, 23, or 24; and worked only one hour on October 26.

During her OEIG interview, Ms. Johnson stated that she used her IDOA vehicle for all of the field work she performed during the 2018 trapping season and that she submitted all expenses she accrued during the season through her State-issued gas card. Therefore, assuming Ms. Johnson was truthful to OEIG investigators in those statements, there is no conceivable way that Ms. Johnson could have performed the work she reported to IDOA during these time periods.

Further, Ms. Johnson acknowledged that her activity reports for November 8 and 9, 2018 were inaccurate after being shown hotel and gas receipts indicating that she returned home from the AGMR Conference in Indianapolis on November 8, contrary to her representation that she returned on November 9 on her corresponding activity report. Ms. Johnson then claimed that rather than putting in for overtime for the extra hours she spent driving for the conference, she took the morning of November 9th off “with comp time,” which she did not report. Ms. Johnson made other statements that raise doubts of whether she was working on State business during times she reported working on other dates—for example, when she negotiated a non-State related speaking engagement and tended to [IDNR Employee 2] when he brought an opossum to the Ranch.

Ms. Johnson admitted that she gets interrupted with non-State business while working from home, but she explained that she works “many, many extra hours” that are off the clock, which are not documented anywhere.⁴¹ As noted above, Ms. Johnson also claimed that some inconsistencies in her activity reports could be explained by the accrual and use of “unofficial” compensatory time, where she took time off after working hours in excess of what is reported on her activity reports. This explanation does not excuse these lapses, however, because IDOA policies require documentation and approval for overtime or compensatory time to accrue.⁴² By Ms. Johnson’s own admission, she never made any attempt to document the purported number of “unofficial” compensatory hours she may have accrued or used, contrary to IDOA policy.

The OEIG acknowledges that remote work—whether from the field or from home—presents challenges to State workers. However, at a bare minimum, State employees should be able to provide accurate information of their activities while working from home or in the field, so as to maintain the public trust. In this case, Ms. Johnson failed to do so despite having documentation that she could have used to accurately complete her activity reports. Ms. Johnson, during her interview, said that she had used Slow the Spread data to confirm the self-reported activities of contract trappers under her supervision; however, Ms. Johnson submitted many activity reports stating that she performed field work that was not reflected in Slow the Spread data. Likewise, Ms. Johnson is required to submit Auto Reports and corresponding receipts, yet she appears not to have cross-checked her activity reports with these documents to ensure the accuracy of her activity reports. This is most notable in the discrepancy in her November 8 and 9 activity reports: although Ms. Johnson had both a hotel receipt and a gas receipt that indicate that

⁴¹ Except for on dates on which Ms. Johnson used benefit time, both her activity reports and her E-Time records reflect her working from 7:00 a.m. until 5:30 p.m., Monday through Thursday, during July through September; and from 8:00 a.m. until 4:30 p.m. Monday through Friday during the remaining months. Thus, Ms. Johnson’s claim of “extra hours” is not borne out by her self-reported time reports. Moreover, the regularity of Ms. Johnson’s self-reported time reports appear inconsistent with the frequent field work she reported on her activity reports, which often would have entailed hours of driving in remote locations from her residence.

⁴² IDOA Employee Handbook 2.1.105(13), Flexible and Alternate Work Schedules.

she checked out of her hotel and drove back to Illinois on November 8, she submitted an activity report indicating that she returned home on November 9.

Here, Ms. Johnson's failure to keep accurate time records makes it difficult to determine whether, or the extent to which, she may have abused State time. However, at minimum the evidence obtained in this investigation shows that Ms. Johnson regularly failed to keep accurate documentation of time worked, or any compensatory time she may have used or accrued, in violation of IDOA policy; therefore, this allegation is **FOUNDED**.⁴³ Moreover, by engaging in Ranch activities using IDOA time and her work e-mail account, Ms. Johnson violated IDOA's policy on "State Property and Facilities," which forbids IDOA employees from using State time and resources for personal business;⁴⁴ thus, this allegation is also **FOUNDED**.

B. Allegations Regarding Ms. Johnson's Use Of Her State Vehicle

Contrary to the complaint, Ms. Johnson categorically denied the allegations that she uses a State vehicle to run errands, go to lunch, or to transport rescue animals and items for the Ranch. Mr. Schirmer also stated he had no knowledge of Ms. Johnson misusing a State vehicle, and OEIG investigators found no evidence to suggest otherwise. Further, the allegation that Ms. Johnson "does not complete the annual IRS reporting statement for State vehicle use" appears to be inaccurate. OEIG interprets this allegation as referring to IRS regulations that include commuting benefits as wages for the purposes of Federal taxation. Ms. Johnson, during her interview, stated that she did not use her IDOA vehicle for commuting purposes, and Mr. Schirmer corroborated this statement. Accordingly, those allegations are **UNFOUNDED**.

However, during the investigation, OEIG confirmed that IDOA informally assigns an IDOA pool vehicle to Ms. Johnson for a five-month period during the summer months, rather than requiring Ms. Johnson to come to the DeKalb Office to pick up the vehicle before performing field work. The OEIG encourages IDOA to review whether this practice is in the best interest of the State, and to document this practice.

V. FINDINGS AND RECOMMENDATIONS

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

- **FOUNDED** – Nancy Johnson failed to accurately and truthfully account for her hours worked, in violation of IDOA policy.
- **FOUNDED** – Nancy Johnson violated IDOA policy by improperly performing Ranch work while on State time and using State resources.

⁴³ 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.

⁴⁴ IDOA Employee Handbook 2.3.113, "State Property and Facilities."

- **UNFOUNDED** – OEIG found insufficient evidence that Ms. Johnson misuses her State vehicle or runs afoul of IRS reporting requirements.

The OEIG recommends that IDOA take whatever disciplinary action it deems appropriate with respect to Ms. Johnson. In addition, the OEIG recommends that IDOA review with Ms. Johnson its policies regarding the use of State time and resources for personal business, including activities related to the Ranch.

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

Date: June 25, 2020

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

Jeffrey Freeman
Assistant Inspector General #159



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: 18-02624

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 will implement some or all of the OEIG recommendations but will require additional time to do so.
 We will report to OEIG within 30 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

Agriculture - General Counsel

 Print Agency and Job Title

John Teehey

 Print Name

7/20/20

 Date

Office of the Executive Inspector General
Via email to Sherry.Bult@illinois.gov

Re: Agency Response to OEIG Report 2018-2624

The Department of Agriculture has reviewed the OEIG report in case 2018-2624. The identified employee, Ms. Johnson, took several corrective steps during the course of this investigation.

Agency management reviewed the final report and shared it with Ms. Johnson's direct supervisor and Bureau Chief. Following that review, Ms. Johnson met in person with her supervisor, Scott Schirmer, and Bureau Chief of Environmental Programs, Dough Owens, in the DeKalb office.

The three reviewed several Department of Agriculture Handbook policies to confirm Ms. Johnson's awareness and understanding of them, pursuant to the report. The policies reviewed included:

- Documentation of Time Worked and Time Sheets – Section 2.1.109
- Activity Reports – Section 2.3.111
- State Property and Facilities – 2.3.113
- Compensatory Time – 2.8.103
- Personal Leave – 2.8.105
- Vacation – 2.8.102
- Travel/General Travel/Home Headquarters – 3.1.103
- Travel/Mode of Travel/Commuting Costs (mileage reimbursement) – 3.2.101
- Driver Responsibilities – 7.1.103
- Motor Pool Use – 7.1.109

Ms. Johnson signed a document certifying that she understood all of the policies and that while discipline was not being imposed at this time, future violations of these, or any other IDOA policies, could lead to discipline.

Please let me know if there are any further questions the Department of Agriculture can address in this matter. Thank you.

Sincerely,

Tess Little, Ethics Officer