

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

IN RE:            DWAYNE TRUSS            )

OEIG Case #19-00361

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 Dwayne Truss’s last address.

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

## **FINAL REPORT**

### **I. SUMMARY OF THE ALLEGATIONS**

On February 21, 2019, the Office of the Executive Inspector General (OEIG) received a complaint alleging that Illinois Department of Employment Security (IDES) employee Dwayne Truss had engaged in prohibited political activity in violation of the State Officials and Employees Ethics Act (Ethics Act).<sup>1</sup> Specifically, it was alleged that Mr. Truss posted material in support of his campaign for Alderman of Chicago's 29<sup>th</sup> Ward on social media during work hours.

### **II. BACKGROUND**

Mr. Truss works as an Auditor for IDES, which administers the unemployment insurance program for the State of Illinois. In his position, Mr. Truss audits employers to help ensure that they correctly report workers and wages and are assessed the correct amount of unemployment insurance contributions. Mr. Truss works out of the IDES Chicago Office located at 33 S. State Street. He began working for the State as an IDES Auditor in 1989.

Mr. Truss ran for Alderman of Chicago's 29<sup>th</sup> Ward in the election that took place in February 2019. He used accrued paid time off to take the entire month of February off from work. Mr. Truss lost the election to incumbent 29<sup>th</sup> Ward Alderman Chris Taliaferro.<sup>2</sup> After the election, Mr. Truss was appointed to the Chicago Board of Education by Mayor Lori Lightfoot and began serving on June 26, 2019.<sup>3</sup>

### **III. SUMMARY OF INVESTIGATION**

In this investigation, OEIG investigators reviewed social media posts from several sources. OEIG investigators also reviewed Mr. Truss's personnel and timekeeping records, as well as phone records from Mr. Truss's personal and work phones. OEIG investigators also interviewed Mr. Truss.<sup>4</sup>

#### **A. Social Media Posts**

The OEIG obtained and reviewed social media posts published under the name "Dwayne Truss" from three different social media accounts. The OEIG identified two relevant [Social Media 1] accounts: the first at [https://www.\[Social Media 1\].com/dwayne.truss](https://www.[Social Media 1].com/dwayne.truss) (Personal [Social Media 1] Account); and the second at [https://\[Social Media 1\].com](https://[Social Media 1].com)

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<sup>1</sup> 5 ILCS 430/1 *et seq.*

<sup>2</sup> See <https://chicagoelections.gov/en/election-results-specifics.asp> (last visited on Dec. 2, 2019).

<sup>3</sup> See <https://www.cpsboe.org/about/bios/22> (last visited on Dec. 10, 2019).

<sup>4</sup> The OEIG interviewed Mr. Truss on September 24 and October 1, 2019. For the purposes of this report, the OEIG will generally refer to his "OEIG interview" when describing statements made and exhibits shown on either day.

1].com/Trustdwaynetrussfor29thAlderman2019 (Campaign [Social Media 1] Account).<sup>5</sup> The OEIG also obtained social media posts from a [Social Media 2] account @DwayneTruss at [https://\[Social Media 2\].com/DwayneTruss](https://[Social Media 2].com/DwayneTruss) ([Social Media 2] Account). All three of these social media accounts included posts dated March 20, 2018 announcing that Mr. Truss would run as a candidate for 29<sup>th</sup> Ward Alderman.<sup>6</sup>

OEIG investigators reviewed social media posts on these accounts dated from March 20, 2018—when Mr. Truss announced his candidacy for 29<sup>th</sup> Ward Alderman—through January 31, 2019—the last day Mr. Truss worked before using paid time off for the month of February 2019. In total, the OEIG reviewed approximately 197 unique posts during this time period—132 from the Personal [Social Media 1] Account, 22 from the Campaign [Social Media 1] Account, and 43 from the [Social Media 2] Account. By comparing these posts with Mr. Truss’s signed timekeeping records, OEIG investigators determined that approximately 44 of them were published during Mr. Truss’s reported work hours.<sup>7</sup>

Social Media Account	Number of Posts	Number of Posts During Work Hours <sup>8</sup>
Campaign [Social Media 1]	22	9
Personal [Social Media 1]	132	24
[Social Media 2]	43	12 <sup>9</sup>
<b>TOTAL:</b>	<b>197</b>	<b>45</b>

While many of these posts were politically oriented and frequently related to matters concerning City of Chicago educational policy, the OEIG focused its investigation on the following nine posts, each published during State-compensated time, with content clearly involving prohibited political activity as defined by the Ethics Act.

Posts Announcing Canvassing Events

- July 24, 2018 at 8:51 a.m.: post to the Campaign [Social Media 1] Account, which showed an image of his campaign logo along with a notice that a “Door to Door

<sup>5</sup> OEIG investigators also reviewed another [Social Media 1] account that features Mr. Truss’s name and a profile picture of what appeared to be Mr. Truss at URL [https://www.\[Social Media 1\].com/dwayne.truss.1](https://www.[Social Media 1].com/dwayne.truss.1). However, other than the profile picture, it does not appear that any content was posted on that account.

<sup>6</sup> Mr. Truss used vacation benefit time to take the day off work on March 20, 2018.

<sup>7</sup> The OEIG also obtained Mr. Truss’s internet history from his State computer. None of these posts appear to have originated from his State computer.

<sup>8</sup> As discussed further below, unpaid lunch breaks are not memorialized on IDES timesheets, but Mr. Truss told OEIG investigators during his interview that he is expected to take his lunch breaks between 11 a.m. and 2 p.m. Accordingly, OEIG investigators excluded posts made between those hours, as they may have occurred during Mr. Truss’s lunch breaks.

<sup>9</sup> Fourteen of the posts on the [Social Media 2] account consisted only of a “[Action],” in which a [Social Media 2] user can copy and republish a post from another [Social Media 2] user. The date and time of the “[Action]” is not displayed on the [Social Media 2] website, which instead only displays the date and time of the original post that is being [Action]ed. Accordingly, OEIG investigators did not include these 14 [Action]s in the number of posts made during working hours.

Kickoff Canvas For Dwayne Trus [sic]” would be held on Saturday, July 28, 2018. The July 24 post also included a message, “Meet up with fellow volunteers as we connect with people by canvassing door to door for Dwayne Truss, candidate for 29th Ward Alderman.”

- September 5, 2018 at 4:38 p.m., 4:47 p.m., and 4:50 p.m.: three posts to the Campaign [Social Media 1] Account, each of which referenced an event called “Friends of Dwayne Truss Petition Drive/Canvass,” which was to take place on September 8, 2018.
- January 10, 2019 at 4:43 p.m.: post to the Campaign [Social Media 1] Account, which referenced an event called the “Friends of Dwayne Truss door to Door Canvass [sic]” to take place on January 10, 2019.

#### Post Announcing “Dwayne Truss Birthday Fundraiser”

- September 7, 2018 at 10:27 a.m.: post to the Campaign [Social Media 1] Account, which referenced an event called “Dwayne Truss Birthday Fundraiser,” to take place on September 22, 2018. The post included instructions that tickets for the event could be purchased for \$40 at either the website Eventbrite, or through Mr. Truss’s campaign website. The post further stated that checks should be made payable to “Friends of Dwayne Truss.”

#### Posts Concerning Political Rivals

- April 25, 2018 at 3:30 p.m.: post to the [Social Media 2] Account, which linked to an article on “The Chicago Reporter” website titled, “Private Schools, poised to grow in Illinois, move into closed Chicago Public Schools,” and featuring a statement by incumbent 29th Ward Alderman Chris Taliaferro.<sup>10</sup> Accompanying this article was a [Social Media 2 message] reading, “Please read the conflicting comments from Ald [sic] Taliaferro.”
- August 9, 2018 at 4:08 p.m.: post to the Campaign [Social Media 1] Account that criticized then-Mayor Rahm Emanuel’s economic policies and referenced Mr. Truss’s “platform,” which the post characterized as “reflective of the critical issues facing our communities.”
- January 29, 2019 at 3:21 p.m.: post to the [Social Media 2] Account, which [Action]ed an article from the website austintalks.org that was headlined, “Three candidates remain on ballot for 29th Ward Alderman.”<sup>11</sup> The [Action]ed article quoted Mr. Truss on challenges to his ballot petition and said that two other

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<sup>10</sup> Available at <https://www.://www.chicagoreporter.com/private-schools-poised-to-grow-in-illinois-move-into-closed-chicago-public-schools> (last visited Dec. 2, 2019).

<sup>11</sup> Available at <http://austintalks.org.org/2019/01/three-candidates-remain-on-ballot-for-29th-ward-alderman/> (last visited Dec. 2, 2019)

candidates for 29th Ward Alderman (incumbent Chris Taliaferro and challenger Zerlina Smith) could not be reached for comment. Accompanying text in the [Social Media 2 message] read, “A true leader should be available to the press and the community.”

**B. Phone Records**

The OEIG obtained Mr. Truss’s campaign phone number, as well as the phone number of his campaign manager, Alex Lyons, from a publicly-available questionnaire filled out by the Truss campaign and submitted to the Independent Voters of Illinois Independent Precinct Organization (IVI-IPO).<sup>12</sup> The OEIG searched for calls between either of these phone numbers and Mr. Truss’s IDES desk phone and cellular phone and found none.

The OEIG also subpoenaed phone records for Mr. Truss’s personal cellular phone from his phone carrier for the months of November 2018 through January 2019. The OEIG found several calls between Mr. Truss and Mr. Lyons during work hours,<sup>13</sup> which are listed below.

<b>Date of Call</b>	<b>Caller</b>	<b>Recipient</b>	<b>Time of Call<sup>14</sup></b>	<b>Call Duration<sup>15</sup></b>
12/17/2018	Lyons	Truss <sup>16</sup>	10:36 a.m.	0:28
12/19/2018	Lyons	Truss	8:29 a.m.	2:00
12/27/2018	Truss	Lyons	2:00 p.m.	0:35
12/27/2018	Lyons	Truss	2:44 p.m.	17:43
1/3/2019	Truss	Lyons	8:55 a.m.	16:49
1/9/2019	Truss	Lyons	4:10 p.m.	12:05
1/11/2019	Lyons	Truss	8:55 a.m.	1:26

**C. Interview Of Dwayne Truss**

**1. Mr. Truss’s Employment with IDES and Aldermanic Campaign**

During his OEIG interview, Mr. Truss stated that he works Monday through Friday, 8:30 a.m. to 5:00 p.m. with two 15-minute paid breaks per day, as well a one-hour unpaid lunch break, which must be taken between 11:00 a.m. and 2:00 p.m.<sup>17</sup> He stated that there is no set time for his

<sup>12</sup> Available at [http://www.iviipo.org/2019QResps/2019QALD29\\_Truss\\_Dwayne.pdf](http://www.iviipo.org/2019QResps/2019QALD29_Truss_Dwayne.pdf) (last visited Dec. 2, 2019). During his OEIG interview, Mr. Truss confirmed that as of late 2018, Mr. Lyons was his campaign manager and that the phone number attributed to Mr. Lyons on the IVI-IPO questionnaire belonged to Mr. Lyons. Mr. Truss said that his previous campaign manager, Maurice Robinson, assisted in drafting responses to the IVI-IPO questionnaire.

<sup>13</sup> For the purpose of determining phone calls that took place during work hours, OEIG investigators excluded phone calls made between 11 a.m. and 2 p.m., as they may have occurred during Mr. Truss’s lunch breaks. *See supra* at n. 8.

<sup>14</sup> In response to a subpoena for records, Mr. Truss’s phone carrier provided call logs that included times in the Universal Time Coordinated (UTC) time zone. For the purposes of this report, those times were converted to Central Standard Time (CST).

<sup>15</sup> Times are expressed in the format Minutes:Seconds.

<sup>16</sup> Entries in this table marked “Truss” correspond to the personal cellular phone number belonging to Mr. Truss per IDES personnel records. During his interview, Mr. Truss confirmed that this cellular number belonged to him.

<sup>17</sup> As referenced above, IDES timesheets, which are signed by IDES employees, do not include a space where employees can document their lunch hours.

15-minute breaks and that the time of the day he takes his lunch “varies” from day to day. Mr. Truss said that he tracks the hours he works at IDES using hand-written timesheets that show his start time and end time. Mr. Truss stated that to the best of his knowledge, he documents his hours of work on the IDES timesheets accurately, and that he has never written inaccurate times on his timesheets. During his OEIG interview, investigators showed Mr. Truss copies of relevant timesheets, and Mr. Truss confirmed his signature attesting to those hours.

Mr. Truss confirmed that he ran for Alderman of Chicago’s 29<sup>th</sup> Ward in 2018 and 2019. He said that he does not recall telling his IDES supervisor, [Supervisor], that he was a candidate for Alderman, but that she did know of his candidacy. Mr. Truss stated that he thought that [Supervisor] found out about his candidacy from [Social Media 1] posts that she read. Mr. Truss said that he briefly discussed his candidacy with [Supervisor]’s predecessor and his former IDES supervisor, [Supervisor]. Mr. Truss confirmed that he had taken State of Illinois Ethics Training and stated that he used the training as guidance so there would be no “spillover” between his IDES employment and running for public office.<sup>18</sup>

## **2. Mr. Truss’s Social Media Posts**

After reviewing the front pages of the Campaign [Social Media 1], Personal [Social Media 1], and [Social Media 2] Accounts, Mr. Truss confirmed that these social media accounts belonged to him. Mr. Truss stated that he, along with his wife, daughter, and his former campaign manager had access to each of these social media accounts. Mr. Truss stated that he changed the password to access his social media when he changed campaign managers in late 2018, and that he did not give the new password to Mr. Lyons.

OEIG investigators asked Mr. Truss about the above-referenced social media posts, which were each published when Mr. Truss was on State-compensated time.

### Posts Announcing Canvassing Events

OEIG investigators asked Mr. Truss about the July 24, 2018 post to the Campaign [Social Media 1] Account at 8:51 a.m., which announced a July 28, 2018 “Door to Door Kickoff Canvas For Dwayne Trus [*sic*]” event and included a message to “Meet up with fellow volunteers as we connect with people by canvassing door to door for Dwayne Truss, candidate for 29<sup>th</sup> Ward Alderman.” After reviewing this post, Mr. Truss stated that he made the post from his cell phone.<sup>19</sup>

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<sup>18</sup> OEIG investigators confirmed that Mr. Truss took State of Illinois Ethics Training on June 6, 2017; May 31, 2018; and June 19, 2019. The training materials discussed the Ethics Act, including prohibited political activities.

<sup>19</sup> Prior to showing Mr. Truss the July 24 post, OEIG investigators showed him his timesheet for that day, which represented that he worked from 8:30 a.m. to 5:00 p.m. on July 24, 2018. Mr. Truss confirmed that he signed the timesheet, and also stated that he had no reason to believe that the timesheet was inaccurate. After viewing the July 24 post, however, Mr. Truss stated that he believed he was late to work on July 24 and made the post on the way to work on the train. Mr. Truss further stated that it is possible for a person to schedule a [Social Media 1] post to be sent out at a later time. However, Mr. Truss said that he did not know whether he scheduled this post to be sent out at a later time, or when he would have done so.

OEIG investigators next asked Mr. Truss about the three posts to his Campaign [Social Media 1] Account on September 5, 2018 at 4:38 p.m., 4:47 p.m., and 4:50 p.m., each of which referenced an event called “Friends of Dwayne Truss Petition Drive/Canvass,” to take place on September 8, 2018. Mr. Truss stated that he wrote each of these posts and that the posts were announcing an event in which supporters would help collect signatures for his petition to be placed on the ballot as a candidate for 29<sup>th</sup> Ward Alderman.<sup>20</sup>

OEIG investigators next asked Mr. Truss about the post to the Campaign [Social Media 1] Account on January 10, 2019 at 4:53 p.m., which referenced an event called the “Friends of Dwayne Truss door to Door Canvass [*sic*]” to take place on January 10, 2019. Mr. Truss reviewed the document, confirmed that the information on the post was correct, and stated “I take responsibility” for the post.<sup>21</sup> Mr. Truss stated that the post was announcing a political event, specifically canvassing to support his aldermanic campaign.

When asked whether he believed these five posts (the Organizing Posts) constituted “organizing” political events, Mr. Truss answered in the negative, claiming that any “organizing” would occur at the event itself, rather than through the sending of the relevant posts.

#### Post Announcing “Dwayne Truss Birthday Fundraiser”

OEIG investigators also asked Mr. Truss about the post to the Campaign [Social Media 1] Account on September 7, 2018 at 10:27 a.m., which referenced an event called “Dwayne Truss Birthday Fundraiser,” to take place on September 22, 2018. As stated above, the post included detailed instructions for purchasing the \$40 tickets for the event and stated that checks should be made payable to “Friends of Dwayne Truss.” Mr. Truss confirmed that he wrote the September 7 post (the Fundraising Post) and that he was announcing that he was raising money. However, Mr. Truss denied that sending this post constituted “soliciting” funds for his campaign. According to Mr. Truss, fundraising would occur at the event itself, rather than through the posting of social media on September 7.

#### Posts Concerning Political Rivals

OEIG investigators showed Mr. Truss the post to his [Social Media 2] account on April 25, 2018 at 3:30 p.m., which included a link to an article on “The Chicago Reporter” website titled, “Private Schools, poised to grow in Illinois, move into closed Chicago Public Schools,” that featured a statement by incumbent 29<sup>th</sup> Ward Alderman Chris Taliaferro. The accompanying [Social Media 2 message] read, “Please read the conflicting comments from Ald [*sic*] Taliaferro.” Mr. Truss said he “took responsibility” for this post; he elaborated that he used his cell phone to send the April 25 post when he was “outside [the] building” on a 15-minute break. When asked whether he was promoting his aldermanic campaign by criticizing the incumbent 29<sup>th</sup> Ward Alderman, Mr. Truss denied that the April 25 post was campaign-related.

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<sup>20</sup> Candidates for Alderman in the City of Chicago must submit a petition signed by at least 473 legal voters of the relevant ward in order to be added to the ballot. *See* 65 ILCS 20/21-28.

<sup>21</sup> As with the July 24 post, after seeing the January 10 post, Mr. Truss stated that a [Social Media 1] post can be scheduled to be sent out at a later time. However, Mr. Truss said he did not know whether he scheduled this announcement to be sent out at a later time, or when he would have done so.

OEIG investigators next asked Mr. Truss about the post to the Campaign [Social Media 1] Account on August 9, 2018 at 4:08 p.m. that criticized then-Mayor Rahm Emanuel’s economic policies and referenced Mr. Truss’s “platform,” which the post characterized as “reflective of the critical issues facing our communities.” Mr. Truss stated the he wrote the post and that he was writing about issues in his community. When asked whether the portion of his post referring to his “platform” referred to his aldermanic campaign, Mr. Truss stated “yes.”

OEIG investigators next asked Mr. Truss about the post to the [Social Media 2] Account on January 29, 2019 at 3:21 p.m. This post [Action]ed an article from the website, austintalks.org, that was headlined, “Three candidates remain on ballot for 29<sup>th</sup> Ward Alderman,” which quoted Mr. Truss and stated that two other candidates for 29<sup>th</sup> Ward Alderman (incumbent Chris Taliaferro and challenger Zerlina Smith) could not be reached for comment. The accompanying text in the [Social Media 2 message] read, “A true leader should be available to the press and the community.” OEIG investigators asked Mr. Truss whether the latter statement was a criticism of Mr. Taliaferro and Ms. Smith given that the forwarded article stated they could not be reached for comment. Mr. Truss denied that he was specifically criticizing Mr. Taliaferro or Ms. Smith in this post.

When asked collectively about these posts, which referenced his political rivals (the Opposition Posts), Mr. Truss repeatedly stated that he often sends out [Social Media 2 message] about civic issues affecting the West and South sides of Chicago, and that these posts were not meant to promote or further his candidacy for 29<sup>th</sup> Ward Alderman.

### **3. Mr. Truss’s Phone Logs**

OEIG investigators showed Mr. Truss the phone records reflecting calls made between his personal cell phone and Mr. Lyons’s cell phone, and asked whether the calls during work hours concerned Mr. Truss’s aldermanic campaign. Mr. Truss first stated that he did not specifically recall what he and Mr. Lyons spoke about during their conversations. However, when specifically asked about the 17-minute phone call with Mr. Lyons at 2:44 p.m. on December 27, 2018, Mr. Truss said that the conversation could have been about someone else’s campaign; and that some of his conversations on December 27<sup>th</sup> were about his campaign, but others were not. With respect to the phone calls between him and Mr. Lyons during work hours on January 3, 9 and 11, 2019, Mr. Truss recalled that these conversations were probably about [Mayoral Candidate]’s campaign for Chicago Mayor. Mr. Truss explained that Mr. Lyons—in addition to working for Mr. Truss as campaign manager—was also working for [Mayoral Candidate]’s mayoral campaign. Mr. Truss further stated that Mr. Lyons wanted him (Mr. Truss) to support [Mayoral Candidate]’s mayoral campaign. Mr. Truss said that he ultimately declined Mr. Lyons’s request that he support [Mayoral Candidate] in the Chicago Mayoral election. Mr. Truss said he did not recall details about any of the other calls.<sup>22</sup>

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<sup>22</sup> OEIG investigators interviewed Mr. Lyons on January 9, 2020. Mr. Lyons noted that he primarily worked as a field organizer for Mr. Truss during his Aldermanic campaign, but took over as campaign manager designee for a short time after Mr. Truss’s original campaign manager left the campaign. Mr. Lyons denied discussing campaign matters with Mr. Truss during work hours, but did not dispute Mr. Truss’s statements regarding the content of their conversations discussed herein.

#### 4. Mr. Truss's Knowledge of the Ban on Prohibited Political Activity

During his interview, OEIG investigators showed Mr. Truss various sections of the IDES Procedures Manual related to the ban on prohibited political activity. Mr. Truss stated that he took responsibility for the posts he made but that he did not believe he violated the Ethics Act or IDES policy in making these posts. He explained that his understanding was that in order to have engaged in prohibited political activity, he would either have had to (1) solicit or distribute campaign materials to his co-workers, or (2) be at his desk working on his campaign. Mr. Truss stated that he did neither of these things and that anytime he prepared a social media post, he did so from his personal phone and not at his desk. He also said that he did all the Photoshop work for the pictures posted on [Social Media 1] from his home, and not on State time or using State resources.

Mr. Truss admitted, however, that he made photocopies of two pieces of campaign material for his aldermanic campaign while at work. He clarified that he could have made more than two copies, but it was at least two.

#### IV. ANALYSIS

The Ethics Act prohibits State employees from performing “any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off).”<sup>23</sup> “Prohibited political activity” includes, but is not limited to: (i) preparing for, organizing, or participating in any political meeting or other political event, (ii) soliciting or planning the solicitation of contributions including, but not limited to, the purchase of tickets for any political event, (iii) soliciting votes on behalf of a candidate for elective office or helping in an effort to get voters to the polls, (iv) distributing campaign literature or related materials on behalf of any candidate for elective office, and (v) campaigning or working on any campaign for elective office.<sup>24</sup> The Ethics Act further forbids State employees from “intentionally misappropriat[ing] any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office . . . .”<sup>25</sup> An activity is “political” within the meaning of the Ethics Act if it is done “in support of or in connection with any campaign for elective office or any political organization.”<sup>26</sup> Under the Ethics Act, “campaign for elective office” means “any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office . . . .”<sup>27</sup> The IDES Procedures Manual incorporates the Ethics Act, and further bans the “distribution of political campaign literature . . . while on duty or while in Department facilities.”<sup>28</sup>

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<sup>23</sup> 5 ILCS 430/5-15(a).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> 5 ILCS 430/1-5.

<sup>27</sup> *Id.*

<sup>28</sup> IDES Procedure Manual Section 1023: Political Campaign Literature and Paraphernalia. *See also id.* at Section 1019.60: IDES Code of Ethics: Prohibited Political Activity (incorporating relevant sections of the Ethics Act concerning prohibited political activity).

Mr. Truss admitted to making several social media posts during State time, each of which constituted prohibited political activity and violated both the Ethics Act and IDES policy.<sup>29</sup> First, the Organizing Posts, each published during State time, announced canvassing events and a petition drive meant to ensure that Mr. Truss appeared on the ballot. By Mr. Truss's own admission, these posts were in support of his campaign to be elected Alderman of Chicago's 29<sup>th</sup> Ward—an elective office. Thus, these events were “political” events as defined by the Ethics Act. By announcing the date and time of the events, notwithstanding his claim to the contrary, Mr. Truss was organizing or at the very least preparing for political events; posting the social media announcing these political events also constitutes campaigning and working on his campaign for public office. Therefore, Mr. Truss was engaging in prohibited political activity in violation of Ethics Act and IDES policy.<sup>30</sup>

Mr. Truss also admitted to making the Fundraising Post during State time. Although Mr. Truss claimed that this post did not constitute a solicitation of funds, the post not only advertised a political event meant to fund Mr. Truss's aldermanic campaign, but also informed the reader of how to make payment to his campaign, including to whom checks should be made out. Because this post: (1) helped to prepare for or organize a political event, (2) solicited—or at the very least planned the solicitation of—contributions in the form of tickets purchased for a political event, and (3) constituted campaigning and working on his campaign for public office, this post also constituted prohibited political activity.

Mr. Truss also violated the Ethics Act and IDES policy by making the Opposition Posts. Each of these posts criticized his political rivals while promoting his own campaign. The posts either referenced Mr. Truss's campaign, his position on issues or policies, or suggested reasons to vote for him, thus violating the Ethics Act and IDES policy. The OEIG is not suggesting that discussing political issues or criticizing political officials inherently constitute prohibited political activity. However, when such discussions or criticisms are done in the context of bolstering a campaign for political office, in this case Mr. Truss's campaign for 29<sup>th</sup> Ward Alderman, it becomes prohibited political activity. In effect, the Opposition Posts were an attempt to influence the outcome of the aldermanic election, tantamount to distributing campaign literature, and thus such campaigning or working on a campaign for elective office, during State time, constitutes prohibited political activity.

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<sup>29</sup> In this report, the OEIG focused on the examples of posts that were most clearly identifiable as prohibited political activity. While many posts on Mr. Truss's social media were politically-oriented, the OEIG excluded from its analysis posts: (1) that were made between 11 a.m. and 2 p.m. on work days, as Mr. Truss took lunch at some point during these hours and his exact lunch times were not documented; (2) for which Mr. Truss stated that he was unsure whether they were made by him or by another person with access to his social media accounts; or (3) that either did not fall within the definition of prohibited political activity or were questionable in terms of whether they met the definition.

<sup>30</sup> The OEIG rejects Mr. Truss's attempts to exonerate himself with respect to the timing of the posts he made on July 24, 2018 and January 10, 2019. During his interview, Mr. Truss initially confirmed the signature and accuracy of both relevant timesheets, and only after being shown the relevant posts, did Mr. Truss attempt to “walk back” his previous statements by saying: (1) he believed he was late to work on July 24 and composed that post during his commute to work; and (2) he may have composed both of these posts at an earlier time than when they were posted. First, Mr. Truss signed a timesheet indicating that he was on duty starting at 8:30 a.m., and did not provide any basis to suggest his timesheet was inaccurate. Second, although Mr. Truss said it was possible that he sent these posts on a delayed basis, he could not confirm that he did so. In light of these facts, there is a reasonable basis to conclude that Mr. Truss made these posts during State time, as indicated by comparing the timestamp of the posts to Mr. Truss's signed timesheets.

During his interview, Mr. Truss made several statements to the effect that his social media activity did not violate the Ethics Act, none of which provide a valid defense. First, Mr. Truss stated that according to his understanding of the Ethics Act, he had to directly solicit his co-workers in order for prohibited political activity to exist. However, there is no such limitation in the Ethics Act. Mr. Truss also opined that he had to be at his desk working on his campaign for the Ethics Act to apply. Again, the Ethics Act contains no such limitation, and instead applies when State employees engaged in prohibited political activity “during any compensated time,” regardless of their location. Mr. Truss further stated that he believed that posting social media promoting campaign events did not constitute prohibited political activity because he did not use work time or equipment to graphically design the social media. The Ethics Act forbids any such distribution of campaign literature or related materials during State time regardless of whether State equipment or time was used to create it. Finally, several times during his interview Mr. Truss represented that certain political activities may have been performed during his 15-minute breaks. Even if true, these statements do not exonerate Mr. Truss, as he was still being paid during these breaks, and thus these activities are still considered prohibited political activity under the Ethics Act.

Given Mr. Truss’s admissions that he made each of the above-referenced social media posts on State time, the allegation that he engaged in prohibited political activity by promoting his aldermanic campaign on [Social Media 1] and [Social Media 2] while on State-compensated time, in violation of the Ethics Act and IDES policy, is **FOUNDED**.<sup>31</sup>

During his interview, Mr. Truss also admitted to making at least three phone calls—on January 3, 9, and 11, 2019—with his campaign manager in which they discussed a potential endorsement of [Mayoral Candidate] on State-compensated time. These phone calls were “political” because they were in connection with a campaign for elective office—in this case, [Mayoral Candidate]’s campaign for Mayor of Chicago. Even though Mr. Truss did not ultimately endorse [Mayoral Candidate], the discussions themselves constituted political meetings within the meaning of the Ethics Act. Accordingly, Mr. Truss engaged in prohibited political activity when he participated in these phone calls with Mr. Lyons during State-compensated time, in violation of the Ethics Act and IDES policy, and this allegation is **FOUNDED**.

Finally, Mr. Truss’s use of State resources to photocopy campaign materials also violates the Ethics Act and IDES policy. Mr. Truss misappropriated State property—here the photocopier—in order to reproduce campaign materials meant to promote his aldermanic campaign. Thus, the allegation that Mr. Truss misappropriated State property, namely, the photocopy machine, by engaging in prohibited political activity for the benefit of his campaign for elective office is **FOUNDED**.

## V. FINDINGS AND RECOMMENDATIONS

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

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<sup>31</sup> The OEIG concludes that an allegation is “founded” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

- **FOUNDED** – Dwayne Truss engaged in prohibited political activity by posting material promoting his aldermanic campaign to [Social Media 1] and [Social Media 2] while on State-compensated time; discussing a potential endorsement of a Chicago Mayoral candidate with his campaign manager while on State-compensated time; and photocopying campaign materials using State equipment, in violation of the Ethics Act and IDES policy.

Based on these findings, the OEIG recommends that IDES take whatever disciplinary action against Mr. Truss that it deems appropriate. The OEIG is also referring Mr. Truss's violation of the Ethics Act to the Illinois Attorney General's Office.

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

Date: January 23, 2020

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

By: **Jeffrey Freeman**  
Assistant Inspector General #159

**Ed Doyle**  
Investigator #159

April 8, 2020

**Via Email**

Ms. Susan M. Haling  
Executive Inspector General  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

**RE: OEIG Complaint Number 19-00361**

Dear Executive Inspector General Haling:

This is in response to the OEIG's Summary and Final Report related to the above-subject matter. The report indicated that the OEIG found evidence to support a conclusion that IDES employee, Dwayne Truss, engaged in prohibited political activity in violation of the State Officials and Employees Ethics Act and IDES policies and procedures, as noted below:

- 1) The OEIG determined the allegations that Mr. Truss promoted his aldermanic campaign on social media accounts, [REDACTED] and [REDACTED], during State compensated time were **founded**.
- 2) The OEIG determined the allegations that Truss participated in phone calls related to political activity during State compensated time were **founded**.
- 3) The OEIG determined the allegations that Truss misappropriated State property by photocopying political materials were **founded**.

The Department's Labor Relations Division conducted a Pre-Disciplinary Meeting on 02/07/2020. Per the Collective Bargaining Unit Agreement, Mr. Truss was allowed five working days to submit his rebuttal. Mr. Truss submitted a written rebuttal on 02/18/2020.

After reviewing the rebuttal and based on the recommendations of his reporting structure, as well as the agreement of the Director, Manager of Labor Relations and the Chief Legal Counsel, the decision was made to suspend Mr. Truss for seven calendar days (to include weekends and holidays). The suspension was issued on 02/21/2020, effective 02/24/2020.

IDES considers this matter closed. Evidentiary materials are available upon request, or feel free to contact me if you have questions or need anything further.

Respectfully,

[REDACTED]

Gina Wilson  
Ethics Officer

cc: Gov.Compliance@Illinois.gov  
Thomas D. Chan, Acting Director  
Kevin Lovellette, Chief Legal Counsel



OFFICE OF EXECUTIVE INSPECTOR GENERAL  
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**CONFIDENTIAL**

May 15, 2020

*Via Electronic Mail*

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

**Re: OEIG Case No. 19-00361**

Dear Executive Director Casey:

In follow-up to our previous letter on this matter, I am writing to inform you that the Illinois Department of Employment Security (IDES) today informed us that the union has withdrawn its grievance regarding the seven-day suspension IDES issued to Auditor Dwayne Truss for engaging in prohibited political activity. IDES further said that it now considered this matter finalized and closed.

If you have any questions, I can currently be reached at [REDACTED].

Sincerely,

Susan M. Haling  
Executive Inspector General

By:

[REDACTED]  
Fallon Opperman  
Deputy Inspector General & Chief