

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: NICOLE ARGUE) OEIG Case # 08-00962

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the 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 Executive Ethics Commission ("Commission") received a final report from the Governor's Office of Executive Inspector General ("OEIG") and a response from the agency 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 Nicole Argue at her last known address.

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.

ALLEGATIONS

The Office of Executive Inspector General ("OEIG") received a complaint alleging that Illinois Department of Human Services ("DHS") Caseworker, Nicole Argue ("Argue"), improperly used her DHS computer and access to the Key Information Delivery System ("KIDS") to obtain information about a child support case not directly related to her official duties. It is also alleged that Argue released this confidential child support case information to others. The OEIG concludes that these allegations are **FOUNDED** in part and **UNFOUNDED** in part.

SUMMARY OF INVESTIGATION

The OEIG investigated allegations that Argue, a DHS caseworker, used her position at DHS to obtain information about [name redacted, hereinafter referred to as "Jane Doe"] child support case, and that she shared Doe's confidential child support information with relatives of the non-custodial father [redacted]. OEIG investigators discovered that Argue also has a child support

case with [the father], the same father in Doe's child support case. Argue admitted to the OEIG during her investigative interview, that she has accessed her own child support case file.

A. Misuse of DHS Computer

During the course of its investigation, OEIG interviewed Department of Health and Family Services, Office of Inspector General ("HFS/OIG") employee, [redacted]. [Redacted] reported that his office placed a monitoring program on Doe's child support case file because the HFS/OIG¹ received a complaint alleging that Argue accessed Doe's file. [Another employee] stated that the monitoring program² could identify whenever someone uses KIDS to access a computer case file. Information obtained through KIDS includes, but is not limited to, child support approvals, eligibility changes, account information, and all known information relating to the noncustodial parent.³

Doe's child support case file, ID number [redacted], was monitored by HFS/OIG⁴ from August 27, 2008 to September 29, 2008. The monitoring program revealed Doe's child support case number was accessed by user ID number [redacted] on September 11, 2008, September 15, 2008, and September 16, 2008, and that there were multiple entries on the same dates only a fraction of a second apart. [An employee] reviewed the data monitoring activities printouts ("printouts"). He explained to the OEIG that multiple entries on the same date, only a fraction of a second apart, occur "when the person who accessed the case file in question moves from screen to screen in the case file." [The employee] stated that the screen transitions "occurred as a result of a direct act on the part of the person who accessed the file or automatically as part of the normal operation of the KIDS system." Automatic transitions happen when an accessed page continues onto another screen. [The employee] also explained that even with the placement of the monitoring device, once the data is printed, the system cannot save it for future reference. In addition, the current system is incapable of determining when a file has previously been accessed or by whom it was accessed.

OEIG investigators discovered that as a DHS caseworker, DHS assigns Argue a user ID number, and with that number, she has access to the child support system through **KIDS**. DHS listed Argue's user ID number as [redacted].

OEIG investigators interviewed Argue. Argue stated she is a DHS Human Services Case worker and has been employed by DHS since April 2001. She stated that her DHS user ID number was [redacted]. Argue is assigned to the Intake unit and determines a client's eligibility for public aid benefits in the geographical regions of Chicago zip codes 60628 and 60620. Doe's zip code

¹ The HFS Office of Inspector General oversees and has access to all information, personnel and facilities of HFS and DHS to perform the duties of the Office as related to public assistance programs administered by HFS and DHS. 305 ILCS 5/12-13.1, et seq.

² DHS/OIG has the data from the monitoring program forwarded directly to an OIG printer.

³ DHS PM 24-01-02: Key Information Delivery System (KIDS).

⁴ DHS Administrative Directive 01.03.01.020(X) states, in relevant part, "DHS management may monitor, intercept, access, and disclose (where permitted) any and all information created, sent, received, or stored on any DHS computer system at any time, with or without notice to the user."

is [redacted].

Argue accesses the KIDS system as part of her regular jobs duties. Argue initially stated that she only accesses the system for work-related transactions. She later amended that statement and admitted that she looked up her own child support case because it had a "modification and [she] was trying to see if they sent in [her] paperwork." Argue denied that she looked up anyone else's child support case. Argue denied knowing Doe or that Doe's child has the same father as Argue's child. Argue denied that she accessed Doe's child support case file.

The OEIG investigator showed Argue the printouts. Argue identified the user ID on the printouts as her number.

B. Non-Cooperation

When shown the computer printouts establishing that her user ID had been used to access Doe's file, Argue initially said she did not remember looking up that case. Only after being confronted with the data did Argue state that since the data shows she was in Doe's child support case that she "may have been in there unintentionally." The investigator repeatedly asked for clarification or an explanation, but Argue did not provide any additional information on why she was in Doe's case file on three separate dates, nor why she moved from screen to screen in Doe's file. She merely stated that if she had been in Doe's file it was "unintentional."

During the course of Argue's investigative interview, the investigator cautioned Argue that any "false, inaccurate or deliberately incomplete statements ... could result in disciplinary action up to and including [her] discharge from state services." Argue acknowledged that she understood. The investigator then gave Argue an opportunity to modify her statements by asking her if she had "a better explanation" for the incriminating evidence revealed by the printouts. Argue answered, "No sir."

C. Breach of Confidentiality

The complaint also alleged that Argue revealed Doe's child support information to a relative of [the father]. That relative allegedly told others that Argue accessed Doe's child support case and informed [the father] that Doe initiated a child support case against him, even before [the father] had received notice of the filing from Child Support Enforcement.

The OEIG investigator could not corroborate the information with the relative because he was not provided with the relative's name. When the OEIG interviewed [the father], he denied that Argue ever shared any information about Doe's child support case with him. Argue also denied discussing Doe's child support case with anyone. Accordingly, this allegation is UNFOUNDED.

ANALYSIS

A. Misuse of DHS computer

DHS Administrative Directive 01.03.01.020 provides, in relevant part, that the "use of State-owned personal computers by DHS employees is strictly limited to State of Illinois business." The use of state computers for official business is reinforced in the DHS Rules of Employee Conduct, which states, "an employee shall not use state equipment for inappropriate purposes or for personal gain."⁵

At DHS, client or case information is confidential and only to be used for "purposes directly related to the administration of the assistance programs."⁶ As a DHS caseworker, Argue was not responsible for administering Doe's child support case or her own. Therefore, when Argue utilized her DHS computer and accessed KIDS to obtain information about Doe's child support case she did so for personal purposes.⁷

In addition, Argue violated the DHS Employee Handbook provision governing her performance of duties when she misused her position as a DHS caseworker in order to access information regarding a personal matter to which she would not otherwise be entitled.⁸ The Illinois Administrative Code specifically prohibits the use of confidential case information for personal purposes.⁹

Argue's access to these files violated DHS's rules and regulations, and the Illinois Administrative Code, and therefore the allegation that she accessed information not related to her duties is FOUNDED.

B. Duty to Cooperate

Argue had an obligation under the Ethics Act, Administrative Order #6, DHS rules and the AFSCME Collective Bargaining Agreement to cooperate with, and provide assistance to, the OEIG during the course of its investigation.¹⁰ Argue was informed by the OEIG investigator during her interview that any "false, inaccurate or deliberately incomplete statements ... could result in disciplinary action up to and including [her] discharge from state services." Argue acknowledged that she understood, but still failed to provide truthful responses.

The printouts reveal that Argue, user ID number [redacted], viewed multiple screens in Doe's file on three separate dates. Argue initially denied looking at her own file. She

⁵ DHS Administrative Directive 01.02.03.040 (10).

⁶ 89 IADC 10.230 (a) - Confidentiality of Case Information.

⁷ DHS PM 01-01-04: "Client records are private and must not be used for personal... reasons. Information is to be used by the Department...strictly for the administration of the programs."

⁸ DHS Employee Handbook, Section V - Performance of Duties provides, in relevant part: "State law requires that staff follow the rules and regulations of the Department in the performance of their duties. Employees who willfully misappropriate resources, misuse their position...may be guilty of administrative malfeasance."

⁹ 89 IADC 10.230 (b) - Confidentiality of Case Information.

¹⁰ See, Ethics Act, 5 ILCS 430/20-70; Administrative Order #6; DHS Employee Handbook, Section V-Employee Personal Conduct; DHS Administrative Directive 01.02.03.040-Employee Conduct; and AFSCME CBA.

subsequently admitted this misconduct, but denied looking at anyone else's file, even when confronted with evidence to the contrary. When Argue finally admitted that she looked at Doe's file, she claimed it was "unintentional" even though the evidence proved she visited the file repeatedly and moved from screen to screen during her visits.

Argue's responses, when compared to the evidence, lead the OEIG to conclude that she was untruthful and failed to cooperate with the OEIG regarding her accessing Doe's child support file. There is sufficient evidence that prove that, in doing so, she violated the Ethics Act, Administrative Order #6 and DHS rules.

C. Breach of Confidentiality

DHS regulations stress that a client's information remain confidential.¹¹ It was alleged that Argue revealed Doe's child support information to a relative of [the father's]. However, the OEIG investigator could not find any evidence to corroborate the allegation and Argue denied that she discussed Doe's child support case with anyone. This allegation is therefore UNFOUNDED.

FINDINGS AND RECOMMENDATIONS

Following due investigation, the OEIG issues these findings:

- **FOUNDED** - Argue improperly used her DHS computer and accessed KIDS to obtain information about a child support case not related to her official duties.
- **FOUNDED** - Argue failed to cooperate with the OEIG during the course of being interviewed, in violation of the Ethics Act, Administrative Order #6, and DHS rules and regulations.
- **UNFOUNDED** - Argue released confidential child support information to a non-custodial parent.

Based upon the evidence, the OEIG recommends that Nicole Argue be subject to discipline, up to and including discharge, for her improper use of her DHS computer and KIDS access to obtain information about a child support case not directly related to her official duties; and for failing to cooperate with the OEIG during the investigation. The OEIG also recommends that DHS adopt a system that saves computer case files accessed by caseworker identification number.

¹¹ DHS Employee Handbook, Sec. V-Employee Personal Conduct; Sec. VI-Mandated Policies; DHS PM 01-01-04.

Pat Quinn, Governor



Michelle R.B. Saddler, Secretary

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

January 14, 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: 08-00962

Dear Inspector General Wright:

In response to the aforementioned complaint regarding the investigation of Nicole Argue, a Human Services Caseworker, who improperly used her DHS computer and accessed the Keys Information Delivery System (KIDS) to obtain information about a child support case not directly related to her official duties, the OEIG concluded that these allegations were FOUNDED. On November 19, 2009, DHS advised the OEIG that a pre-disciplinary meeting was held on November 18, 2009, at which time a 30-day suspension was recommended.

On December 16, 2009, the OEIG requested an appended response citing that DHS did not address the policy recommendation to incorporate a monitoring device to save a caseworker's identification number for future reference. To address Ms. Argue's improper use of her computer, KIDS access to obtain information about a child support case not directly related to her official duties, and failure to cooperate with OEIG during the investigation, a pre-disciplinary meeting was conducted on November 18, 2009. A 30-day suspension was approved and issued by Personnel and Labor Relations that began December 14, 2009. Additionally, DHS is in agreement with the recommendation made by OEIG to adopt a system that saves computer case files accessed by caseworker identification number. To address the recommendation, the information was sent to Roger Williams, Chief Security Manager, Management Information Systems, on January 8, 2010, for review and implementation.

Sincerely,

Michelle R.B. Saddler
Secretary

cc: Grace Hong Duffin, Chief of Staff
File

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IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

EXECUTIVE
ETHICS COMMISSION

IN RE: Nicole Argue)

08-00962

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked the Commission will not make your response public if the redacted report is made public.

Below is my public response. Please make this response public if the summary report is also made public; or

Below are my suggestions for redaction. I do not wish for these suggestions to be made public.

Nicole S. Argue
Respondent's Signature

4-20-10
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706

I'm not sure when the report was made, but I was on maternity leave as of 09/10/08 and it's just fishy that a "trap" was put on my computer while I was gone & expected to return and this all happened a few days after I returned. I did not do what was accused of me, however, I was given a punishment and served my 30 days. I have learned to log off of my computer whenever I leave my desk. A hard and hurtful lesson, but well learned. This is very embarrassing that all of this

have occurred and took place as a result of what someone else did. If it was done on my computer, based on what was shown to me from OELG, but if my computer is on, anyone can go into any system and do anything they want, esp. within the timeframes that it was supposedly done. I did not go into the person's case, and esp. for any personal gain, nor did I breach confidentiality, but because it was done on my computer, I was suspended for 30 days. I am just glad that it's over and hope that I never have to experience anything like this again. I also thought that any disciplinary action was confidential and I am not sure why this is being made public. It's enough that I was punished for something that I didn't do but now I feel like I'm being made an example of. I am just happy this is over.