

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: ANTONIO JONES

)

OEIG Case # 10-00166

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 the report’s 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 Antonio Jones at his 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. BACKGROUND

The Office of Executive Inspector General (OEIG) received a complaint alleging that Antonio Jones (Jones), Correctional Officer, Illinois Department of Corrections (IDOC) Stateville Correctional Center (Stateville), may have cheated while taking the Upward Mobility Corrections Parole Agent (CPA) proficiency examination.

The State Upward Mobility Program (Upward Mobility) is a program aimed at giving State employees an opportunity to advance to more challenging, higher paying positions in State

government. In order to participate in the program, employees must take and pass proficiency exams and/or complete education and training programs intended to provide the skills and knowledge needed for advancement. Jones was a participant in the Upward Mobility Program who wanted to become a CPA. Jones successfully passed the CPA test in 2004. Jones, however, was required to be re-certified, as his initial certification was set to expire in April 2010.

II. INVESTIGATION

A. *Jones Takes the March 3, 2010 CPA Exam*

On March 3, 2010, Jones went to the Chicago Central Management Services (CMS) testing center, located at the James R. Thompson Center (Thompson Center), in order to take the CPA proficiency examination. The exam lasted approximately two hours. When there were about forty-five minutes remaining in the examination period, Jones requested permission to take a break. Test Monitor [monitor] informed Jones that he could take a break, but warned that test time would continue to run. Jones informed OEIG investigators that he went into the hallway in order to place a telephone call to secure a ride home and then returned to the exam. Jones then informed investigators that he picked up a manila envelope which he had brought into the exam and took a second break. However, Jones did not seek permission from [monitor] to take the second break. Jones said he used the second break to place another call and also used the time to shuffle through a bunch of papers from the manila envelope in order to locate a document that identified the number of questions he needed to answer correctly in order to pass the CPA exam. Jones could not explain why he was concerned about the scoring requirements at that time. Jones further stated that he returned to the testing room and finished the exam after reviewing the scoring sheet. At the conclusion of the exam, Jones was asked by the testing monitor, [monitor], what was contained in the manila envelope. In response, Jones handed [monitor] the manila envelope. Jones said that the monitor told him that his notes appeared to contain answers for the test and informed him that she would have to inform “Springfield” about what had occurred.

Jones denied examining his notes or cheating during the second break. He explained that he would have reviewed his notes in a much more discrete manner, *e.g.*, in the bathroom, if he had intended to cheat. Jones indicated that he shuffled through these documents at a desk in the waiting area where anyone could have seen him. Jones also informed the OEIG that he obtained these notes about one and a half years ago from [former employee], a former Corrections Officer.¹ Jones also informed the OEIG that he had spoken with other IDOC employees, who previously took the CPA exam, about its content. Moreover, Jones explained that he personally recalled a lot of the information in this exam from the first time he took it because the CPA exam had not changed.

B. *[Monitor’s] Interview*

[Monitor] is a CMS Human Resources Representative whose job includes the responsibility of monitoring the test room. The testing area displays numerous large signs which remind test takers to turn off electronic devices, forbid the use of testing aids, and warn against

¹ The OEIG attempted to interview [former employee]. [Former employee], however, refused to cooperate with the OEIG and claimed that he would have nothing to say regarding his previous employment with IDOC.

removing testing materials from the room. [Monitor] stated that test takers are generally not advised about breaks, but may receive permission to leave the room if they ask. She noted that most test takers carry all personal items with them if they take a break. [Monitor] explained that testers must agree to the testing facility rules, by electronically accepting these rules as outlined on their computers, prior to beginning the exam.²

When asked about the circumstances surrounding Jones' exam, [monitor] recalled Jones entering the testing facility with a manila envelope that he placed on the floor. She confirmed that Jones asked if he could take a break and that she gave him permission. [Monitor] saw Jones exit the test area for a second time shortly after returning from his first break but stated that Jones did not ask her permission to take the second break. [Monitor] said that she saw Jones in the lobby spreading out sheets of paper during his second break, but that she did not approach Jones because she was supervising other testers. [Monitor] said that she approached Jones after he completed the test and logged off the computer. [Monitor] then asked Jones for, and was voluntarily provided with, the manila folder. Upon review of the notes, [monitor] realized they contained various questions and answers that appeared to be from the test. She told Jones that this could be viewed as cheating. In response, Jones said, "you said I could leave the room." [Monitor] then made an incident report and deleted Jones' test per CMS protocol, advised her supervisor, [supervisor], about these events, and drafted a memorandum regarding the incident. According to [monitor], the substance of the CPA exam had not changed for more than ten years.

C. Additional Interviews: [supervisor] and [employee 1]

Interviews of [supervisor] and [employee 1], from the CMS Examining and Counseling Division, confirm that [the monitor] reported the incident. They also stated that administration of the CPA test was suspended after the Jones incident and should not recommence until a new CPA test is developed.

D. OEIG Observations

OEIG investigators went to the testing room, thirteen days after Jones took the test, and noted the number of signs displayed throughout that warned testers about the rules for testing. Two signs hanging near the tables where test-takers sat stated: "The use of Aids when taking the examination is FORBIDDEN."

E. Manila Envelope Content

The OEIG obtained the original notes Jones submitted to [monitor] which covered a variety of topics including, but not limited to: twenty-eight sample questions and answers from the "Law Enforcement Section;" a vocabulary checklist with definitions of key terms for the "Language Skills" section; "Things to Know" for the "Computer Skill" section; notes on punctuation or other test tips; and typed "Counseling Skills." There were handwritten notations

² The OEIG obtained print-outs of the rules that testers must review and accept prior to beginning exams in that facility. One screen explicitly states that "Use of test aids during the examination process is forbidden. The following items are not allowed in the testing area...Notes of any kind."

on almost every page. At the top of the first page of notes for each section, the number of correct answers needed to pass that particular section were recorded and highlighted.

The OEIG received a copy of the CPA exam from [supervisor]. The answers to almost all of the CPA exam questions were located in highlighted portions of Jones' notes, with almost identical language in many instances.

III. ANALYSIS

IDOC's Standards of Conduct "require employees to conduct themselves in a professional manner and, whether on duty or off duty, not engage in conduct that is unbecoming of a State employee or that may reflect unfavorably on or impair operations of the Department."³

Jones brought documents which could easily be considered testing aids into his CPA examination. Jones admitted that he carried these notes into the hallway and removed them from a manila envelope during the examination period, which in and of itself is a violation of the testing facility rules because they forbid the presence of notes of any kind in the testing area.⁴ As a State employee with a duty to demonstrate professional behavior, Jones should have followed these facility rules and refrained from bringing testing aids into the facility, particularly as this exam was directly related to his State employment and the potential for professional advancement.

Jones' assertion as to why he consulted the material(s) – that he wanted to find the number of correct answers needed for a passing score – is dubious because the score he sought could not have been found on one page and instead required him to read through all of the documents, which contained the answers to most of the exam questions, among other substantive information. Despite what Jones asserted, it is reasonable to infer that Jones reviewed his notes specifically to find answers to the test he was in the process of taking, not to look for the score he needed to pass the exam. Given this, the OEIG has concluded that Jones' behavior reflected badly on IDOC in that it suggested that IDOC employees: (1) could not be trusted; (2) deliberately circumvented testing protocol designed to ensure the proficiency and qualifications of selected staff; and/or (3) lacked the knowledge needed to adequately perform the duties of a Parole Agent.

Thus, there is adequate evidence to conclude that Jones engaged in conduct unbecoming of a State employee and acted unprofessionally when he compromised testing procedures by reviewing disallowed documents during the pendency of the CPA examination, documents which could have aided him in achieving a passing score. Therefore, the corresponding allegation is **FOUNDED**.

IV. CONCLUSIONS

Following its investigation, the OEIG issues this finding:

³ IDOC Administrative Directives 03.02.108, (Standards of Conduct), *Policy Statement*. See also Ill. Admin. Code tit. 20, § 120.30.

⁴ See CMS testing facility rules from the *Instructions* screen print-out.

➤ **FOUNDED** – In violation of IDOC policy, Jones engaged in conduct unbecoming of a State employee and acted unprofessionally by reviewing proscribed materials while taking the CPA examination.

Based upon the evidence, the OEIG recommends that Jones be subject to discipline. The OEIG also strongly recommends that CMS ensure the integrity of CPA test administration. Specific measures that must be implemented include:

- On a frequent basis, change the format and substance of the test.⁵
- Adopt rules allowing the testing facility to forbid test takers from bringing *any* documents into the facility, even those contained in a folder or envelope.
- Require two test monitors to remain in the room during the administration of State proficiency examinations.

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

⁵ This recommendation is particularly significant because CMS had prior knowledge that this exam may have been compromised as far back as 2004 or 2005. Even though IDOC and CMS apparently determined there was no evidence to back up those complaints, the fact that the concern was raised should have been enough to encourage periodic revisions to the CPA examination.