IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: VANESSA GRAHAM ) OEIG Case # 09-01265

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 Vanessa Graham 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. Certain information contained in the proposed public response may have been redacted in accordance with the Commission's determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

## FINAL REPORT

### I. Allegations

The Office of Executive Inspector General (OEIG) received a complaint alleging that an Illinois Department of Human Services (DHS) employee, Vanessa Graham (Graham), engaged in misconduct by receiving an overpayment of $27,159 from DHS for child care services provided during her regularly scheduled work hours as a Mental Health Technician II. The OEIG concludes that this allegation is **FOUNDED**.

### II. Background

*a. Vanessa Graham and Linda Jackson*

Vanessa Graham (Graham) is currently a Mental Health Technician II with DHS' Department of Mental Health at the Clyde Choate Mental Health Center in Anna, Illinois. Graham has been employed as a Mental Health Technician since 2002. Since at least 2003, Graham has also provided child care services to Linda Jackson (Jackson), Graham's sister. Jackson's actions do not fall within the purview of the OEIG as she is not a State employee.

*b. DHS Child Care Application*

On August 15, 2002, Graham and Jackson completed a DHS Child Care Application. In the application Graham stated that she would be caring for Jackson's children in the evening seven (7) days a week while Jackson worked at the Daystar Care Center in Cairo, Illinois. Graham and Jackson both signed the application, certifying that they understood that giving false information or failing to provide accurate information would possibly result in the matter being referred for criminal prosecution.

*c. DHS Child Care Certification*

Each month between November 2003 and August 2008, Graham and Jackson completed and signed a DHS Child Care Certificate form listing the number of days Graham cared for Jackson's children that month for at least five (5) hours per day. In total, Graham reported that she cared for Jackson's children for a total of 1,267 days.

Graham and Jackson signed each certification verifying that the information was correct. As with the DHS Child Care Application, these forms stated that providing false information could result in prosecution for fraud. Specifically, the following language appears immediately above where Graham signed her name on the requisite Child Care Certificate: "I certify that the information submitted above is complete and accurate. I understand giving false information or failure to provide correct information can result in referral for prosecution of fraud."

Graham and Jackson signed a total of fifty-eight (58) Child Care Certificate forms. Jackson also completed DHS' Request for Redetermination Information forms, which confirmed her employment and the hours she required Graham to watch her children; the majority of the forms indicated that Graham reportedly cared for Jackson's children between the hours of 3 p.m. and 11 p.m.

*d. DHS Bureau of Child Care and Development Audit*

A November 2007 DHS Bureau of Child Care and Development audit revealed that Graham's regularly scheduled work hours as a Mental Health Technician II conflicted with the hours she reported as having spent reported she cared for Jackson's children and for which she received reimbursement. Graham's work attendance records reflected that between November 2003 and August 2008, she worked nearly all evening shifts. Jackson's work attendance records reflected that between November 2003 and August 2008, she also worked nearly all evening shifts. DHS vouchers show that Graham was paid a total of $27,159.45 for this same time (November 2003 and August 2008).

On August 27, 2008, [redacted] at the DHS Bureau of Child Care and Development (DHS BCCD) sent Graham a letter. [Redacted] detailed the results of the aforementioned audit and requested that Graham respond by September 12, 2008. Graham failed to respond. Over the next few months, [redacted] at the DHS Department of Childcare Resource and Referral tried to contact Graham several times with no success. On December 2, 2008, [redacted] sent a letter to Graham informing her that if she failed to respond with proper documentation, DHS would pursue legal action to enforce the collection of the full $27,159.45.

*e. Graham's Response to the DHS Bureau of Child Care and Development Audit*

Graham responded to the December 2, 2008 DHS letter on January 3, 2009. In a faxed letter, Graham admitted that an overpayment existed. Graham also listed the number of days that she provided child care for each month during the period in question. Graham's calculations stated that she provided care for a total of 499 days between November 2003 and August 2008. Other than her statements, Graham did not provide any other evidence to support the fact that she cared for Jackson's children on those days.

*f. HFS OIG and OEIG Investigations*

The DHS BCCD referred this matter to the HFS OIG in 2008, which then filed the complaint with the OEIG. The OEIG requested the HFS OIG to investigate the matter and report its findings to the OEIG. On February 3, 2010, during the HFS OIG investigation, Jackson provided a voluntary statement to the HFS OIG, in which she said that both she and Graham worked evening shifts and her children's father, [redacted], cared for the children while she and Graham worked. Jackson stated that she would be willing to repay any child care overpayment that she should not have received.

On February 17, 2010, Graham also provided an additional voluntary statement to the HFS OIG. Graham stated that she received payment from the State for child care, but that she actually worked at the Choate Mental Health Center on most of the days that she claimed to have cared for Jackson's children. Graham further stated that although she did care for the children, the children's father provided the majority of the care. Graham said that she used the money she received to pay bills and rent and to purchase clothing and necessities for Jackson's children. Graham apologized and said she was willing to repay the money if she could establish a repayment plan. HFS OIG completed its investigation on March 23, 2010.

## III. Analysis

The DHS Employee Handbook policy on Employee Conduct provides that an employee must not participate in or condone fraud, dishonesty, or misrepresentation in the performance of duties.[1] The policy also states that an employee's conduct while off-duty may subject the employee to discipline up to and including discharge if the conduct raises serious questions about the employee's fitness for continued state employment.[2] The employee conduct policy also

[1] DHS Employee Handbook, Section V-1(1) (2009).
[2] *Id.*

indicates that employees hold a position of public trust and must conduct themselves in a professional manner and must avoid conduct that could adversely affect the public's confidence in State government.[3]

When Graham completed the Child Care Application and signed the DHS Child Care Certificate form, which she was required to do every month, she certified that she correctly reported the information, and that her failure to truthfully report information would have serious repercussions. Accordingly, Graham was well aware that she had a duty to truthfully report the hours she spent providing child care services in order to receive compensation from DHS.

Graham's February 3, 2010 confession to the HFS OIG and her apology letter of January 3, 2008, clearly demonstrate that she knowingly reported incorrect information to obtain undue compensation from DHS. Graham clearly failed to abide by this duty to accurately report information to DHS, which resulted in her receiving an inappropriate overpayment of $27,159.45.

Even using the figures Graham provided in her January 3, 2009 letter, she reported inaccurate information for five years and over-reported by 768 days. Furthermore, while Graham stated that she cared for Jackson's children for 499 days between November 2003 and August 2008, she did not provide any further evidence to DHS or the HFS OIG to support her assertions. Given the nature of Graham's actions, the OEIG does not find Graham's assertions credible.[4] Even presuming Graham's assertion is accurate, she knowingly reported incorrect information to obtain undue compensation from DHS, albeit for slightly less days. In seeking restitution for this amount, however, the OEIG will leave it to the discretion of DHS on whether to seek repayment for the full amount of $27,159.45 or a prorated amount based Graham's assertion that she cared for Jackson's children for 499 days between November 2003 and August 2008.

Graham's conduct also violates the DHS Employee Handbook policy requiring employees to act in a professional manner because her conduct was extremely unprofessional, considering that she lied to the agency that employs her. Graham's conduct is reprehensible if performed by a mere Illinois citizen; the fact that Graham is a State employee makes her conduct worse, as Graham's conduct negatively impacts the public's confidence in State government. Finally, by repeatedly falsifying information on official DHS forms, Graham's dishonest conduct demonstrates that she is unfit for continued State employment.

For the aforementioned reasons, the OEIG concludes that the allegation that Graham engaged in misconduct by incurring an overpayment from DHS for child care services is **FOUNDED**.

## IV. Conclusions and Recommendations

---

[3] *Id.*

[4] Even if the OEIG assumes that Graham's information is accurate, the difference between the originally reported number of days—1,267—and the number of days that Graham said she actually cared for the children—499—is so significant that her conduct cannot be considered any but intentional.

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Graham engaged in misconduct when, over a period of several years, she reported false information to DHS in order to receive compensation for child care services that she did not provide.

Based upon the evidence, the OEIG recommends that Vanessa Graham be discharged with no right to reinstatement with any state agency based upon the nature of her conduct. Moreover, any separation agreement reached with Graham should state that she agrees "never to apply for, nor to accept, employment with the State."

Furthermore, the OEIG also recommends that DHS institute legal proceedings against Graham to recover $27,159.45—the amount paid to her since she and Jackson applied for child care services reimbursement. While the OEIG recommends seeking full restitution, it will leave the final decision to DHS on whether to seek repayment for the full amount of $27,159.45 or a prorated amount based Graham's assertion that she cared for Jackson's children for 499 days between November 2003 and August 2008.

The OEIG also recommends that this case be referred to the Illinois Attorney General for possible criminal prosecution.

Pat Quinn, *Governor*

Illinois Department of Human Services

Grace Hong Duffin, *Acting Secretary*

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

November 1, 2010

Mr. Ricardo Meza
Acting 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: 09-01265

Dear Acting Inspector General Meza:

Vanessa Graham, Mental Health Tech II at the Choate Mental Health Center (CMHC) committed fraud by claiming to provide child care services while being at work. Pursuant to the recommendation of termination, the facility has held the initial pre-disciplinary meeting and has scheduled the rebuttal meeting for November 4, 2010. Upon receiving the rebuttal, a final determination regarding discipline will be made and the necessary paperwork will then be processed, to implement the discipline. At this time, the facility anticipates discharge with no right to reinstatement.

Additionally, CMHC contacted Linda Saterfield, DHS Bureau of Child Care and Development, to discuss plans for securing restitution of the funds that were received fraudulently. We are currently awaiting a response from that office. When discipline is completed and the restitution processes are in place, we will prepare the final report detailing the outcome of this case.

Sincerely,

Grace Hong Duffin
Acting Secretary

OFFICE OF EXECUTIVE INSPECTOR GENERAL
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

PAT QUINN
GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900
CHICAGO, ILLINOIS 60601

RICARDO MEZA
ACTING EXECUTIVE INSPECTOR GENERAL

**CONFIDENTIAL**

November 4, 2010

Ms. Grace Hong Duffin
Acting Secretary
Illinois Department of Human Services
401 South Clinton Street, 7th Floor
Chicago, IL 60607-3800

**Re: OEIG Case No. 09-01265**
**INFORMATION REQUEST RESPONSE REQUIRED**

Dear Acting Secretary Hong Duffin:

On November 1, 2010, the Department of Human Services (DHS) responded to the Office of Executive Inspector General's (OEIG) Founded Report in the above-referenced case. In your Agency's letter, you noted that DHS had begun disciplinary proceedings consistent with our disciplinary recommendations. You also stated that your Agency is in the process of securing restitution of funds that were fraudulently received.

The OEIG cannot consider this case closed until the aforementioned actions are completed. We therefore request that your Agency provide an updated, final response when the disciplinary and restitution processes have concluded. The OEIG expects that DHS will apprise the OEIG of the instituted discipline on or before December 6, 2010. In all correspondence concerning this matter, please be sure to reference **OEIG Case No. 09-01265.**

Thank you for your cooperation. If you have any questions regarding this matter or otherwise require further assistance, please do not hesitate to contact Supervising Assistant Inspector General William "Skip" Benz at (312) 814-5600.

Sincerely,

Ricardo Meza
Acting Executive Inspector General

Pat Quinn, *Governor*

Illinois Department of Human Services

Grace Hong Duffin, *Acting Secretary*

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

December 6, 2010

Mr. Ricardo Meza
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: 09-01265

Dear Inspector General Meza:

An initial report was sent to your office on November 1, 2010 regarding Vanessa Graham, Mental Health Technician II at the Choate Mental Health Center (CMHC). She committed fraud by claiming to provide child care services while being at work. The pre-disciplinary meeting was held and a review of the rebuttal has occurred and as a result, Ms. Graham has been placed on suspension pending discharge effective December 1, 2010. We anticipate a discharge date of December 31, 2010. Additionally, CMHC administration has worked with the Bureau of Child Care and Development (BCCD) regarding the restitution of the funds that were received fraudulently. Staff from BCCD has prepared the necessary forms for DHS' Payroll Bureau to implement the involuntary withholding of any lump sum benefits due to this employee at discharge. The discipline of this employee has been completed and a restitution plan has been implemented, therefore we respectfully request your consideration for closure of this case file.

Sincerely,

Grace Hong Duffin
Acting Secretary