

THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: DARRIN RILEY, ) OEIG Case # 08-00959

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission ("Commission") to redact information from this report that may reveal the identity of witnesses, complainants or informants and "any other information it believes should not be made public." 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut its factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Executive Inspector General for Agencies of the Governor ("OEIG") and responses from the Secretary of the Department of Human Services in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor's Executive Inspector General and to Darrin Riley at his last known addresses.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

**FINAL REPORT**

**ALLEGATIONS**

The Office of Executive Inspector General (OEIG) received a complaint alleging that Darrin Riley (Riley), an Internal Security Investigator at the Department of Human Services (DHS or Department)'s Howe Developmental Center (Howe), misused State property by driving a State vehicle without proper authorization and, while operating the State vehicle on personal time, caused the vehicle to receive a photo enforced red light violation from the City of Chicago. The OEIG concludes that these allegations are FOUNDED. Moreover, evidence gathered by OEIG investigators during the course of the investigation further established that Riley, over a period of several years, drove State vehicles without a valid driver's license and that [redacted] failed to adhere to DHS and Howe policies regarding vehicle usage.

## EXECUTIVE SUMMARY REPORT

In its investigation, the OEIG interviewed numerous DHS employees including: Riley, [redacted]. Documents examined included those related to the City of Chicago red light violation occurring on September 10, 2008, Howe vehicle logs and trip tickets, and Riley's State of Illinois driving abstract.

The OEIG legal analysis is based, in part, upon: the DHS Employee Handbook and Administrative Directives, Howe's rules, and the Illinois Vehicle Code (625 ILCS 5 et seq.).

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Riley violated State law and DHS policy by driving State vehicles without a valid driver's license.
- **FOUNDED** – Riley violated DHS policy by improperly using a State vehicle for personal use after State business hours.
- **FOUNDED** – Riley violated DHS policy by receiving a photo enforced red light violation when driving a State vehicle.
- **FOUNDED** – [Redacted] failed to follow Department protocol on administering State vehicles by allowing Riley to check out a vehicle without verifying whether he had a valid driver's license and by failing to ensure that vehicle logs and trip tickets relative to State car usage were thoroughly completed.

## CONCLUSIONS AND RECOMMENDATIONS

Based upon the evidence, the OEIG recommends that Riley be discharged with no right to reinstatement with any State agency, or face such other discipline as is commensurate with the serious and potentially criminal nature of his actions, to wit: driving a State vehicle on numerous occasions without a valid driver's license, using a State vehicle after State working hours for his personal benefit, and for engaging in conduct unbecoming of a State employee. Any separation agreement reached with Riley should state that he agrees "never to apply for, nor to accept, employment with the State." Furthermore, the OEIG will refer the motor vehicle law violations to the Cook County State's Attorney's Office.

Moreover, the OEIG recommends that Riley reimburse DHS \$100.00 (one hundred dollars) for monies it spent on a fine imposed for the red light violation Riley received while driving a State vehicle on September 10, 2008.

In addition, the OEIG also recommends that [redacted] be disciplined for his failure to adhere to both Howe's and DHS's procedures for issuing State vehicles and completing vehicle log sheets and trip tickets. The OEIG further notes that although insufficient evidence exists to make a finding against [redacted], [redacted] conduct demonstrates lax enforcement of DHS's

and Howe's policy. Therefore, the OEIG strongly suggests that [redacted] be counseled to ensure that he consistently adheres to DHS's and Howe's vehicle use policy.

Finally, the OEIG strongly recommends that in order to forestall accidental or intentional State vehicle abuse, DHS should ensure that all staff responsible for State vehicle usage understand and enforce the policy controls governing the operation and use of its vehicles. For instance, these employees should understand that oral requests for vehicles should not be accepted. The OEIG also recommends that any vehicle logs be revised to require the signature or initials of the transportation staff member making the assignment.

## SUMMARY REPORT OF THE OEIG INVESTIGATION

### SUMMARY OF INVESTIGATION

Riley, has been an Internal Security Investigator at DHS's Howe Developmental Center (Howe),<sup>1</sup> since 2005 and a DHS employee since 1997. As an investigator, Riley investigates allegations of neglect and abuse of Howe residents. [Redacted] told the OEIG that Riley also assists the DHS Inspectors General Office with investigations. Accordingly, Riley's job duties necessitate that he either drive or walk to the site of an incident to gather data related to investigations. In an OEIG conducted interview, Riley explained that he used either fleet vehicles maintained by Howe's Transportation Department (HTD) or vehicles housed in Howe's Administrative Building to conduct off-site investigations.<sup>2</sup>

On May 16, 2005, Riley signed a certification form attesting to his receipt of DHS's Employee Handbook and acknowledging his duty to comply with DHS policies and regulations.<sup>3</sup>

Regarding Howe's vehicle use policy, Riley and HTD employees [redacted] and [redacted] each advised the OEIG that Howe had specific policies for administering vehicles. All three told the OEIG that an investigator must complete a written vehicle request form, called a "trip ticket," in order to secure a vehicle.<sup>4</sup> Additionally, they specified that trip tickets require investigators to include their name, destination, departure and return times and vehicle number, among other information.

Riley explained that his method of returning his trip tickets is to leave them in the vehicle's sun visor when he brings the vehicle back to HTD.<sup>5</sup> Furthermore, Riley added that a

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<sup>1</sup> In August 2009, Governor Pat Quinn announced the closure of Howe, with the transition of its residents expected to be completed by April 2010. See "Governor Quinn Closes Howe Developmental Center, Vows to Ensure Smooth Transition for Residents," dated August 28, 2009, available at <http://www.dhs.state.il/page.aspx?item=45887>.

<sup>2</sup> Vehicles in the Administrative building are primarily used by upper management; however, Riley told the OEIG that he had access to the vehicles when they were not being used by an administrator.

<sup>3</sup> The form provided that a violation of any Department policy or regulation could result in disciplinary action up to and including discharge.

<sup>4</sup> However, [redacted], stated that in some cases, he has recognized oral vehicle requests by investigators as long as they were at a minimum verbally approved by supervisors or administrators.

<sup>5</sup> However, [redacted] noted that Riley and other employees habitually failed to return trip slips to HTD and that he had addressed the issue with Howe's administration, which then issued a memo to Howe's employees sometime in 2008. [Redacted] submitted to OEIG investigators a document entitled, "General Administration Operation of Motor Vehicles." Although [redacted] claimed this document was distributed by Howe administrators in 2008, the

vehicle is deemed to be in his possession until he returns it. Riley also told the OEIG that in cases where an HTD employee is not present, he parks the car at the garage and holds onto the keys until the following day when he can return them to an HTD employee.

In addition to trip tickets, Howe's transportation staff is also responsible for completing a log sheet when a vehicle is dispatched. During his OEIG interview, [redacted] advised investigators that either the individual who requested the vehicle or HTD personnel completes the log sheet for the vehicle. [Redacted] recalled that the log sheets, like the trip tickets, include the departure time, the return time, the vehicle number, the driver's name and other details about the trip.

#### Riley's Extended Use of a State Vehicle in September 2008

According to Howe's vehicle log sheets for September 3, 2008, Riley was assigned the facility's Ford Crown Victoria to conduct an investigation at a local hospital. [Redacted] told OEIG investigators that he not only filled out the log sheet for this vehicle assignment, but he also filled out the trip ticket because Riley made a hurried, last-minute request. [Redacted] recalled the request for the car came late in the day on September 3rd and that Riley said he would need a vehicle for a "few days."<sup>6</sup>

Although Howe log sheets showed that Riley was issued the car on September 3rd, no documentation reflected when he returned it. According to [Redacted], Riley never returned his trip ticket. [Redacted] also told the OEIG investigator that when he questioned Riley about the missing trip ticket, Riley claimed that he left the ticket in the car. However, [redacted] could not locate it. [Redacted] admitted to investigators that he was responsible for ensuring that trip tickets were submitted and accurately completed, and offered that he tries to keep track of the tickets to the best of his ability. When asked to explain why the log sheet did not include a return time, [redacted] said that the Crown Victoria was not returned on the same day and that he was unsure when the vehicle was returned. [Redacted] explained that the missing trip ticket would indicate when the vehicle was returned.

According to vehicle log sheets for the entire month of September, Riley was the only individual assigned the Crown Victoria. Moreover, according to [redacted], Riley did not return the vehicle to HTD. Instead, [redacted] and [redacted] used a spare key to seize the vehicle on Howe's campus. [Redacted] told the OEIG that once Riley realized the vehicle was missing, Riley called him to ask if he had picked up the car and apologized for not returning it. In his interview with OEIG investigators, [redacted] could not recall when he picked up the car, but in an October 17, 2008 memo drafted by [redacted], he stated that he observed the Crown Victoria on Howe's campus on September 8, 2008, and again on September 12, 2008, and that he eventually retrieved the vehicle from parking lot 5 on September 12th. [Redacted] told OEIG investigators that he recalled picking up the Crown Victoria with [redacted], but did not recall any details of the situation.

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document was originally dated April 23, 2002, and revised on March 7, 2006; there is no indication that the document was reissued in 2008. This policy document specifically requires that a trip ticket be completed once a vehicle is taken off grounds.

<sup>6</sup> [Redacted] noted that Riley's oral request was verbally approved by [redacted].

Both [redacted] and [redacted] noted that Riley's use of the vehicle in September was unusually long. [Redacted] said that Riley use of the vehicle for over a week was a "little extreme." Significantly, [redacted] stated that Howe investigators were never assigned vehicles for days at a time.

#### The State Vehicle Signed out to Riley Received a Red Light Violation

According to City of Chicago ticket number 7001401991, on September 10, 2008, at 10:42 p.m., just two days before [redacted] and [redacted] retrieved the Crown Victoria on Howe's campus, the car received a photo enforced red light violation for running a red light on East 83rd Street and South Stony Island Avenue in Chicago, Illinois.<sup>7</sup> The intersection of 83rd and Stony Island is approximately 3.4 miles from Riley's home. The intersection is at least 17 miles from Howe, which is located in Tinley Park, Illinois.

When interviewed by the OEIG, Riley denied receiving a red light violation, claiming that he did not have the car after September 4, 2008. Riley insisted that the trip ticket would confirm his statements. However, despite probing from the OEIG, Riley never produced a copy of the trip ticket. Furthermore, Riley claimed he could not recall when he returned the keys to the HTD. Initially, Riley argued that HTD staff could have picked up the Crown Victoria on September 4, 2008, and that he was unsure why it took them so long to retrieve the vehicle; he said that the HTD staff sometimes picked up vehicles elsewhere on campus so that he would not have to walk back to his work location.

Despite his initial statements to investigators, Riley later conjectured that he was assigned the Crown Victoria on September 12, 2008, at approximately 4:30 p.m. instead of on September 3, 2008. Riley maintained that the September 3, 2008 log sheet was inaccurate and as such it was impossible that he had received the red light citation on the 10th. By Riley's later account, he returned the vehicle back to Howe on September 12, 2008, after work hours, and the vehicle was retrieved the following day by HTD. Riley also claimed that he returned the keys on his lunch hour on the 13th.

However, the OEIG determined that September 12, 2008, was a Friday and that the Crown Victoria was not signed out to Riley or anyone else on the 12th. Moreover, the 13th was a Saturday and, although Riley's work schedule required him to be on call on some weekends, [Redacted] confirmed that Riley was not at work on the 13th. Therefore, Riley could not have returned the keys to HTD on that date.

[Redacted] told OEIG investigators that although he was not positive that Riley had received the red light violation, he could only assume it was Riley since the vehicle was signed

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<sup>7</sup> [Redacted] advised the OEIG that DHS agreed to pay the \$100.00 (one hundred dollar) fine for the citation pending the outcome of this investigation. [Redacted] provided documentation to the OEIG of the fine payment to the City of Chicago.

out to Riley at the time the ticket was issued. [Redacted] acknowledged that it was possible another person had been driving the car at the time of the violation because there were two other sets of keys to the car and the car had been spotted on the Howe campus. These extra keys were kept in a lock box in the Transportation Department, and approximately twenty Transportation Department employees had access to them.

### Riley's Incomplete Log Sheets

The log sheets to account for Riley's use of State vehicles were incomplete on numerous occasions other than in September 2008. According to the HTD vehicle log sheets for May 15, 2008, July 29, 2008, August 1, 2008 and August 14, 2008, Riley checked out vehicles on all these days, but failed to fully complete the vehicle log sheets.

For example, the May 15, 2008 sheet failed to include a destination. When questioned about the matter, [redacted] could not explain why Riley's sheets were incomplete, but admitted responsibility for ensuring they were accurately completed. He professed that he did not know the procedure for finding out where investigators were going and thought that he may not be able to find out their destinations because those destinations may be considered confidential. As to the additional information missing on the log sheets, [redacted] advised that either he or [redacted] were busy and failed to realize that the sheets were incomplete. Upon reviewing the log sheets, [redacted] recalled that he may have completed the July 29, 2008 log sheet, but was unsure. [Redacted] acknowledged that the return time was not filled in on the sheet and speculated the vehicle may have been returned after hours when he was not there to fill out the sheet.

### Riley Has Not Held a Valid Driver's License Since 2005

According to court abstracts from the Illinois Secretary of State, Riley has not held a valid driver's license since February 22, 2005. The court abstracts reflected that Riley has had multiple convictions for driving during a suspension or revocation period (625 ILCS 5/6-303(a)), including one after an arrest on July 21, 2008. When interviewed by the OEIG on May 27, 2009, Riley advised that he had a court date, the following month, on June 29, 2009, and planned to get his license reinstated then. Riley further maintained that he learned that his license was suspended when he was stopped by the police on a date he could not recall. Riley told OEIG investigators his supervisor was not aware that his license was suspended or that he was driving State vehicles without a valid driver's license. Riley argued that it was not necessary to notify anyone because he had a "valid" ticket and was taking steps to get his license reinstated.<sup>8</sup> Additionally, according to Riley, HTD employees do not always ask for a driver's license and that had they requested a copy of his license, he would have provided them with a copy of a ticket.<sup>9</sup>

<sup>8</sup> When interviewed by the OEIG, Riley continually argued that having a ticket replaced his driver's license and inferred that the ticket permitted him to drive while his license was suspended.

<sup>9</sup> Riley stopped checking out vehicles from the Administration Building according to vehicle logs on May 6, 2008; coincidentally, Riley ceased using the Administration Building vehicles just two days before [redacted] issued a May 8, 2008 e-mail requiring all employees, including Riley, to present a valid driver's license prior to checking out a

Nonetheless, HTD employees [redacted] and [redacted] told OEIG investigators that they *always* check employees' driver's licenses prior to issuing vehicles. [Redacted] later admitted that he had not checked Riley's driver's license on September 3, 2008, the day he provided Riley with the Crown Victoria, because Riley was in hurry. However, [redacted] claimed that he had checked Riley's driver's license at some point during 2008 and that Riley had a valid driver's license and not a ticket. [Redacted] stated that he possibly assigned a vehicle to Riley on July 29, 2008, but he insisted that he would have followed procedure and required a valid driver's license from Riley.

## ANALYSIS

### Riley Drove State Vehicles without a Valid Driver's License

The Illinois Vehicle Code, 625 ILCS 5/6-101(b), states that no person shall drive a motor vehicle unless he holds a valid driver's license.<sup>10</sup> In addition, DHS Administrative Directive No. 01.05.05.080, "Use of State-Owned, State Leased or Privately-Owned Vehicle at State Expense" Section II (B), provides that all operators of State-owned vehicles must possess a valid driver's license and use State vehicles for State business only. Lastly, DHS's Employee Handbook contains similar language noting that a State employee driving a State vehicle in the performance of State business must have a valid Illinois driver's license in his possession at all times.<sup>11</sup>

Riley violated both Illinois law and DHS's policies when he drove several State vehicles without a valid driver's license. In fact, Riley had not had a valid driver's license since February 22, 2005, and yet according to Howe's vehicle log sheets he continued to drive State vehicles as recently as September 2008. Riley blatantly disregarded State law and DHS policy and risked exposing the state to liability by driving without a license. When questioned by the OEIG, Riley told investigators that he had a pending court date and planned to get his license reinstated on June 29, 2009. Riley also advised that he had not informed his supervisors that he did not have a valid driver's license but claimed his license was replaced with a ticket. Regardless of the purported steps Riley was taking to reinstate his license, the OEIG concludes that he was not licensed when he used State vehicles on numerous occasions. Riley could have been criminally charged for driving without a valid license. The gravity of Riley's conduct in terms of subjecting the State to potential liability, cannot be underscored enough. Therefore, the OEIG found sufficient evidence to conclude that Riley violated both Illinois law and DHS's policies by driving State vehicles without a valid driver's license.

### Riley Received a Red Light Violation While Driving a State Vehicle

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vehicle. When questioned about the matter, Riley claimed that cars were no longer available asserting that they were being used by administrators and as a result he began using vehicles from HTD. Riley contended that the e-mail did not cause him to start checking out vehicles from the HTD; Riley maintained he had a valid ticket but not a license.

<sup>10</sup> Driving while under a period of license suspension or revocation is classified at the minimum as a Class A misdemeanor and may be a felony offense depending on the nature of past offenses. *See* 625 ILCS 5/6-303.

<sup>11</sup> DHS Employee Handbook, VII-3.

The DHS Employee Handbook states that an employee who drives a State vehicle must comply with all traffic and speed limit laws.<sup>12</sup> In addition, any DHS employee who incurs expenses due to his improper operation of a State vehicle, such as traffic citations, is responsible for paying those expenses.<sup>13</sup>

In this case, Riley received a red light violation approximately 3.4 miles away from his residence while driving a State vehicle at the intersection of 83rd and Stony Island. The ticket was issued at 10:42 p.m. on September 10, 2008, well after Riley's work hours. Although Riley argued that he was not driving the car when it received the citation, the vehicle was signed out to Riley at the time and had not been returned to HTD since September 3rd when he checked out the vehicle. In early statements to OEIG investigators, Riley told investigators that a vehicle was deemed to be in his possession until he returned it to the HTD. So, although [redacted] acknowledged to OEIG investigators that other keys to the Crown Victoria exist, and that potentially someone else could have driven that car while it was signed out to Riley, the extra keys, were secured in the HTD lock box and there is no evidence that any were missing or stolen. It is highly unlikely that some other Howe employee took the Crown Victoria and received a red light violation in close proximity to Riley's residence during the same period in which the log sheet reflects that the vehicle was signed out to Riley. Riley's credibility is further damaged by his subsequent tenuous story suggesting that the date on the log sheets were inaccurate and he returned the car keys to HTD on September 13th. However, as previously noted, the 13th was a Saturday and Riley did not work that Saturday. Therefore, the allegation that Riley received a red light violation while driving a State vehicle is FOUNDED.

#### Riley Engaged in the Unauthorized Use of State Vehicles and Conduct Unbecoming

DHS Administrative Directive No. 01.05.05.080 prohibits the unauthorized use of State vehicles. The rule defines the unauthorized use as using State vehicles for personal purposes other than for use in the performance of essential travel related to State business. The rule further defines unauthorized use as that which extends the length of time the operator possesses the vehicle beyond what is needed to complete the official purpose of the trip.

According to Howe's log sheets, Riley checked out the Crown Victoria on September 3rd and the vehicle was not returned until September 12th. Both [redacted] and [redacted] agreed that keeping the vehicle from the 3rd to the 12th constituted extensive use. Accordingly, Riley's conduct is specifically prohibited by DHS policy where unauthorized use is defined as that which extends the length of time the operator possesses the vehicle beyond what is needed to complete the official purpose of the trip. Incidentally, Riley received the red light citation after 10:00 p.m. and was not authorized to use the State vehicle after hours. Surely Riley was not engaged in State business at 10:00 p.m., but instead was using the Crown Victoria for his personal benefit.

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<sup>12</sup> *Id.*

<sup>13</sup> DHS Employee Handbook, VII-3 ("An employee who drives a State vehicle or personal vehicle in the performance of State business . . . is responsible and will be held accountable for driving performance and record, including any traffic citations."); DHS Administrative Directive No. 01.05.05.080 ("If the driver incurs expenses due to improper parking or operation of the vehicle (not caused by mechanical failure), the driver is responsible for parking expenses, parking tickets, traffic citations and towing expenses.").

Therefore, the allegation that Riley engaged in the unauthorized use of State property is FOUNDED.

Moreover, Riley engaged in conduct unbecoming by violating State motor vehicle law and DHS policy. The DHS Employee Handbook strictly prohibits employees from engaging in conduct unbecoming. It notes that an employee holds a position of trust and is expected to conduct himself in a responsible, professional manner, refraining from conduct which could adversely affect the confidence of the public. The handbook further states that an employee who violates the public trust or fails to conduct himself in a professional manner may be subject to discipline up to and including discharge.<sup>14</sup>

Riley drove a State vehicle on several occasions without a valid driver's license and used a State vehicle for his personal use. Riley also received a photo enforced red light violation while driving this State vehicle. His behavior is particularly troubling because Riley is in a position of great public trust investigating alleged abuse of Howe's residents. Sadly, Riley's conduct with State vehicles reflects a lack of integrity and is embarrassing to the Department and to the State. As such, the allegations that Riley used a State vehicle for his personal use and engaged in conduct unbecoming are FOUNDED.

#### Lapses in the Enforcement of State Vehicle Procedures

##### a. The Howe Transportation Department Failed to Verify Riley's Driver's License

Howe Policy HC-088, entitled "Vehicle Trip Ticket," provides that the administrator designee is responsible for ensuring that the designated driver has a valid driver's license prior to signing off on the trip ticket. Although the September 3, 2008 trip ticket could not be produced by Riley, it is clear that [redacted], and possibly also [redacted], ever verified whether Riley had a valid driver's license. When questioned about the matter, both [redacted] and [redacted] contended that they always check employees' driver's licenses before issuing a State vehicle. However, no one at the HTD ever discovered that Riley did not have a valid driver's license despite the fact that he checked out vehicles from HTD on at least 5 (five) occasions including: May 15, 2008; July 29, 2008; August 1, 2008; August 14, 2008; and September 3, 2008.

When questioned about whether he checked Riley's license on September 3rd, [redacted] admitted that he had not, and maintained that he had checked Riley's license at some point during 2008 and insisted that Riley had a valid driver's license when he checked it, and simply not a ticket. Clearly, [redacted] statement is inaccurate because had [redacted] actually checked Riley's license at most, Riley would have produced a ticket as he did not have a valid driver's license. Because the vehicle logs do not indicate which HTD employee made a vehicle assignment, there is no conclusive evidence that [redacted] failed to check Riley's license. [Redacted], however, was negligent in his duties and could potentially have subjected the State to tremendous liability by not checking Riley's license before authorizing him to use a State vehicle. As such, the OEIG found sufficient evidence to deduce that [redacted] failed to follow Department protocol on administering State vehicles by allowing Riley to check out a vehicle without verifying whether he had a valid driver's license.

<sup>14</sup> DHS Employee Handbook, V-1.

b. Failure to Complete Trip Tickets and Log Sheets

Howe's "Vehicle Trip Ticket" Policy HC-088 also states that the designated driver will complete page one of the trip ticket prior to departure and that the administrator designee will ensure completion of the required fields before signing off.

Both Riley and [redacted] violated Howe's policy as specified above. Riley failed to complete a vehicle trip ticket prior to leaving Howe on September 3, 2008. Instead, [redacted] told the OEIG that he filled out the trip ticket for Riley because he was in a rush. However, HC-088 unambiguously provides that the designated driver, which in this case was Riley, should complete the form, not an HTD employee. Nor does the policy provide for the verbal vehicle requests that [redacted] stated he would accept in some cases. The fact that Riley was allegedly in rush does not absolve him from adhering to Howe's policy to complete written documentation of his trip. Conversely, Riley should have allotted enough time in his schedule to permit him to complete the form. Therefore, Riley violated Howe's policy by not personally completing his trip ticket prior to departing from Howe.

Moreover, the aforementioned rule notes that the administrator designee will ensure completion of the trip ticket and sign off on it. As [redacted] essentially supervised HTD's vehicle use and should have ensured Riley personally completed the vehicle trip ticket prior to his departure in accordance with Howe's policy. Instead, [redacted] completed the trip ticket on Riley's behalf and as a result, [redacted] not only failed to act in accordance with Howe's policy but tacitly permitted Riley to violate Howe's policy by not requiring Riley to complete the form himself. Because [redacted] failed to competently conduct his responsibilities, he violated Howe's policy.

In addition, HC-088 states that upon return from the trip, the designated driver is to complete all sections of the trip ticket and return the form to the administrator designee. Riley, the designated driver, did not return his September 3rd trip ticket to [redacted]. In fact, according to [redacted], Riley frequently failed to return trip tickets. Riley told investigators he submitted trip tickets by leaving them in the sun visor of the car he was driving. This was a poor practice and not in accordance with Howe's rules. HC-088 provides that the trip ticket should be returned to the administrator designee, not that the trip ticket be left in the car to be recovered by the Transportation Department. Here too, Riley violated Howe's policy by not returning trip tickets, and [redacted] also failed in his duties because he did not ensure that the trip tickets were returned.

Likewise, the Howe vehicle log sheets reveal lax enforcement by the HTD employees of Howe's policies. [Redacted] admitted that he was ultimately responsible for making sure the log sheets were completed. However, log entries for vehicles assigned to Riley were not fully completed on May 15, 2008, July 29, 2008, August 1, 2008, and August 14, 2008. Unfortunately, the log sheets did not have a space for the signature or initials of the HTD employee making an assignment; therefore, it would be difficult for managers like [redacted] to determine who was responsible any particular assignment.

Accordingly, the evidence was sufficient to conclude that [redacted] failed to enforce DHS policy by verifying that Riley held a valid driver's license and by ensuring the completion of trip tickets and log sheets.

## CONCLUSIONS AND RECOMMENDATIONS

The OEIG makes the following conclusions:

- **FOUNDED** – Riley violated State law and DHS policy by driving State vehicles without a valid driver's license.
- **FOUNDED** – Riley violated DHS policy by improperly using a State vehicle for personal use after State business hours.
- **FOUNDED** – Riley violated DHS policy by receiving a photo enforced red light violation when driving a State vehicle.
- **FOUNDED** – [Redacted] failed to follow Department protocol on administering State vehicles by allowing Riley to check out a vehicle without verifying whether he had a valid driver's license and by failing to ensure that vehicle logs and trip tickets relative to State car usage were thoroughly completed.

Based upon the evidence, the OEIG recommends that Riley be discharged with no right to reinstatement with any State agency, or face such other discipline as is commensurate with the serious and potentially criminal nature of his actions, to wit: driving a State vehicle on numerous occasions without a valid driver's license, using a State vehicle after State working hours for his personal benefit, and for engaging in conduct unbecoming of a State employee. Any separation agreement reached with Riley should state that he agrees "never to apply for, nor to accept, employment with the State." Furthermore, the OEIG will refer the motor vehicle law violations to the Cook County State's Attorney's Office.

Moreover, the OEIG recommends that Riley reimburse DHS \$100.00 (one hundred dollars) for monies it spent on the fine imposed for the red light violation Riley received while driving a State vehicle on September 10, 2008.

In addition, the OEIG also recommends that [redacted] be disciplined for his failure to adhere to both Howe's and DHS's procedures for issuing State vehicles and completing vehicle log sheets and trip tickets. The OEIG further notes that although insufficient evidence exists to make a finding against [redacted], [redacted] conduct demonstrates lax enforcement of DHS's and Howe's policy. Therefore, the OEIG strongly suggests that [redacted] be counseled to ensure he consistently adheres to DHS's and Howe's vehicle use policy.

Finally, the OEIG strongly recommends that in order to forestall accidental or intentional State vehicle abuse, DHS should ensure that all staff responsible for State vehicle usage understand and enforce the policy controls governing the operation and use of its vehicles. For instance, these employees should understand that oral requests for vehicles should not be

accepted. The OEIG also recommends that any vehicle logs be revised to require the signature or initials of the transportation staff member making the assignment.

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



Pat Quinn, Governor

Michelle R.B. Saddler, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762  
401 South Clinton Street • Chicago, Illinois 60607

June 3, 2010

Mr. James A. Wright  
Executive Inspector General  
Office of the Executive Inspector General  
For the Agencies of the Illinois Governor  
32 West Randolph Street, Suite 1900  
Chicago, Illinois 60601

2010 JUN -7 PM 2:49

Received  
OIG - Chicago

RE: OEIG Complaint No: 08-00959

Dear Inspector General Wright:

Reference is hereby made to OEIG Complaint No. 08-00959 regarding Howe Developmental Center Employee Darrin Riley's inappropriate use of a state vehicle. The OEIG concluded that Mr. Riley: drove state vehicles without a valid driver's license; received a red light traffic violation while driving a state vehicle; engaged in unauthorized use of a state vehicle; and failed to properly complete vehicle trip tickets. Mr. Riley's supervisor has begun disciplinary proceedings for "Conduct Unbecoming of a State Employee", "Policies and Regulations Effecting Employees", "Performance of Duties", "Traffic and Parking Regulations", and "Failure to comply with Howe Policy and Procedures". Given the seriousness of the OEIG findings, the level of recommended discipline will be termination. Additionally, the Center will seek reimbursement for the \$100 fine incurred from the traffic violation.

DHS began disciplinary proceedings against [redacted] with Howe's Transportation Department since he failed to verify Mr. Riley's driver's license and complete vehicle trip tickets and log sheets. It was determined that [redacted] failure to comply with the Howe Center's policies and procedures enabled the continuance of Mr. Riley's actions. The level of recommended discipline will be at a minimum of a written reprimand. Furthermore, [redacted] will be retrained on Howe's Policy and Procedure HC088-Vehicle Trip Ticket. [redacted] will be retrained on Howe's Policy and Procedure HC088-Vehicle Trip Ticket upon his return from a medical leave of absence. The Division of Developmental Disabilities has reviewed policies governing the operation and use of state vehicles with Facility Directors of the nine state operated developmental centers (SODCs). By Thursday, July 1, 2010, all SODCs will ensure they have policies in place that ensure full compliance with DHS directives governing the operation and use of state vehicle, including verification that staff requesting state vehicles have valid drivers' licenses. Since, DHS has agreed with your office's findings and addressed all of the recommendations, please consider this case closed.

Sincerely,

Michelle R.B. Saddler  
Secretary

cc: Grace Hong Duffin, Chief of Staff  
file



Pat Quinn, Governor

Michelle R.B. Saddler, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762  
401 South Clinton Street • Chicago, Illinois 60607

August 3, 2010

Mr. James A. Wright  
Executive Inspector General  
Office of the Executive Inspector General  
For the Agencies of the Illinois Governor  
32 West Randolph Street, Suite 1900  
Chicago, Illinois 60601

RE: OEIG Complaint No: 08-00959

Dear Inspector General Wright:

Reference is hereby made to OEIG Complaint No. 08-00959 regarding several of the Division of Developmental Disabilities/Howe Developmental Center employees. The OEIG's investigation concluded that Darrin Riley inappropriately used a state vehicle and [redacted] failed to adhere to the Howe Developmental Center's policies regarding the use of state vehicles. Additionally, the OEIG recommended that [redacted] be retrained on Howe's vehicle use policy. DHS sent an initial report to your office on June 3, 2010. The following information is an update on the actions taken by DHS administration regarding the aforementioned employees.

Howe Developmental Center Director Joe Turner terminated Employee Darrin Riley on May 27, 2010 and submitted a recommendation that Mr. Riley reimburse the State for the \$100 fine that he was responsible for as a result of a traffic violation. He also issued [redacted] a written reprimand on June 22, 2010 for failing to follow Department protocol on administering state vehicles. Further, [redacted] pre-disciplinary meeting afforded him the opportunity to become reacquainted in all applicable policies and procedures governing the operation and use of State vehicles. Finally, [redacted] remains on medical leave and has yet to be retrained in all applicable policies and procedures governing the operation and use of State vehicles. However, upon [redacted] return to work he will be retrained. The Division of Developmental Disabilities has verified that all state operated developmental centers have policies in place that ensure full compliance with DHS directives governing the operation and use of State vehicles, including verification that any staff person requesting the use of a State vehicle has a valid driver's license. DHS hopes that you will consider this matter resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle R.B. Saddler". The signature is written in a cursive style and is positioned above the typed name of the signatory.

Michelle R.B. Saddler  
Secretary

cc: Grace Hong Duffin, Chief of Staff  
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