

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: MARY ALICE STOUFFE

)

OEIG Case # 10-00257

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 Mary Alice Stouffe 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 Illinois Department of Human Services (DHS) employee Mary Alice Stouffe (Stouffe) engaged in time abuse and misused State resources, including the DHS e-mail system and telephone. The OEIG concludes that these allegations are **FOUNDED**.

II. Background

Stouffe was hired by DHS in 1999 and currently maintains the title of Human Resource Specialist. As part of her job responsibilities, Stouffe prepares hiring packets for the Bureau of

Recruitment and Selection. In her work, Stouffe uses a State issued computer, e-mail account, and telephone. It was alleged that Stouffe routinely abused all such resources in her drive to maintain her personal relationships.

III. Investigation

a. Stouffe's Use of DHS E-mail System

OEIG Investigators analyzed Stouffe's DHS e-mail account. A review revealed that from July 1, 2009 through February 1, 2010, Stouffe received and sent more than 800 personal e-mails.¹ The majority of the e-mails were between Stouffe and [a private citizen]. The e-mails detail a personal and intimate relationship between Stouffe and [the citizen] over a period of time.

Stouffe and [the citizen's] daily e-mail exchanges took place at all times during the work day. For example, on August 31, 2009, Stouffe and [the citizen] sent twenty-seven (27) e-mails. E-mails were sent at 8:11 a.m., 10:06 a.m., 10:28 a.m., 10:30 a.m., 10:46 a.m., 10:52 a.m., 11:35 a.m., 11:45 a.m., 11:54 a.m., 1:04 p.m., 1:13 p.m., 1:31 p.m., 1:32 p.m., 1:35 p.m., 1:37 p.m., 1:38 p.m., 1:48 p.m., 1:49 p.m., 1:50 p.m., 2:34 p.m., 2:39 p.m., 2:42 p.m., 2:51 p.m., 2:55 p.m., 2:59 p.m., 3:02 p.m., and 3:36 p.m.

b. Stouffe's Personal Visitors During the Workday

It was also alleged that Stouffe accepted personal visitors in her DHS office throughout her work day. During his OEIG interview, [the citizen] claimed that for the time period between June 2009 through September 2009 he and Stouffe met in her office twice a week. According to [the citizen], such stays lasted up to one and one-half (1.5) hours.

c. Stouffe's Use of the DHS Phone System

An analysis of Stouffe's use of her DHS supplied telephone revealed that between January 2009 and November 2009, Stouffe spent more than five (5) hours and twenty-one (21) minutes speaking to [the citizen] during scheduled work hours. In addition, it was determined that Stouffe spent more than two (2) hours speaking to an acquaintance, [redacted], and approximately one (1) hour speaking to another friend, [redacted]. Other acquaintances were also contacted by Stouffe via her DHS telephone and during work hours. For example, Stouffe spoke to [redacted] for approximately four (4) hours and forty-four (44) minutes during the time period between April 2009 through February 2010. Moreover, during this time period the OEIG investigation determined that Stouffe utilized her State issued telephone to speak to someone at Chico's clothing store, the entity at which Stouffe maintained secondary employment, for nearly two (2) hours and thirty-four (34) minutes.

¹ The e-mails included communications concerning Stouffe's marriage, her social activities, and on-line purchases. In addition, for the time period from February 23, 2010 through March 18, 2010, Stouffe exchanged fifteen (15) personal e-mails with fellow DHS employee [redacted]. When questioned about the occurrence, Stouffe admitted that she and [redacted] routinely exchanged e-mails for personal reasons. Because [redacted] is a DHS employee, it is recommended that his e-mail usage be reviewed for possible evidence of a violation of DHS policy.

In light of the fact that DHS was only able to monitor out-going calls, the above approximations do not include any incoming calls Stouffe may have received.²

d. OEIG Interviews Stouffe

OEIG Investigators questioned Stouffe about her e-mail correspondences and personal meetings. Stouffe admitted to communicating [with the citizen] via her State issued e-mail account on an almost daily basis from July 2009 through February 2010. She stated the communications were frequent (approximating that she sent or received fifteen to twenty e-mails per day) and agreed that many of the e-mails to and from [the citizen] were personal in nature.

Stouffe informed the OEIG that [the citizen] did stop by her office a “few times,” but stated that his visits lasted only two to three minutes. Stouffe also admitted to having other visitors at her DHS office, namely [two names redacted]. Stouffe stated that these visits never exceeded fifteen (15) minutes. [Redacted] advised that she had witnessed [redacted] meetings with Stouffe longer than the time allotted for such endeavors.

When OEIG Investigators asked Stouffe about her phone usage, she admitted that she utilized the State telephone to make personal calls and estimated her usage to be about one hour per day.

IV. Analysis

a. E-mail Usage

The DHS Employee Handbook, Section V, states in pertinent part: “The e-mail system is for official DHS business only. The system is not to be used for personal messages or communications. E-mail messages are not secure, private or confidential and can be accessed and monitored.”

In this case, Stouffe’s routine and repeated use of her DHS e-mail to send and receive communications of a personal nature violated the above provisions. A review of Stouffe’s correspondences (both authored and received) showed that she routinely and repeatedly utilized her DHS e-mail account to engage in personal conversations with [the citizen]. Indeed, Stouffe was found to have sent and received over 800 e-mails during a seven month period.

Stouffe did not deny this activity. Indeed, during her OIEG interview, she admitted to communicating with [the citizen] via e-mail on an almost daily basis. Because the above provision disallows the use of the DHS system for all personal communication, each personal correspondence Stouffe sent and received is a violation of DHS policy. Accordingly, the allegation that Stouffe misused the State supplied e-mail system is **FOUNDED**.

² [Redacted] was interviewed regarding Stouffe’s telephone use and informed OEIG investigators that during her tenure [redacted], she warned Stouffe about her excessive phone usage on at least two occasions. Stouffe, however, denied that she was ever cautioned about her use of the State telephone and further denied that any of her supervisors alerted her to any excessive usage.

b. State Telephone Usage

The DHS Employee Handbook, Section V, states, in part, the following with respect to an employee's use of the telephone:

The State telephone system is provided for official State business. DHS' telephones/teletypewriters (TTY) are State property and are not to be used for an employee's personal convenience.... Certain brief, personal phone calls, as authorized by policy, within the local calling area are allowable without charge to an employee. Such calls include, but are not limited to, the following:

1. Calls to locations within the local commuting area to advise his or her family or child/elder care providers of an unexpected work schedule change or to make alternate transportation arrangements for a child or elder-care arrangements;
2. Calls to locations within the local commuting area to a spouse or to those responsible for child elder care;
3. Calls to locations within the local commuting area to phone numbers that can only be reached during agency work hours, such as a government agency or physician;
4. Calls to locations within the local commuting area to arrange for emergency automobile or home repairs; or
5. Calls to announce safe arrival, delay, or change in plans while on official business.

During her OEIG interview, Stouffe confirmed that she spent approximately one hour each day on her State issued telephone engaged in personal conversations. Stouffe clearly violated the above provision, which is confirmed by the OEIG's analysis of DHS' telephone bills as they relate to Stouffe. As such, the allegation that Stouffe abused her State telephone is **FOUNDED**.

c. Abuse of Time

The DHS Employee Handbook, Section III, states: "Employees are expected to be on site, performing required duties during the hours established for their job."

By spending her work day creating and responding to communications of a personal nature and using the phone daily for at least one hour, Stouffe has abused State time. DHS policy requires employees to carry out job related duties during work hours. Stouffe, however, engaged in activities not related to her DHS responsibilities. For example, on August 31, 2009, Stouffe engaged in a twenty-seven (27) message long e-mail conversation that spanned the entire work day. During this time, Stouffe could not have performed her DHS job related duties. Similarly, the time Stouffe spent on her telephone calls, was time Stouffe was not engaged in the completion of her State duties. Given the vast amount of e-mails found by the OEIG to have been sent and received by Stouffe and the substantial occurrence of socially related telephone

calls, it is apparent that Stouffe was often focused on her personal concerns as opposed to those related to DHS. Thus, the allegation that Stouffe abused State time is **FOUNDED**.

The OEIG notes that [redacted] stated that Stouffe often had social guests in her DHS office and that the visits exceeded the permissible timeframe for such occurrences. Yet, [redacted] took no action to discourage Stouffe's actions. As such, the OEIG requests that DHS counsel [redacted] on applicable DHS policy.

V. Conclusion and Recommendation

- **FOUNDED** – In violation of DHS policy, Stouffe misused the DHS e-mail system.
- **FOUNDED** – In violation of DHS policy, Stouffe routinely utilized her DHS telephone to carry on conversations not related to her State duties.
- **FOUNDED** – In violation of DHS policy, Stouffe failed to dedicate her State time to the duties mandated by her position.

Based upon the evidence, the OEIG recommends that Stouffe be subject to discipline for her abuse of State resources, including State time. It is further recommended that DHS review Stouffe's use of her State telephone and seek restitution for any costs encumbered as a result of Stouffe's improper use of State resources.

The OEIG further requests that DHS counsel [redacted] on applicable DHS policy regarding guests and visitors at DHS facilities during work hours.

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



 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 22, 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: 10-00257

Dear Acting Inspector General Meza:

Mary Alice Stouffe, a Bureau of Selection and Recruitment employee, has misused the DHS email system, the state telephone system and has failed to dedicate her state time to the duties mandated by her position. A pre-disciplinary meeting was scheduled for November 17, 2010 to present this employee with charges identified in the OEIG report and to determine the appropriate level of discipline for these infractions. Once the disciplinary process has been completed, an update will be provided to your office. _____, received an oral reprimand on November 17, 2010 for failure to enforce DHS' policies regarding employee guests/visitors during work hours.

Finally, [Redacted] _____, has requested DHS' MIS Director to provide a file with [Redacted's] email correspondence to Ms. Stouffe. After [Redacted] has reviewed [Redacted's] email usage, we will update your office with our findings.

Sincerely,

 Grace Hong Duffin
 Acting Secretary



Pat Quinn, Governor

Michelle R.B. Saddler, Acting Secretary

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

December 27, 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

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OIG - Chicago
2010 DEC 30 PM 1:44

RE: OEIG Complaint No: 10-00257

Dear Inspector General Meza:

As an update on the above-referenced case, Elizabeth Sarmiento, Director of Human Resources, informed me that Ms. Mary Alice Stouffe will serve a 30 day suspension from January 5 through February 3, 2011 for conduct unbecoming a State employee, misuse of State e-mail and misuse of State telephones. The Union has agreed not to grieve this action. [Redacted] was issued an oral reprimand on November 17, 2010 for failure to supervise employees.

Unrelated to discipline, we are reviewing the telephone records you provided and will establish a payment plan for Ms. Stouffe to reimburse the department for all unauthorized calls made during the work day from her State telephone.

In terms of [2 names redacted], Division of Developmental Disabilities (DDD) investigated the allegations regarding [redacted] and the inappropriate use of his state email. The OEIG's office provided DHS with three emails of a personal nature between Ms. Stouffe and [redacted]. Our MIS Department was unable to extract any emails between the two of them.

Therefore, [redacted] decided to take this opportunity to remind all DDD employees about the proper use of state resources. She decided not to speak to [redacted] personally because we had no proof except the three emails between him and Ms. Stouffe.

Since, Ms. Stouffe has been disciplined and we have resolved your recommendation regarding [redacted] we respectfully request that your office close this case.

Sincerely,

Michelle R.B. Saddler
Acting Secretary

RESOLUTION

The parties agree to following in terms of a resolution of the pre-disciplinary meeting for Mary Alice Stouffe, Human Services Specialist:

1. Ms. Mary Alice Stouffe, Human Resources Specialist, will serve a thirty (30) day suspension in lieu of discharge for Conduct Unbecoming a State Employee.
Charges are:

Charge 1: MISUSE OF STATE E-MAIL SYSTEM, in that during the period July 1, 2009, through February 1, 2010, Ms. Mary A. Stouffe, Human Resources Specialist, DHS Bureau Recruitment & Selection, received and sent in excess of 800 personal e-mails.

Charge 2: MISUSE OF STATE TELEPHONE SYSTEM, in that during the period January 2009, through February 2010, Ms. Mary A. Stouffe, Human Resources Specialist, DHS Bureau Recruitment & Selection, spent in excess of 15 hours and 34 minutes on outgoing calls from her state telephone located in her office.

Charge 3: CONDUCT UNBECOMING A STATE EMPLOYEE, in that during the period June 2009, through September 2009, Ms. Mary A. Stouffe, Human Resources Specialist, DHS Bureau Recruitment & Selection, accepted personal visitors into her state office during working hours.

2. The suspension will commence on January 5, 2011 and end on February 3, 2011.
3. Ms. Stouffe will return to duty on February 4, 2011.
4. The Union and Ms. Stouffe agree not to grieve this action, nor seek action through any other format in relation to this matter.
5. This resolution is reached without precedent of prejudice.

for DHS

120610

Date

for AFSCME Local 2600

12/6/10

Date