

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: MICHAEL STOUT

)

OEIG Case # 10—00605

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 Michael Stout 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

I. Initial Allegation and Subsequent Allegations

The Office of Executive Inspector General (“OEIG”) received a complaint alleging that Illinois Department of Transportation (“IDOT”) employee Michael Stout improperly requested and obtained passes for National Association of Stock Car Auto Racing (“NASCAR”) events at Chicagoland Speedway (“Speedway”).

The OEIG investigation revealed that Mr. Stout committed official misconduct by requesting and obtaining NASCAR passes from an IDOT grantee for non-IDOT employees. Mr. Stout also violated IDOT policy by misappropriating IDOT property. In addition, Mr. Stout violated IDOT policy by engaging in conduct that could undermine citizens’ confidence in State

government. Furthermore, Mr. Stout failed to cooperate with the OEIG investigation by knowingly making numerous false statements to OEIG investigators.

Based on these findings, the OEIG recommends that IDOT terminate Mr. Stout.

II. Background

A. Michael Stout's Position, Responsibilities, and Prior Misconduct

Michael Stout is the Director of IDOT's Division of Traffic Safety. Mr. Stout's duties and responsibilities include managing IDOT's behavioral traffic safety initiatives, and approving and monitoring IDOT Division of Traffic Safety grants to further those initiatives.

On April 12, 2011, in OEIG Case Number 10-00381, the OEIG found that Mr. Stout engaged in several acts of misconduct between October 1, 2008 and April 30, 2010. Specifically, the OEIG found that Mr. Stout:

- received pay for 92.75 hours that he did not work or use benefit time;
- did not disclose his secondary employment;
- misused his IDOT vehicle; and
- misused his IDOT email account.

Based upon the above misconduct, the OEIG recommended that IDOT discipline Mr. Stout.

On May 23, 2011, then-IDOT Secretary [employee 5] issued Mr. Stout a written reprimand based on findings in the OEIG Final Summary Report. On October 17, 2011, the Illinois Executive Ethics Commission publicly released the OEIG's Final Summary Report as well as Mr. Stout's response.

B. Individuals Interviewed During the Course of the Investigation

During the course of the present investigation and in an effort to determine a full and complete understanding of Mr. Stout's alleged misconduct, the OEIG interviewed numerous IDOT and non-IDOT employees.

Below is a summary of the IDOT and non-IDOT employees interviewed during the course of this investigation, their relationship with Mr. Stout or IDOT, and the reason they were interviewed.

IDOT Employees Interviewed

IDOT Employee	Relationship with Michael Stout/IDOT	Relevance
[Employee 1]	IDOT co-worker of Mr. Stout	Received hot pass ¹ via Mr. Stout

¹ Information regarding "hot" and "cold" passes is detailed below in Section II(C).

[Employee 2]	IDOT co-worker of Mr. Stout	Received hot pass via Mr. Stout
[Employee 3]	Former IDOT Chief of Staff	Supervised Mr. Stout between January 1 and June 30, 2010
[Employee 4]	IDOT co-worker of Mr. Stout	Received hot pass via Mr. Stout
[Employee 5]	Then-IDOT Secretary	IDOT Senior Management
[Employee 6]	IDOT co-worker of Mr. Stout	Received hot pass from Mr. Stout
[Employee 7]	Acting IDOT Secretary	Supervised Mr. Stout after July 1, 2010
[Employee 8]	IDOT co-worker of Mr. Stout	Received hot pass from Mr. Stout

Non-IDOT Employees Interviewed

Non-IDOT Employee	Relationship with Michael Stout/IDOT	Relevance
[Citizen 1]	Church acquaintance of Mr. Stout	Received hot pass via Mr. Stout
[Citizen 2]	[Citizen 1]'s brother	Received hot pass via Mr. Stout
[Citizen 3]	Janitor in Mr. Stout's IDOT office building	Received cold passes via Mr. Stout
[Citizen 4]	Friend of [Citizen 3]	Received cold pass from [Citizen 3]
[Partner 1]	[Vendor], Partner: In 2009 and 2010, [vendor] was awarded an IDOT Grant	Provided Mr. Stout with hot and cold passes
[Partner 2]	[Vendor], Partner: In 2009 and 2010, [vendor] was awarded an IDOT Grant	Provided Mr. Stout with hot and cold passes
[Vice President]	Chicago Speedway Vice President	Provided information regarding hot or cold passes

C. The Chicagoland Speedway and NASCAR "Hot" and "Cold" Passes

The Chicagoland Speedway is located in Joliet, Illinois and, among its other events, annually hosts a three-day NASCAR event. In 2009 and 2010, the three-day NASCAR event included races on Thursday, Friday, and Saturday nights ("NASCAR weekend"). Specifically, the 2009 and 2010 NASCAR weekends occurred on the following dates, respectively:

- July 9 to 11, 2009; and,
- July 8 to 10, 2010.

Speedway distributes three types of tickets to racetrack visitors seeking access to the Speedway. The first type of tickets is regular grandstand tickets, ranging in price from \$65 to \$140. The other two types of tickets are referred to as "hot passes" and "cold passes."

Hot and cold passes are non-transferable credentials that provide the individual hot or cold pass holder with access to the track, pit lane, and garage area during the NASCAR weekend. Hot passes allow their holders access to the track, pit lane, and garage area at all times during the NASCAR weekend, while cold passes allow such access only when the cars are not running. Speedway does not sell hot or cold passes. NASCAR, on the other hand, does sell hot passes to the general public. In 2009 and 2010, NASCAR sold Speedway attendees hot passes for \$315 each.

III. Investigation

A. California Consulting Firm [Vendor]

i. Background Information on [Vendor]

[Vendor] is a California consulting firm that acts as an intermediary between its clients and various professional sports teams and auto racing organizations to create partnerships relating to its clients' business initiatives. [Vendor] partners [partner 1] and [partner 2] handle all of [Vendor's] business.

ii. [Vendor] Contract with IDOT

Since 2007, the IDOT Division of Traffic Safety has awarded [vendor] an annual \$154,500 grant. Under this grant, [vendor] organizes events in order to promote IDOT traffic safety initiatives. Specifically, the terms of the contract, as set forth in the Project Description Summary, are as follows:

Assist the Division of Traffic Safety with sports and entertainment outreach through campaign partner development and implementation between enforcement periods and development and oversight of on the ground activation components.

The services provided to IDOT under the [vendor] contract occur at, among other locations, the Speedway. At the Speedway, IDOT employees distribute literature and obtain signed pledges from members of the general public relating to various IDOT traffic safety initiatives.

iii. Interview of [vendor] Partners [partner 1] and [partner 2]

On April 29, 2011, OEIG investigators interviewed [vendor] Partners [partner 1] ² and [partner 2].

² On September 30, 2011, OEIG investigators re-interviewed [partner 1].

During the interviews, [partner 1] and [partner 2] each said [vendor] obtained an IDOT grant to organize events with, among other entities, Speedway. Each year, [vendor] facilitated outreach booths at the Speedway NASCAR weekends in which eighteen IDOT employees distributed information to race attendees relating to Division of Traffic Safety initiatives, such as preventing impaired driving and encouraging seat belt use.

[Partner 1] and [partner 2] were then asked questions about Director of IDOT's Division of Traffic Safety Michael Stout. According to [Partner 1] and [partner 2], in 2009 and 2010, Mr. Stout asked [vendor] to obtain hot passes for IDOT's use during NASCAR weekends. Mr. Stout asked for the hot passes on behalf of himself and other IDOT employees so that he and others would be able to meet with NASCAR drivers and Speedway executives in the garage area. During meetings in the garage area, Mr. Stout, [partner 1], [partner 2], and other IDOT employees successfully obtained agreements from several NASCAR drivers to appear in IDOT Public Service Announcements free of charge.

According to [partner 1] and [partner 2], Mr. Stout provided [vendor] the IDOT employees' names and driver's license numbers, which Speedway and NASCAR required prior to issuing hot passes. [Partner 1] and [partner 2] each said [vendor] could request numerous passes, but Speedway and NASCAR had the discretion to issue fewer passes than [vendor] requested. [Partner 1] stated that [vendor] obtained the hot passes so that Mr. Stout and other IDOT employees would use them for IDOT business. However, [partner 1] also said that, if Mr. Stout requested passes for non-IDOT employees, [vendor] would not necessarily question the need to issue passes to these individuals (non-IDOT employees).

iv. Review of Emails Relating to Mr. Stout's Request for Hot or Cold Passes

During the course of the investigation, investigators reviewed Mr. Stout's IDOT emails, including emails he had sent to and received from [partner 1] and [partner 2].

Below is a summary of the emails investigators identified as relating to Mr. Stout's request for NASCAR passes.

a. The June 25, 2010 Email

Investigators located a June 25, 2010 email from Mr. Stout to [partner 1] and [partner 2]. In the email, Mr. Stout states, "Here you go:" and then proceeds to list a number of individuals followed by what appears to be either their "IDOT" positions or the word "spouse" or "relative." Below are the names of individuals, as well as their purported employer or relationship to others, Mr. Stout identified in his email:

- [Employee 2]—IDOT;
- [Employee 4]—IDOT Assistant to the Director;
- [Employee 1]—IDOT Assistant to the Director;
- [Employee 9]—IDOT Deputy Chief of Staff;
- [Employee 3]—IDOT Chief of Staff, has not confirmed;
- [Redacted]—Spouse;

- [Employee 10]—IDOT Director of Public Transportation;
- [Citizen 4]—IDOT Traffic Safety, Friday only;
- [Citizen 3]—IDOT Traffic Safety, Friday only;
- [Citizen 5]—IDOT Traffic Safety;
- [Citizen 6]—Spouse;
- [Citizen 1]—IDOT; and
- [Citizen 2]—Relative.³

Of the above individuals whom Mr. Stout identified as being IDOT employees, the following were not IDOT employees:⁴

- [Citizen 4];
- [Citizen 3];
- [Citizen 5];
- [Citizen 6];
- [Citizen 1]; and
- [Citizen 2].

Mr. Stout signed this email “Michael Stout, Governor’s Highway Safety Representative, Director- Division of Traffic Safety, Illinois Department of Transportation.”

b. The June 30, 2010 Emails

Investigators also located three June 30, 2010 emails between Mr. Stout and [partner 1] and/or [partner 2]. In the emails, Mr. Stout stated the following:

Sender and Recipient	Relevant Text
Michael Stout to [partner 1] and [partner 2]	[partner 2] and [partner 1], Can credentials be picked up by staff on Thursday?
[Partner 2] to Michael Stout	MOST staff will again have a ‘vendor pass,’ not an actual credential- we are sorting thru all the lists w/CS today- but YES, they will be available TH and in the document that we will share later today- ALL the times will be listed for each day too
Michael Stout to [partner 1] and [partner 2]	Again, send the hot/cold pass and suite ticket listing <i>only to me</i> . (Emphasis added). I’m sure you understand with 18 staff working, unless you can get hot passes for all 18! /s Michael Stout, Governor’s Highway Safety Representative, Director- Division of Traffic Safety, Illinois Department of Transportation

c. The July 7, 2010 Email

³ This email also included each listed individual’s Illinois Driver’s License number.

⁴ The OEIG reviewed Central Management Services (“CMS”) and IDOT personnel history records to determine these individuals’ employment.

Investigators also located a July 7, 2010 email from [partner 2] to Mr. Stout. In the email, [partner 2] informed Mr. Stout that [vendor] had “verbal confirmation of the following IDOT creds, passes (the two others requested today are not yet approved- TBD)” and further informed Mr. Stout that he would “have a parking pass, as well as [a] media center [pass].” In the email, [partner 2] also identified the following individuals, as well as their purported employer or relationship to others, as receiving “HOT PASSES (Chicagoland Speedway credential trailer):”

- Michael Stout- IDOT Director of Traffic Safety;
- [Employee 2]- IDOT;
- [Employee 4]- IDOT Assistant to the Director;
- [Employee 1]- IDOT Assistant to the Director;
- [Employee 9]- IDOT Deputy Chief of Staff. Request for COLD Pass (Chicagoland Speedway credential trailer):
- [Employee 3]- IDOT Chief of Staff (TBD);
- [Redacted]- Spouse;
- [Citizen 4]- IDOT Traffic Safety (Friday only); and
- [Citizen 3]- IDOT Traffic Safety (Friday only).

In the same email, [partner 2] stated, “These 4 HOT passes are being provided by NASCAR (NASCAR credential trailer):” and listed the following names:

- [Citizen 5]- IDOT Traffic Safety;
- [Citizen 6]- Spouse;
- [Citizen 1]- IDOT; and
- [Citizen 2]- Relative.

Finally, [partner 2] wrote, “IDOT staff/crew (will need to rotate two staff the two (2) kiosks (RED indicates request for HOT pass- to avoid dubs)(Chicagoland Speedway cred trailer):⁵ [employee 4], [redacted], [employee 2], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [employee 1], [redacted], [employee 8], [employee 6], [redacted], [redacted].”

B. Review of Michael Stout’s Emails to Hot or Cold Pass Recipients

OEIG investigators obtained and examined Michael Stout’s IDOT email archive relating to communications he had with hot or cold pass recipients. Below is a summary of the emails:

Date, Sender, and Recipient	Relevant Text
June 29, 2009 Michael Stout to [Citizen 5]	Don’t forget your camera. Are you going Saturday? If so, I’ll try to get you with us when they announce the drivers to the crowd. I’ll be giving NASCAR and the speedway an award during pre-race.

⁵ The names [partner 2] highlighted in red in her email to Mr. Stout are italicized and include [employee 4], [employee 2], and [employee 1].

June 30, 2009
[Citizen 5] to
Michael Stout

Yes. I'm planning on being there Saturday, that's the big race. If you can get us with you that would be great if not we will be good with what we've got. On internet it looks like racing on only Friday and Saturday, is NASCAR set up to issue passes on Thursday or do we wait until Friday to get the passes?

June 30, 2009
Michael Stout to
[Citizen 5]

The hot passes are for Thursday, Friday and Saturday. You will have access to the pits/garages all three days. There will be track activity all three days. I'll have more details as to when and where you pick up the passes at the track. Don't forget your photo/drivers license.

C. Review of Speedway and NASCAR Pass Records

OEIG investigators obtained and reviewed Speedway and NASCAR pass records for the 2009 and 2010 NASCAR weekends. A review of the records revealed that the following individuals received Speedway or NASCAR credentials at the request of IDOT:

IDOT Employees That Received Hot Passes

<u>Name</u>	<u>Provider(s) and Year(s)</u>
[Employee 1]	Speedway (2010)
[Employee 2]	Speedway (2009 and 2010)
[Employee 4]	Speedway (2010)
Michael Stout	Speedway (2009 and 2010)

Non-IDOT Employees That Received Hot or Cold Passes

<u>Name</u>	<u>Provider(s) and Year(s)</u>
[Citizen 1]	NASCAR (2010)
[Citizen 2]	NASCAR (2010)
[Citizen 4]	Speedway (2010)
[Citizen 3]	Speedway (2010)
[Citizen 6]	NASCAR (2010)
[Citizen 5]	Speedway (2009)
[Citizen 5]	NASCAR (2010)

The pass records indicated that [Citizen 4] and [Citizen 3] each received a cold pass; the other individuals each received a hot pass.

Documents attached to the passes indicated that the individuals that obtained hot and cold passes signed Speedway or NASCAR's required pass agreement before receiving their pass from either the Speedway or NASCAR credential trailer. The pass agreements issued by Speedway included liability waiver information nearly identical to the agreements for the passes issued by NASCAR. The agreement included a liability waiver and indemnity release that stated, among other things, that:

the activities of the event(s) are very dangerous and involve the risk of serious injury and/or death.

The Speedway website further defined the dangers of accessing the facility and pit lane to include:

- walking in close proximity to moving racecars; and,
- carts transporting large quantities of volatile chemicals, like racecar fuel and oil.

A comparison of the Speedway and NASCAR hot passes revealed that they provided duplicative benefits, in that they offered their holders access to the same areas of the track at the same time.

**D. Interview of Chicago Speedway Vice President
[Redacted] Regarding Hot or Cold Pass Value**

On April 29 and May 6, 2011, OEIG investigators interviewed Speedway Vice President [redacted]. During the interviews, [Vice President] said every year since 2001, Speedway and NASCAR have issued two varieties of track access passes in addition to tickets: hot and cold passes. [Vice President] stated that Speedway and NASCAR issue hot and cold passes to guests of track executives, sponsors, and some of the 43 NASCAR racing teams.

[Vice President] said Speedway does not value or sell its hot or cold passes, but if it did, they "would sell for exponentially more than the most expensive race ticket." [Vice President] said tickets for the 2010 NASCAR weekends were priced beginning at \$265. [Vice President] stated that the 2010 NASCAR weekend tickets also included admission for other races held at Speedway during the calendar year. [Vice President] said Speedway now sells tickets for just the NASCAR weekend, beginning at \$65.

Following [Vice President's] interview, OEIG investigators reviewed Speedway's ticketing Internet website. A review of the website confirmed that Speedway does not sell hot or cold passes. Speedway sells pit passes, which provide limited access to the pit lane similar to the pit lane access attached to a hot pass or cold pass, for \$50 each. In order to use a pit pass, the purchaser must also have a ticket for the race. Speedway does not sell garage passes.

E. Initial Interview of Subject Michael Stout

On May 2, 2011, OEIG investigators first interviewed Michael Stout regarding a variety of subject matters relating to the allegations lodged against him.

i. 2009 and 2010 Hot Passes

Mr. Stout said [vendor] obtained a hot pass for him to use to meet NASCAR drivers and Speedway executives in the Speedway garage area during the 2009 and 2010 NASCAR weekends. Mr. Stout stated that he requested [vendor] obtain hot and cold passes for other IDOT employees so they could also conduct IDOT business in the Speedway garage area.

ii. Review of June 25, 2010 Email sent to [partner 1] and [partner 2]

Investigators presented Mr. Stout with the June 25, 2010 email he sent to [partner 1] and [partner 2] that included thirteen individuals' names and driver's license numbers. After examining the email, Mr. Stout stated that the message was a list of IDOT employees for whom he had requested NASCAR passes from [vendor]. Mr. Stout said some of the listed individuals, such as [employee 3], may not have attended the race.⁶

Investigators directed Mr. Stout to the names [Citizen 2] and [Citizen 6], who were listed as "relative" and "spouse." Mr. Stout said [Citizen 2] and [Citizen 6] were not IDOT employees but conducted IDOT business by wearing an IDOT t-shirt while in the Speedway garage area. According to Mr. Stout, having anyone, including non-IDOT employees, wear IDOT t-shirts in the Speedway garage area created an IDOT presence and therefore constituted IDOT business.

Investigators then directed Mr. Stout to the name [Citizen 1], who was listed as being an IDOT employee. Investigators asked Mr. Stout if [Citizen 1] was an IDOT employee. In response, Mr. Stout said he ([Citizen 1]) was not an IDOT employee. Mr. Stout stated that he and [Citizen 1] were acquaintances. Mr. Stout explained that he requested a pass for [Citizen 1] because he felt [Citizen 1] would enjoy having a hot pass.

Investigators directed Mr. Stout to the name [Citizen 5], who was listed as being an IDOT employee. Investigators asked Mr. Stout if [Citizen 5] was an IDOT employee. In response, Mr. Stout said he ([Citizen 5]) also was not an IDOT employee. Mr. Stout stated that [Citizen 5] previously worked for the Illinois Department of Corrections and deserved a hot pass as a "reward." When asked on what basis [Citizen 5] deserved a reward, Mr. Stout reiterated that [Citizen 5] deserved a reward without explaining why he should be rewarded. Mr. Stout also said he and [Citizen 5] work together with the Illinois State Employees Association. Mr. Stout stated that he had previously obtained other hot passes for Speedway NASCAR weekends for [Citizen 5]. Mr. Stout stated that he listed [Citizen 1] and [Citizen 5] as IDOT employees in his email to [partner 1] and [partner 2] so that [vendor] would obtain hot passes for these individuals without questioning his request.

Mr. Stout acknowledged that he requested and obtained hot passes for several non-IDOT employees, but not for other IDOT staff that worked the booths at Speedway. Mr. Stout

⁶ During his May 12, 2011 OEIG interview, [employee 3] said he did not attend the 2010 NASCAR weekend and, in fact, never requested that Mr. Stout obtain a pass for him. In addition, NASCAR and Speedway records confirmed that [employee 9], [redacted], and [employee 10] did not attend the 2010 NASCAR weekend, although Mr. Stout had requested passes for them.

explained that he directed the IDOT employees that received hot passes to share their credentials with the employees that worked the booths. Mr. Stout explained that sharing the credentials rewarded the booth workers for their efforts during the NASCAR weekend. Nonetheless, Mr. Stout said he believed he could obtain hot passes for the non-IDOT employees because each wore an IDOT t-shirt, which created an IDOT presence in the garage area and, thus, constituted IDOT business. Mr. Stout also said then-IDOT Secretary [employee 5] knew and had approved of him conducting IDOT business at NASCAR races.

F. Investigative Activity Following Subject Michael Stout's First Interview

i. Interviews of IDOT Senior Management Employees

On May 12, 2011, in an effort to verify whether any of Mr. Stout's supervisors had authorized him to obtain passes for non-IDOT employees, OEIG investigators interviewed then-IDOT Secretary [employee 5], former IDOT Chief of Staff [employee 3], and then-IDOT Chief of Operations [employee 7].⁷

a. Then-IDOT Secretary [employee 5]

During his interview, then-Secretary [employee 5] said that he never authorized Mr. Stout to obtain passes for non-IDOT employees to attend NASCAR races at Speedway. Furthermore, he indicated that Mr. Stout's requesting passes for non-IDOT employees would be improper. In addition, [employee 5] stated that it would be improper for Mr. Stout to represent that non-IDOT employees worked for IDOT in order to obtain passes for them. Specifically, [employee 5] stated that he would never have approved Mr. Stout's actions because he "would never endorse a lie." Finally, [employee 5] stated that if a non-IDOT employee simply wore an IDOT t-shirt that would not constitute IDOT business.

b. Former IDOT Chief of Staff [employee 3]

During his interview, former IDOT Chief of Staff [employee 3] also said he never authorized Mr. Stout to obtain passes for non-IDOT employees to attend NASCAR races at Speedway. Furthermore, [employee 3] also stated that Mr. Stout's requesting passes for non-IDOT employees would be improper and that it would be improper for Mr. Stout to represent that non-IDOT employees worked for IDOT in order to obtain passes for them. [Employee 3] said such a representation would be inappropriate because "it's a lie." Finally, [employee 3] said that a non-IDOT employee simply wearing an IDOT t-shirt would not constitute IDOT business.

c. Then-IDOT Chief of Operations [employee 7]

During her interview, then IDOT Chief of Operations [employee 7] reiterated what [employee 5] and [employee 3] stated regarding the actions of Mr. Stout. Specifically, she stated that she never authorized Mr. Stout to obtain passes for non-IDOT employees, that Mr. Stout's request for passes for non-IDOT employees would be improper, and that it would be improper for him to represent that the non-IDOT employees worked for IDOT in order to obtain passes for

⁷ [Employee 5] retired on June 30, 2011; [Employee 7] was named Acting Secretary at that time.

them. As with [employee 5] and [employee 3], [employee 7] stated that a non-IDOT employee simply wearing an IDOT t-shirt would not constitute IDOT business.

ii. Interviews of IDOT Employees Who Were Assigned Hot Passes

In June 2011, in an effort to verify Mr. Stout's assertion that non-IDOT employees conducted IDOT business at Speedway, OEIG investigators interviewed IDOT Media Communications Liaison [employee 1], IDOT Exhibits Shop Supervisor [employee 2], and IDOT Safety Issues Analyst [employee 4]. Each received a hot pass for the 2010 NASCAR weekend from [vendor].

During the interviews, each IDOT employee confirmed receipt of a hot pass for the 2010 NASCAR weekend, which each employee used to conduct IDOT business in the Speedway garage area. [Employee 2] also said he received a hot pass for each NASCAR weekend over the past three or four years.

[Employee 1] and [employee 4] each stated that they accompanied Mr. Stout to meetings in the Speedway garage area and participated in an awards presentation to NASCAR driver Carl Edwards. Each stated that she did not know [Citizen 1], [Citizen 2], [Citizen 6], or [Citizen 5]. Each also said she recognized the other individuals present for the awards ceremony and identified them as IDOT employees. Each recalled that [employee 2] and IDOT employees [employee 6] and [employee 8] also attended the awards ceremony.

IDOT employee [employee 2] informed investigators that he transported other IDOT employees between meetings in the Speedway garage area on the IDOT golf cart. [Employee 2] said he recognized all of the individuals who conducted IDOT business at Speedway, but did not know [Citizen 1], [Citizen 2], [Citizen 6], or [Citizen 5].

[Employee 1], [employee 2], and [employee 4] each said Mr. Stout never directed him or her to share their hot passes. Each also stated that he or she had never heard of any IDOT employees sharing hot passes.

iii. Interviews of IDOT Employees Who Received Passes From Mr. Stout

On July 7, 2011, OEIG investigators interviewed IDOT employees [employee 6] and [employee 8]. During their interviews, each said Mr. Stout offered him a hot pass during the 2010 NASCAR weekend to attend an awards presentation for NASCAR driver Carl Edwards in the Speedway garage area. [Employee 6] said this was the only time he was provided a hot pass. [Employee 8] recalled that Mr. Stout offered him a hot pass to tour the garage area while he ([employee 8]) was on a break. Each said he recognized everyone present for the awards ceremony, but did not know [Citizen 1], [Citizen 2], [Citizen 6], or [Citizen 5].

iv. Interviews of Non-IDOT Employees Who Received NASCAR Passes

Between August 30 and September 22, 2011, OEIG investigators interviewed [Citizen 1], [Citizen 2], [Citizen 4], [Citizen 3], [Citizen 6], and [Citizen 5]. As described above, these

individuals were non-IDOT employees who received NASCAR passes via Mr. Stout. The purpose of these interviews was, among other things, to determine what, if any, IDOT business they may have conducted at Speedway after receiving a hot or cold pass from [vendor] at Mr. Stout's request.

a. [Citizen 1] and [Citizen 2]

During their interviews, [Citizen 1] and [Citizen 2] each confirmed they received passes for the 2010 NASCAR weekend via Mr. Stout.⁸ [Citizen 1] stated that he and Mr. Stout are acquainted through their church and their children's school, but that they are not friends. [Citizen 2] informed investigators that he did not know Mr. Stout.

[Citizen 1] said he attended the 2009 NASCAR weekend using his own tickets. He stated that, during that weekend, he saw Mr. Stout in the garage area from the grandstand. [Citizen 1] also said, thereafter, he asked Mr. Stout if he could provide hot passes for the 2010 NASCAR weekend. [Citizen 1] stated that he obtained two hot passes for the 2010 NASCAR weekend via Mr. Stout, which he and his brother, [Citizen 2], used. Each explained that they collected their hot passes from a NASCAR credential trailer outside the track.

[Citizen 1] and [Citizen 2] each said he did not conduct IDOT business, discuss IDOT initiatives, or wear IDOT t-shirts while at Speedway. In fact, [Citizen 1] said he did not see Mr. Stout the entire weekend. [Citizen 2] said he met NASCAR drivers, took photographs, obtained autographs, and "took in a once in a lifetime experience," while in the Speedway garage area. Each stated that he has never worked for IDOT, any IDOT vendor, or with any IDOT program displayed at Speedway during the NASCAR weekend.

b. [Citizen 6] and [Citizen 5]

During their interviews, [Citizen 6] and [Citizen 5] each said they obtained hot passes for the 2010 NASCAR weekend via Mr. Stout. [Citizen 5] also said he obtained a hot pass for the 2009 NASCAR weekend via Mr. Stout. Each explained that they collected their hot passes from a NASCAR credential trailer outside the track, at Mr. Stout's direction. Each stated that Mr. Stout worked with [Citizen 5] at the Illinois State Employees Association, but advised that they would not consider Mr. Stout a friend.

[Citizen 5] and [Citizen 6] each said, while at Speedway, he or she did not discuss IDOT business or wear IDOT t-shirts. [Citizen 5] stated that, during the 2010 NASCAR weekend, he carried an award from one of IDOT's trailers to Mr. Stout and that Mr. Stout later presented that award to NASCAR driver Carl Edwards, but did not conduct any other IDOT business either year because he "was just there as a fan." [Citizen 6] relayed that she did not see Mr. Stout at any time while she was at Speedway. Each stated that he or she has never worked for IDOT, any IDOT vendor, or with any IDOT program displayed at Speedway during the NASCAR weekend.

c. [Citizen 3] and [Citizen 4]

⁸ Although [Citizen 1], [Citizen 2], [Citizen 6], and [Citizen 5] interchangeably referred to their passes as "hot passes," "cold passes," and "tickets," Speedway and NASCAR records reflect that they received hot passes.

During their interviews, [Citizen 3] and [Citizen 4] each said they received passes for the 2010 NASCAR weekend, which they used only for the Friday night race. Each stated that he did not know Mr. Stout. [Citizen 3] said he discussed NASCAR with an "IDOT Director" while working as a janitor for IDOT vendor Maintenance Supply, Inc. in the IDOT Division of Traffic Safety building. [Citizen 3] said he did not know that IDOT Director's name.⁹ [Citizen 3] said, during one of the conversations, the IDOT Director said, "maybe one day you could go to a race." [Citizen 3] recalled that the IDOT Director reserved two passes for him for the 2010 NASCAR weekend, which he ([Citizen 3]) collected at a credential trailer outside the track. [Citizen 3] said he offered [Citizen 4] one of the passes.

[Citizen 4] confirmed that [Citizen 3] offered him a cold pass approximately one week before the 2010 NASCAR weekend, which he ([Citizen 4]) accepted. [Citizen 4] said he knew the credential [Citizen 3] offered him was a cold pass because he ([Citizen 4]) was a NASCAR fan and was familiar with the various kinds of NASCAR passes. [Citizen 4] recalled that he and [Citizen 3] collected their cold passes from a NASCAR credential trailer outside the track. [Citizen 4] stated that he and [Citizen 3] arrived at Speedway after a racing session had begun and, thus, were denied admission to the Speedway garage area. [Citizen 4] said, thereafter, he and [Citizen 3] watched the NASCAR race from vacant seats in the grandstands.

[Citizen 4] and [Citizen 3] each said, while at Speedway, he did not conduct IDOT business, discuss IDOT initiatives, or wear IDOT t-shirts. In addition, each stated that he has never worked for IDOT or with any IDOT program displayed at Speedway during the NASCAR weekend. [Citizen 4] said he has never worked for an IDOT vendor.

G. Second Interview of Subject Michael Stout

On October 3, 2011, OEIG investigators re-interviewed Michael Stout in order to determine, among other things, what IDOT business the non-IDOT employees conducted at Speedway and why he provided non-IDOT employees passes instead of other IDOT staff.

i. Non-IDOT Employees Conducting IDOT Business

Mr. Stout said he could not offer all of the "good employees" passes for the entire NASCAR weekend because he needed them to work at the IDOT outreach booths. Mr. Stout stated that, because he did not know of any other "good employees," he provided passes to non-IDOT employees who had requested them from him. Mr. Stout explained that he only knew of one other "good employee" that enjoyed NASCAR, but said that individual could not attend the race because he was ill. According to Mr. Stout, he could permissibly solicit and obtain passes for non-IDOT employees because the passes did not cost the State anything and the non-IDOT employees conducted IDOT business by wearing IDOT t-shirts and attending an awards presentation for NASCAR driver Carl Edwards. Mr. Stout recalled that he directed each of the

⁹ [Citizen 3], however, provided investigators with a physical description of the IDOT Director from whom he received the tickets and a description of the physical layout and contents of the IDOT Director's office. [Citizen 3]'s description of the IDOT Director and his office matched the appearance and office of Mr. Stout.

non-IDOT employees to pick up an IDOT t-shirt from one of the IDOT outreach booths before entering the Speedway garage area.

a. Review of June 25, 2010 Email Sent to [partner 1] and [partner 2]

Mr. Stout said he did not clearly remember the entire 2010 NASCAR weekend because the race and surrounding events were more than a year before his interview and he had attended numerous other similar events. Investigators presented Mr. Stout with his June 25, 2010 email to [partner 1] and [partner 2]. After reviewing the email, Mr. Stout said he recalled previously informing investigators that [Citizen 1] and [Citizen 5] were not IDOT employees, even though his email indicated otherwise. Mr. Stout stated that his representations in the email were “dishonest.” Mr. Stout explained that, although he had been “dishonest,” he listed the non-IDOT employees as IDOT employees because he wanted to be consistent within his email and doing so was “simpler” than providing a detailed explanation of each individual’s relationship to IDOT. Mr. Stout added that he requested numerous hot passes because he believed it was important that IDOT have a large presence for the awards ceremony and wanted as many people there wearing IDOT t-shirts as possible. According to Mr. Stout, the need for a large group justified inviting the non-IDOT employees. Mr. Stout reiterated that the non-IDOT employees conducted IDOT business during the NASCAR weekend and the hot passes came at no cost to the State.

b. [Citizen 5] and [Citizen 6]

Mr. Stout said [Citizen 5] and [Citizen 6] conducted IDOT business by wearing IDOT t-shirts and spending a significant amount of time with him in the Speedway garage area. Mr. Stout also said that, if the OEIG contacted [Citizen 5] or [Citizen 6], they would likely tell the truth because they had no reason to lie.

Investigators informed Mr. Stout that there was evidence that [Citizen 5] and [Citizen 6] did not wear IDOT t-shirts or spend significant time with him during the NASCAR weekend. Mr. Stout responded that, although they may not have worn IDOT t-shirts, he had requested that they wear IDOT t-shirts and they spent most of the NASCAR weekend with him. Mr. Stout noted that, because they were private citizens, he had no control over [Citizen 5] or [Citizen 6] while they were at Speedway. Mr. Stout recalled that [Citizen 5] brought him (carried) an award that he (Mr. Stout) later presented to Carl Edwards for his contribution to an IDOT initiative. When asked what other business [Citizen 5] or [Citizen 6] conducted at Speedway, Mr. Stout reiterated that they spent most of the NASCAR weekend with him. Mr. Stout stated that he believed he had photographs that were taken during the 2010 NASCAR weekend that would prove [Citizen 5] and [Citizen 6] attended the Carl Edwards award presentation with him. Mr. Stout said if either [Citizen 5] or [Citizen 6] informed investigators otherwise, he or she was lying.

c. [Citizen 1] and [Citizen 2]

Similarly, Mr. Stout said [Citizen 1] and [Citizen 2] conducted IDOT business by wearing IDOT t-shirts and spending significant time with him in the garage area. Mr. Stout relayed that he did not know [Citizen 2], but knew [Citizen 1] to be “a truthful person.” Mr.

Stout also said that if the OEIG contacted [Citizen 1], he would tell them the truth because he had no reason to lie.

Investigators informed Mr. Stout that there was evidence that [Citizen 1] and [Citizen 2] did not wear IDOT t-shirts or spend time with him at Speedway. In response, Mr. Stout said they may not have worn IDOT t-shirts, as he had previously said, but assured investigators that he had requested they wear the t-shirts. Mr. Stout again noted that, because they were private citizens, he could not control [Citizen 1] or [Citizen 2] while at Speedway. However, Mr. Stout said he specifically recalled that [Citizen 1] and [Citizen 2] accompanied him on IDOT business to NASCAR driver Carl Edwards's trailer. Mr. Stout stated that he did not know why [Citizen 1] would say otherwise, but reiterated that he ([Citizen 1]) is "an honest man."

d. IDOT Employees Witnessing Non-IDOT Employees Working

Mr. Stout stated that he could not explain why the non-IDOT employees would lie to the OEIG about conducting IDOT business at Speedway, but reiterated that [Citizen 1], [Citizen 2], [Citizen 6], and [Citizen 5] each wore IDOT t-shirts or had been requested to wear IDOT t-shirts, and conducted IDOT business using hot passes he had obtained from [vendor]. Mr. Stout said other IDOT employees could vouch for their presence at the awards ceremony for Carl Edwards and other events during the NASCAR weekend.

Investigators informed Mr. Stout that there was evidence that the other IDOT employees did not know [Citizen 1], [Citizen 2], [Citizen 6], or [Citizen 5] but had recognized all of the individuals that attended the IDOT awards presentation for Carl Edwards. Mr. Stout responded that the other IDOT employees would not have recognized the non-IDOT employees because they would not have seen them before. Mr. Stout explained that the Speedway garage area is a very busy place and that people are often moving quickly and very close together. However, Mr. Stout acknowledged that the awards presentation was away from the crowded area. Nevertheless, Mr. Stout stated that, he was "not going to change [his] story, no matter what anyone else says."

e. [Citizen 4] and [Citizen 3]

Investigators again directed Mr. Stout to his June 25, 2010 email to [vendor] and asked if he had listed any other non-IDOT employees as IDOT employees. In response, Mr. Stout said [Citizen 3] was not an IDOT employee but cleaned the floors in the Division of Traffic Safety building. Mr. Stout explained that [Citizen 3] did not conduct any IDOT business at Speedway and did not spend any time with him during the NASCAR weekend. Mr. Stout said he provided [Citizen 3] a cold pass because he did not believe [Citizen 3] could afford NASCAR tickets. Mr. Stout reiterated that he did not believe providing [Citizen 3] a cold pass was a problem because the pass came at no cost to the State.

While reviewing the email, Mr. Stout said he had "no idea who [Citizen 4] is." According to Mr. Stout, [Citizen 4] is not an IDOT employee, but someone must have requested a cold pass on his behalf. Mr. Stout advised that "the Governor's Office, not under Quinn, but the previous administration" often requested passes to events like NASCAR races and that he

complied with any such request. Mr. Stout said, because he did not know [Citizen 4], the request must have come from an outside source, like the Governor's Office.

ii. Explanation of Pass Distribution Decision

Mr. Stout said he requested hot passes from [vendor] for IDOT and non-IDOT employees for NASCAR weekends at Speedway. Mr. Stout explained that the hot passes were necessary to conduct public relations work in the Speedway garage area. Mr. Stout said he did not believe "just anyone could get" a hot pass.

Mr. Stout explained that he made a "management decision" to reward "good employees" by allowing them to attend the NASCAR weekends. Mr. Stout said these "good employees" staffed IDOT outreach booths. Mr. Stout stated that he would never direct other IDOT employees to violate Speedway's policy against sharing hot passes and denied saying that he did so during his previous OEIG interview. However, Mr. Stout said he rewarded some of these "good employees" by sharing an extra hot pass he had obtained in his name, which allowed the "good employees" to tour the garage area. Mr. Stout stated that he could only offer "good employees" the opportunity to work at Speedway because he needed to be able to trust that whoever represented IDOT would do so responsibly.

Mr. Stout said sharing his hot pass violated the pass agreement he signed with Speedway. Mr. Stout also acknowledged that the individuals who used the shared hot pass may have violated the hot pass agreement because they had not read or signed the accompanying documentation. Nonetheless, Mr. Stout said he was not concerned with this violation because "it was [his] pass" and the opportunity to reward other IDOT employees justified the risk of him being caught.

Investigators asked Mr. Stout why he requested passes from [vendor] for acquaintances and people whom he did not know, when he had previously said the extra passes were intended as a reward for "good employees." Mr. Stout responded that he made the "management decision" to divide the passes in this manner. In addition, Mr. Stout said he needed the "good employees" whom he could trust to work the outreach booths. Mr. Stout acknowledged that he could not verify whether he could trust non-IDOT employees whom he did not know, like [Citizen 4], or non-IDOT employees who were not with him, like [Citizen 3]. Nevertheless, Mr. Stout again said he could make the "management decision" to provide non-IDOT employees passes to the NASCAR weekend because they came at no cost to the State.

H. Investigative Activity Following Subject Michael Stout's Second Interview

i. Interviews of [Citizen 1], [Citizen 6], and [Citizen 5]

On October 4, 2011, in an effort to determine whether Mr. Stout had even directed the non-IDOT employees to wear IDOT t-shirts, OEIG investigators re-interviewed the three non-IDOT employees who previously said they knew Mr. Stout: [Citizen 1], [Citizen 6], and [Citizen 5].

During their interviews, each said Mr. Stout never requested that he or she wear an IDOT t-shirt while in the Speedway garage area. Each reiterated that he or she did not wear an IDOT t-shirt during the 2010 NASCAR weekend.

ii. Review of Photographs Taken During the 2010 NASCAR Weekend

OEIG investigators obtained and reviewed the 186 photographs that IDOT maintained of individuals conducting IDOT business during the 2010 NASCAR weekend. OEIG investigators also obtained and reviewed photographs of IDOT events during the 2010 NASCAR weekend provided by Mr. Stout; Mr. Stout initially provided three photographs and later provided an additional 182 photographs. The photographs depict [partner 1] and Mr. Stout meeting with various NASCAR drivers and executives and IDOT employees [employee 1], [employee 2], [employee 4], [employee 6], and [employee 8] posing with NASCAR drivers, obtaining autographs from NASCAR drivers, and attending the awards presentation with Carl Edwards. IDOT's photos also depicted numerous IDOT employees distributing literature from IDOT booths.

Investigators were unable to identify [Citizen 1], [Citizen 2], [Citizen 4], [Citizen 3], [Citizen 6], or [Citizen 5] in any of the photographs, including those taken during the awards presentation to Carl Edwards.

IV. Analysis

A. Michael Stout Engaged in Official Misconduct by Requesting and Providing Non-IDOT Employees NASCAR Passes

i. Michael Stout's Official Misconduct

The Illinois Criminal Code states that a public officer or employee commits misconduct when, "in his official capacity ... [w]ith intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority." 720 ILCS 5/33-3(c). Official misconduct is a Class 3 felony. 720 ILCS 5/33-3.

a. Michael Stout Exceeded his Lawful Authority

The OEIG investigation revealed that Michael Stout engaged in official misconduct by requesting and distributing IDOT property in excess of his lawful authority. Mr. Stout's official duties and responsibilities include, among other things, administering IDOT Division of Traffic Safety grants and properly utilizing IDOT property obtained pursuant to those grants. As the Director of IDOT's Division of Traffic Safety, Mr. Stout had the authority, under the [vendor] contract, to request that [vendor] provide passes for the purpose of conducting IDOT business. Mr. Stout did so, but exceeded his lawful authority when he knowingly requested and distributed six passes that were not related to IDOT business. On June 25, 2010, Mr. Stout sent an email requesting that [vendor] provide eight hot passes and two cold passes for the 2010 NASCAR weekend. In the same email, Mr. Stout, as he put it, "dishonest[ly]," and no doubt intentionally identified [Citizen 1], [Citizen 4], [Citizen 3], and [Citizen 5] as IDOT employees in order to

obtain NASCAR passes for them.¹⁰ Pursuant to its \$154,500 IDOT grant relating to facilitating traffic safety outreach events, [vendor] arranged for the passes to be available for the individuals Mr. Stout had requested. The fact that Mr. Stout admitted that he misrepresented that four of the non-IDOT employees for whom he requested passes worked for IDOT evidences that Mr. Stout knew he was not permitted to make this request. Moreover, every member of IDOT Senior Management that was interviewed echoed that Mr. Stout was not permitted to make such a request or to distribute the passes obtained under an IDOT contract for purposes unrelated to IDOT business.

b. Michael Stout Acted in his Official Capacity

All of Michael Stout's actions with respect to the NASCAR passes were done in his official capacity. Mr. Stout solicited and received notifications regarding the NASCAR passes from his IDOT email account. The emails he sent requesting the passes and directing [vendor] to provide only him the pass listing were signed: "Michael Stout, Governor's Highway Safety Representative, Director-Division of Traffic Safety, Illinois Department of Transportation." The passes were only available to Mr. Stout because of his official position and resulting official business relationship with [vendor]. In fact, [partner 1] and [partner 2] said all of their interactions with Mr. Stout related to [vendor's] IDOT grant.

c. Michael Stout Intended to Obtain a Personal Advantage for the Non-IDOT Employees

The NASCAR passes that Mr. Stout provided to the non-IDOT employees constitute a personal advantage to those individuals. Webster's Dictionary defines "advantage" as a "benefit; gain; or profit." Mr. Stout admitted that he provided [Citizen 5] a hot pass as a "reward" and that he provided hot passes to [Citizen 1] because he thought he would enjoy it. Mr. Stout also said he provided [Citizen 3] cold passes because he did not believe [Citizen 3] could otherwise afford NASCAR tickets. The non-IDOT employees benefited from Mr. Stout providing them IDOT's NASCAR passes free of charge. NASCAR valued the hot passes at \$315 each and the Speedway cold passes were worth at least \$115 each (the price of the cheapest ticket plus a pit pass). In addition, [Citizen 2] said he gained "a once in a lifetime experience" from Mr. Stout's offering. By exceeding his lawful authority to obtain a personal advantage for six non-IDOT employees, Mr. Stout engaged in official misconduct.

ii. *Michael Stout's Attempts to Justify his Official Misconduct*

a. Michael Stout's Claim that the Non-IDOT Employees Conducted IDOT Business

¹⁰ Had Mr. Stout been honest with [vendor] and identified the non-IDOT employees as such, his actions would have most likely violated the State Officials and Employees Ethics Act gift ban provisions, set forth in 5 ILCS 430/10-10. However, because Mr. Stout requested the passes under the ruse of conducting IDOT business, the passes became IDOT property once he exercised control over them, which rendered his distribution of the passes for purposes other than IDOT business a misappropriation of State property.

Mr. Stout said [Citizen 1], [Citizen 2], [Citizen 6], and [Citizen 5] conducted IDOT business at Speedway by wearing IDOT t-shirts and participating in an awards presentation.¹¹ According to Mr. Stout, the non-IDOT employees' conducting IDOT business permitted him to request and obtain hot passes for their use. [Citizen 5] stated that he carried an award that was later presented to Carl Edwards but did not conduct any other IDOT business. The other three non-IDOT employees informed investigators that they did not conduct any IDOT business or even see Mr. Stout at Speedway. None of the four have ever worked for IDOT or had any official relationship with the two Division of Traffic Safety initiatives displayed at Speedway. Moreover, all of them denied wearing IDOT t-shirts or even being asked to wear IDOT t-shirts while at Speedway. As Mr. Stout acknowledged, none of these witnesses have any reason to lie about their conduct during the NASCAR weekend. Thus, the overwhelming weight of the evidence suggests that each of the non-IDOT employees were, as [Citizen 5] put it, "just there as a fan," and as [Citizen 2] stated, using the passes in order to gain a "once in a lifetime experience."

In addition, the IDOT employees who attended the awards presentation recognized each of the other attendees as IDOT employees. The same witnesses stated that they did not know any of the four non-IDOT employees Mr. Stout said attended the event. OEIG investigators reviewed photographs that IDOT and Mr. Stout maintained of IDOT events from the 2010 NASCAR weekend; the non-IDOT employees were not in any of the 371 photographs. Accordingly, the overwhelming weight of the evidence contradicts Mr. Stout's assertion that the non-IDOT employees conducted IDOT business during the NASCAR weekend.

b. Michael Stout's Claim That Then-IDOT Secretary [employee 5] Approved His Actions

Mr. Stout said then-IDOT Secretary [employee 5] had approved his attending NASCAR races on IDOT business. However, Mr. Stout never claimed that [employee 5] authorized him to solicit or accept passes from [vendor] for purposes unrelated to IDOT business, and [employee 5] expressly denied doing so. In fact, every member of IDOT senior management in Mr. Stout's chain of command informed investigators that soliciting passes for non-IDOT employees would be improper.

Therefore, the allegation that Michael Stout engaged in official misconduct by exceeding his lawful authority by requesting hot or cold passes for six non-IDOT employees pursuant to an IDOT contract for purposes unrelated to IDOT business is **FOUNDED**.

B. Michael Stout Violated IDOT Policy by Misappropriating IDOT Property

IDOT Personnel Policy 10-3(S)(2)(a) states employees shall not "use or consume state property, including state credit cards, for personal or private purposes. State property is to be utilized *only for conducting official state business.*" (emphasis added).

i. *Michael Stout's IDOT Policy Violations*

¹¹ Mr. Stout never claimed that [Citizen 3] or [Citizen 4] conducted any IDOT business during the NASCAR weekend.

The OEIG investigation revealed that Michael Stout violated IDOT policy by providing six non-IDOT employees NASCAR passes, which were obtained pursuant to an IDOT contract, for purposes unrelated to IDOT business.

a. NASCAR Passes Were IDOT Property

On July 7, 2010, [partner 2] provided Mr. Stout the number of hot and cold passes NASCAR and Speedway had approved and the locations at which the pass recipients could collect their credentials. The fact that Mr. Stout, at his own request, was the only recipient of this email indicates that he was the only individual who could provide the pass recipients the location at which they could collect the passes requested in their names. The passes were IDOT property because they were obtained pursuant to an IDOT contract and because IDOT, through Mr. Stout as Director of the Division of Traffic Safety, exercised exclusive control over the passes' distribution.

b. NASCAR Passes Were Not Used for IDOT Business

Mr. Stout provided [Citizen 1], [Citizen 2], [Citizen 4], [Citizen 3], [Citizen 6], and [Citizen 5] the information necessary to obtain the passes he had requested in their names. Speedway and NASCAR records confirmed that each of the six non-IDOT employees collected the hot or cold passes from a NASCAR or Speedway credential trailer outside the track. Five of the non-IDOT employees that received a hot or cold pass via Mr. Stout denied that he or she performed any IDOT business or were asked to perform any IDOT business (or even wear an IDOT t-shirt), during the 2010 or any other NASCAR weekend. [Citizen 5] was the only non-IDOT employee who said he engaged in any activity that could remotely be considered IDOT business. [Citizen 5] brought (carried) an IDOT award for Mr. Stout that Mr. Stout later provided to NASCAR driver Carl Edwards. [Citizen 5] did not conduct any other IDOT business at Speedway. Because Mr. Stout provided the six non-IDOT employees NASCAR passes IDOT obtained, and five of those individuals did not conduct any IDOT business while using the passes, and the sixth non-IDOT employee conducting almost no IDOT business, Mr. Stout used State property for private purposes other than conducting State business.

ii. *Michael Stout's Claim that he did not Misappropriate State Property*

Mr. Stout said it was permissible for him to arrange for non-IDOT employees to obtain hot and cold passes because there was no expense to the State.

Mr. Stout is wrong. Although IDOT did not specifically pay for the hot or cold passes for the NASCAR weekends, the passes were IDOT property and should only have been used for official IDOT business as they were obtained pursuant to a \$154,500 IDOT grant. Mr. Stout misappropriated the services connected to that grant for the benefit of his acquaintances. Moreover, because Mr. Stout gave passes to his acquaintances, IDOT had only 80 percent of the possible representatives in the Speedway garage area for the 2009 NASCAR weekend and only half of the possible representatives in the Speedway garage area the following year. Because of Mr. Stout's decision, IDOT did not have the maximum number of employees networking with

NASCAR drivers and executives in an effort to obtain appearances or endorsements for IDOT initiatives. Thus, IDOT did not fully realize the value of its passes.

Moreover, Mr. Stout's obtaining hot passes for non-IDOT employees could have subjected IDOT to civil liability for any theft, damages, or injuries caused in the Speedway garage area by the non-IDOT employees. In fact, Mr. Stout acknowledged that he could not control any of the six non-IDOT employees because they did not work for him. Specifically, Mr. Stout stated that he did not know [Citizen 4] and, therefore, could not have known how he would conduct himself during the NASCAR weekend. Because these individuals were granted access at the request of IDOT, Speedway or NASCAR could have sought to hold IDOT responsible for their actions. By requesting and accepting passes for purposes unrelated to IDOT business, Mr. Stout put his own interest in providing favors to acquaintances ahead of the best interest of IDOT and the State and exposed the State to unnecessary liability.

Because Mr. Stout provided six non-IDOT employees IDOT property for use unrelated to IDOT business, the allegation that Michael Stout misappropriated State property is **FOUNDED**.

C. Michael Stout Violated IDOT Policy by Using his Position for Personal Gain

IDOT Personnel Policy 10-3(H) states that "[e]mployees shall not use their official position for personal gain or influence."

The OEIG investigation revealed that Michael Stout used his position for personal gain. Between June 2009 and July 2010, Mr. Stout's duties and responsibilities included, among other things, administering [vendor's] IDOT grant. During that time period, Mr. Stout improperly solicited and accepted NASCAR passes from [vendor] for six non-IDOT employees. Each of the six non-IDOT employees that obtained NASCAR passes via Mr. Stout credited him and him alone for receiving the passes. By providing the non-IDOT employees with what one described as a "once in a lifetime experience," Mr. Stout gained their gratitude and likely enhanced his stature in their eyes as a person who could obtain these hard to come by passes. Mr. Stout was only able to arrange for the non-IDOT employees to use the NASCAR passes because of his official duties with respect to [vendor's] IDOT grant. Mr. Stout used the influence of his position to obtain the social benefits of gift giving. Plainly said, Mr. Stout sought to look like a "big shot." Therefore, the allegation that Michael Stout used his official position for personal gain is **FOUNDED**.

D. Michael Stout Violated IDOT Policy by Engaging in Conduct that Could Undermine Citizens' Confidence in State Government.

IDOT Personnel Policy 15-1 states that employees must "maintain unusually high standards of honesty, integrity, impartiality, and conduct in order to avoid conflicts of interest and ensure the proper performance of department business and the citizens' confidence in their state government."

- i. Michael Stout Executed his Duties in a Manner Inconsistent with IDOT's Best Interest*

The OEIG investigation revealed that Michael Stout executed his official duties in a manner wholly inconsistent with IDOT's best interest, which is conduct that could undermine citizens' confidence in their State government. At Mr. Stout's direction, [vendor] obtained five hot passes for the 2009 NASCAR weekend, eight hot passes for the 2010 NASCAR weekend, and two cold passes for the 2010 NASCAR weekend. Mr. Stout represented to [vendor] that all but two of the passes would be used by IDOT employees to conduct IDOT business in the Speedway garage area. Mr. Stout knew that the passes were a limited commodity that other IDOT employees might desire, as evidenced by his statement that he did not believe "just anyone could get" a hot or cold pass and his fielding requests for passes from at least two non-IDOT employees in 2010 and members of then-Governor Blagojevich's administration in the past. In fact, Mr. Stout indicated to [vendor] in his June 30, 2010 email that he wished to keep IDOT Division of Traffic Safety staff from finding out about the passes unless [vendor] could "get passes for all 18!" This suggests that Mr. Stout knew that he would not be able to obtain passes for all of the IDOT Division of Traffic Safety employees that would desire a pass. Nevertheless, Mr. Stout solicited and accepted passes for non-IDOT employees who did not conduct any IDOT business, other than [Citizen 5] carrying an award that was later given to a driver.

Mr. Stout's so-called "management decision" to request and obtain hot and cold passes from an IDOT grantee for personal acquaintances calls into question his ability to properly execute the duties of his position consistent with the best interest of the State, IDOT, and the public. Mr. Stout's using his official position to provide passes intended for IDOT business to acquaintances embodies and reinforces the sort of patronage concerns that have, unfortunately, come to define the public's perception of Illinois State government and Illinois State employees. Mr. Stout knew that the passes were a highly desirable commodity, and he did not properly execute his duties and responsibilities by soliciting and accepting passes for non-IDOT employees for purposes unrelated to IDOT business. Therefore, the allegation that Michael Stout exercised his official duties in a manner inconsistent with IDOT's best interest and failed to "maintain unusually high standards of honesty, integrity, [and] impartiality" is **FOUNDED**.

ii. Michael Stout Knowingly Provided [vendor] False Information Relating to its IDOT Grant

The OEIG investigation revealed that Michael Stout knowingly provided [vendor] false information relating to its IDOT grant, which is conduct that could undermine citizens' confidence in their State government. On June 25, 2010, Mr. Stout sent [partner 1] and [partner 2] email in which he identified [Citizen 1], [Citizen 4], [Citizen 3], and [Citizen 5] as IDOT employees in order to arrange for them to obtain passes for the 2010 NASCAR weekend. Mr. Stout admitted that he lied to [vendor] and that the four listed individuals were not IDOT employees. Mr. Stout explained that he was "dishonest" because he wanted to avoid any problems he would encounter in obtaining passes for non-IDOT employees from [vendor] pursuant to its IDOT grant. After all, as [partner 2] said, the passes were intended for IDOT business. Thus, Mr. Stout's lying to [vendor] indicates that he knew the passes were intended for IDOT business and not for his personal distribution. Mr. Stout's lies to an IDOT grantee for personal gain undermines Illinois citizens' confidence in State government. Therefore, the allegation that Michael Stout knowingly provided false information to an IDOT grantee and

failed to “maintain unusually high standards of honesty, integrity, [and] impartiality” is **FOUNDED**.

E. Michael Stout Violated the Ethics Act by Failing to Cooperate with the OEIG Investigation.

The State Officials and Employees Ethics Act (“Ethics Act”) requires every employee under the jurisdiction of the OEIG to cooperate in any investigation undertaken pursuant to the Ethics Act. 5 ILCS 430/20-70. Failure to cooperate includes, among other things, knowingly making false statements to OEIG investigators. *Id.*

The OEIG investigation revealed that Michael Stout violated the Ethics Act by knowingly making false statements to OEIG investigators regarding the six non-IDOT employees who received NASCAR passes. During his first OEIG interview, Mr. Stout reviewed the June 25, 2010 email he sent to [partner 1] and [partner 2]. After reviewing the email, Mr. Stout told investigators that individuals listed in the message were all IDOT employees for whom he had requested passes from [vendor]. Only when asked about specific names did he acknowledge that some of the individuals listed were in fact not IDOT employees.

Mr. Stout then attempted to justify soliciting hot passes from [vendor] for [Citizen 1], [Citizen 2], [Citizen 6], and [Citizen 5] on the grounds that they conducted IDOT business in the Speedway garage area and wore IDOT t-shirts. Based on Mr. Stout’s assertions, the OEIG conducted additional interviews to determine what, if any, IDOT business the non-IDOT employees conducted at Speedway during the 2010 NASCAR weekend. Through this additional investigation, the OEIG discovered that two additional individuals listed in the June 25, 2010, email, [Citizen 4] and [Citizen 3], were not IDOT employees. In his second interview, Mr. Stout acknowledged that [Citizen 3] was not an IDOT employee and he had no idea who [Citizen 4] was.

The evidence discovered during this follow-up investigation clearly contradicted Mr. Stout’s version of the events. Of the non-IDOT employees who attended the NASCAR weekend using passes obtained via Mr. Stout, only [Citizen 5] recalled performing any single act that might be remotely perceived as related to IDOT business. In addition, the other non-IDOT employees did not recall even seeing Mr. Stout while at Speedway. All of the non-IDOT employees who received a hot pass at Mr. Stout’s request denied wearing an IDOT t-shirt or being directed to wear an IDOT t-shirt. In addition, none of the IDOT employees who conducted IDOT business with Mr. Stout during the 2010 NASCAR weekend recalled seeing anyone he or she did not recognize as an IDOT employee conducting IDOT business or wearing an IDOT t-shirt.

The OEIG finds [employee 1], [citizen 1], [citizen 2], [employee 2], [employee 4], [citizen 6], and [citizen 5] more credible than Mr. Stout for a litany of reasons. First, each of the seven witnesses’ statements was consistent with one another. Each indicated that the non-IDOT employees did not conduct IDOT business in the Speedway garage area. The 371 photographs provided by IDOT and offered by Mr. Stout corroborate the witnesses’ assertions, as the non-IDOT employees who obtained passes through Mr. Stout do not appear in any of the

photographs. In addition, each of the non-IDOT employees said he or she never wore an IDOT t-shirt and were not asked or directed by Mr. Stout to do so.

Second, Mr. Stout's credibility is lost in light of the fact that his version of the events changed only after he was presented with contradictory evidence. Mr. Stout initially informed investigators all of the individuals listed in the June 25, 2010, email were IDOT employees. Then, only when asked about specific names did he acknowledge that some were not IDOT employees. Mr. Stout then claimed that all of the non-IDOT employees who received hot passes wore IDOT t-shirts. Then, when informed during his second OEIG interview that the investigation revealed evidence contradicting this claim, Mr. Stout, for the first time, said that the non-IDOT employees may not have worn IDOT t-shirts but that he had directed them to do so. Following his second OEIG interview, investigators contacted the non-IDOT employees who said they knew Mr. Stout and had received hot passes; each denied even being directed or asked to wear an IDOT t-shirt by Mr. Stout. Thus, it appears Mr. Stout was, in fact, willing to "change [his] story," but only to attempt to justify his conduct but, even then, provided investigators with false statements.

Third, Mr. Stout had a reason to lie about the non-IDOT employees' use of the hot passes while the other witnesses did not. Mr. Stout no doubt knew that providing investigators with truthful information about non-IDOT employees using IDOT property would subject him to discipline, thus he had to concoct a "story" that they (non-IDOT employees) did conduct IDOT business, even though he knew they did not.¹² On the other hand, the non-IDOT employees and other IDOT employees who attended the 2010 NASCAR weekend did not face any similar disciplinary concerns and, as Mr. Stout noted, would have no reason to lie, which the OEIG finds they did not.

Fourth, Mr. Stout engaged in other "dishonest" behavior with respect to obtaining hot passes. Mr. Stout admitted lying to [vendor] in order to obtain passes for his acquaintances. Mr. Stout's admitted dishonesty to [vendor] again calls his credibility into question.

Because of Mr. Stout's numerous lies, the OEIG was required to expend additional investigative resources to discover the truth, which prevented a more timely resolution of this matter. Thus, the allegation that Mr. Stout failed to cooperate with the OEIG investigation by knowingly making false statements to OEIG investigators is **FOUNDED**.

V. Recommendations

Following due investigation, the OEIG issues these findings:

Michael Stout engaged in official misconduct by:

¹² During his second OEIG interview, Mr. Stout repeatedly stated that he was "not going to change [his] story, no matter what anyone else says." However, Mr. Stout did change his "story" to support his claim that the non-IDOT employees conducted IDOT business at Speedway.

- **FOUNDED** – Exceeding his lawful authority by requesting a hot pass in 2009 for non-IDOT employee [Citizen 5] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by requesting a hot pass in 2010 for non-IDOT employee [Citizen 1] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by requesting a hot pass in 2010 for non-IDOT employee [Citizen 2] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by requesting a hot pass in 2010 for non-IDOT employee [Citizen 5] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by requesting a hot pass in 2010 for non-IDOT employee [Citizen 6] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by requesting a cold pass in 2010 for non-IDOT employee [Citizen 4] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by requesting a cold pass in 2010 for non-IDOT employee [Citizen 3] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by obtaining a hot pass in 2009 for non-IDOT employee [Citizen 5] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by obtaining a hot pass in 2010 for non-IDOT employee [Citizen 1] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by obtaining a hot pass in 2010 for non-IDOT employee [Citizen 2] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by obtaining a hot pass in 2010 for non-IDOT employee [Citizen 5] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by obtaining a hot pass in 2010 for non-IDOT employee [Citizen 6] pursuant to an IDOT contract for purposes unrelated to IDOT business;
- **FOUNDED** – Exceeding his lawful authority by obtaining a cold pass in 2010 for non-IDOT employee [Citizen 4] pursuant to an IDOT contract for purposes unrelated to IDOT business; and
- **FOUNDED** – Exceeding his lawful authority by obtaining a cold pass in 2010 for non-IDOT employee [Citizen 3] pursuant to an IDOT contract for purposes unrelated to IDOT business.

Michael Stout misappropriated IDOT property by:

- **FOUNDED** – Providing non-IDOT employee [Citizen 5] a hot pass for the 2009 NASCAR weekend for purposes unrelated to IDOT business;
- **FOUNDED** – Providing non-IDOT employee [Citizen 1] a hot pass for the 2010 NASCAR weekend for purposes unrelated to IDOT business;
- **FOUNDED** – Providing non-IDOT employee [Citizen 2] a hot pass for the 2010 NASCAR weekend for purposes unrelated to IDOT business;
- **FOUNDED** – Providing non-IDOT employee [Citizen 6] a hot pass for the 2010 NASCAR weekend for purposes unrelated to IDOT business;
- **FOUNDED** – Providing non-IDOT employee [Citizen 5] a hot pass for the 2010 NASCAR weekend for purposes unrelated to IDOT business;
- **FOUNDED** – Providing non-IDOT employee [Citizen 4] a cold pass for the 2010 NASCAR weekend for purposes unrelated to IDOT business; and
- **FOUNDED** – Providing non-IDOT employee [Citizen 5] a cold pass for the 2010 NASCAR weekend for purposes unrelated to IDOT business.

Michael Stout violated IDOT policy by:

- **FOUNDED** – Using his official position for personal gain.

Michael Stout engaged in conduct that could undermine citizens' confidence in State government by:

- **FOUNDED** – Executing his official duties in a manner inconsistent with the best interest of IDOT;
- **FOUNDED** – Knowingly providing false information to an IDOT grantee regarding [Citizen 1] being an IDOT employee;
- **FOUNDED** – Knowingly providing false information to an IDOT grantee regarding [Citizen 4] being an IDOT employee;
- **FOUNDED** – Knowingly providing false information to an IDOT grantee regarding [Citizen 3] being an IDOT employee; and
- **FOUNDED** – Knowingly providing false information to an IDOT grantee regarding [Citizen 5] being an IDOT employee.

Michael Stout failed to cooperate with the OEIG investigation by:

- **FOUNDED** – Knowingly providing OEIG investigators false information regarding [Citizen 1] being an IDOT employee;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding [Citizen 4] being an IDOT employee;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding [Citizen 3] being an IDOT employee;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding [Citizen 5] being an IDOT employee;

- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 1] wearing an IDOT t-shirt at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 2] wearing an IDOT t-shirt at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 6] wearing an IDOT t-shirt at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 5] wearing an IDOT t-shirt at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 1] being directed to wear an IDOT t-shirt at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 2] being directed to wear an IDOT t-shirt at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 6] being directed to wear an IDOT t-shirt at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 5] being directed to wear an IDOT t-shirt at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 1] conducting IDOT business at Speedway;
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 2] conducting IDOT business at Speedway; and
- **FOUNDED** – Knowingly providing OEIG investigators false information regarding non-IDOT employee [Citizen 6] conducting IDOT business at Speedway.

In light of his recent reprimand, the fact that this is not the first time the OEIG has recommended IDOT discipline Mr. Stout, and the very serious nature of the misconduct in this case, the OEIG recommends that Michael Stout be discharged for:

- (1) engaging in official misconduct;
- (2) misappropriating IDOT property;
- (3) using his official position for personal gain;
- (4) engaging in conduct that could undermine citizens' confidence in their State government; and
- (5) knowingly making false statements to OEIG investigators.

In addition, pursuant to Section 20-80 of the Ethics Act, the OEIG will refer the official misconduct allegation to the appropriate prosecutorial authority for a determination of whether criminal prosecution is warranted. The OEIG, however, will not request that the Illinois

Attorney General file a complaint against Mr. Stout with the Illinois Executive Ethics Commission regarding his violation of Section 20-70 of the Ethics Act.

No further investigation is required and this matter is considered closed.

**IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS**

In re:)
)
MICHAEL STOUT) OEIG Case No. 10-00605

MICHAEL STOUT'S RESPONSE TO OEIG FINAL REPORT

I am submitting this Response to the Final Report ("Report") of the Office of the Executive Inspector General ("OEIG") regarding an investigation of five (5) allegations regarding my employment at the Illinois Department of Transportation ("IDOT").

I disagree with the findings and have evidence in my possession that shows the contrary. But I have decided not to release the evidence which would expose state employees and citizens un-necessarily.

On December 14, 2011, I informed Illinois Department of Transportation Secretary Ann Schneider that I had accepted a position in the private sector and resigning on December 30, 2011. On December 29, 2011, I received my final evaluation (attached), like all others it was "Performance was clearly outstanding in all phases of the position. Achievements and contributions greatly exceeded standards, expectations, and requirements". Comments also included, "Director Mike Stout has elevated the profile of Traffic Safety throughout the entire state and IDOT's traffic safety program has become a model of excellence in the nation."

For me to take credit for the tremendous success in Illinois highway safety would be unjust. This success was made due to the efforts of Illinois law enforcement, emergency medical services professional, the Illinois General Assembly, the current and past Governor(s), the National Highway Traffic Safety Administration, the Illinois Department of Transportation, especially the staff at the Division of Traffic Safety and Illinois motorists. I do believe I did everything possible as the Director of Traffic Safety and Governor's Highway Safety Director to reduce the number of highway fatalities and injuries.

The report quotes me as saying "good employees" were selected to work the events, insinuating those not selected weren't "good employees". The Division of Traffic Safety is blessed to have an overwhelming number of "good employees", it would have been impossible to select all of the "good employees" to work the events. There were many factors used to select staff for the work, no one should be offended because they were not selected to work.

In closing, I am no longer a state employee and see no advantage in filing a long response to the report. I can say with confidence that I left the Division of Traffic Safety in a far better condition than when I found it over seven years ago. I will always cherish many of the friendships built over the past seven years. The time to move on has passed.



Employee Name (Last, First and Initial) Stout, Michael R.		Employee Identification Number 561681	
Position Title Technical Manager IX		Working Title Director	
Organizational Location Division of Traffic Safety		Period of Report From 7/01/10 To 12/31/11	Type of Report Performance evaluation

I. Performance Standards

Performance goals and objectives based on assigned job description accountabilities were discussed for the next reporting period.

Date	Initials
<u>12/30/11</u>	<u>MS</u> (Employee)
<u>12/30/11</u>	<u>MB</u> (Supervisor)

II. Summary of Actual Achievements

Mandatory for all levels of performance.

- 2011 will be the third consecutive year in which motor vehicle fatalities are under 1,000.
- The safety belt usage rate rose to 92.9 percent.
- There was a significant decrease in alcohol-related fatalities. Because of the decrease, Illinois has been designated as a low fatality rate state by the US Department of Transportation for two consecutive years and we are on target to be designated one again this year.
- Provisional numbers lead us to believe that motorcycle fatalities will decrease.
- Provisional numbers lead us to believe that work zone fatalities will decrease.
- Improved commercial vehicle data reporting (Illinois is one of few states considered a green state which reflects the efficiency of our vehicle inspections, compliance reviews and safety audits).
- Enhancements to the External Safety Data Mart offered improved crash data availability and accessibility to numerous data users having online access.
- Online report and mapping capabilities for dooring incidents were developed for use in tracking the occurrence of bicyclists colliding with the open door of a parked motor vehicle. Data are available for 2010

III. Overall Performance Level of Employee.

Check appropriate statement below.

- Performance is clearly outstanding in all phases of the position. Achievements and contributions greatly exceed standards, expectations, and requirements.
- Performance is acceptable and accomplishes objectives. Results range from meets expectations to exceeds job requirements.
- Performance is unsatisfactory. Results do not achieve job requirements and expectations. Improvement is essential to justify retention in the position.

Employee's Name from reverse side Michael R. Stout

IV. Comments

A. Supervisor's Comments

Mandatory for all overall rating of outstanding or unsatisfactory. Performance Improvement Plan should be attached for unsatisfactory ratings.

During his tenure with IDOT, Director Mike Stout has elevated the profile of Traffic Safety throughout the entire state and IDOT's traffic safety program has become a model of excellence in the nation. The results speaks volumes - 92.9% safe belt usage, third consecutive year with fewer than 1000 fatalities and a significant decrease in alcohol-related fatalities. Additionally, in 2011 the Illinois Yellow Dot program was implemented.

Director Stout has exceeded expectations.

B. Employee Comments (optional)

If the employee wishes to do so, any comments concerning the performance plan or evaluation (for example, agreement or disagreement) may be indicated in the space provided below.

V. Signatures

Employee's Signature

Supervisor's Signature

Signature (Next Level Supervisor)

Signature (Director, RE, or BC if applicable)

Director

Title

12/30/11

Date

Chief of Staff

Title

12/29/2011

Date

Title

Date

Title

Date



Illinois Department of Transportation

Office of Quality Compliance & Review
2300 South Dirksen Parkway / Springfield, Illinois 62764

November 22, 2011

Mr. Neil Olson
Deputy Director
Office of Executive Inspector General
607 East Adams, 14th Floor
Springfield, Illinois 62701-1634

Subject: OEIG Complaint # 10-00605

Dear Mr. Olson:

This letter is in response to your November 7, 2011 letter regarding case number 10-00605 in which you requested that we inform your office of the actions taken by the Illinois Department of Transportation (IDOT) to address your recommendations. IDOT is currently reviewing the report and determining the appropriate course of action. We request that we be given additional time to respond with a final letter closing out this matter. We would request a two week extension to respond.

If you have any questions, or if I can be of further assistance to you or your staff, please do not hesitate to contact me at 217-558-4617.

Respectfully,

Jeff Heck
Acting Director

cc: Acting Secretary Ann Schneider
Chief Counsel Ellen Schanzle-Haskins
Ethics Officer Robert Anderson



Illinois Department of Transportation

Office of Quality Compliance & Review
2300 South Dirksen Parkway / Springfield, Illinois 62764

December 16, 2011

Mr. Neil Olson
Deputy Director
Office of Executive Inspector General
607 East Adams, 14th Floor
Springfield, Illinois 62701-1634

Subject: OEIG Complaint # 10-00605

Dear Mr. Olson:

This letter is to inform you that IDOT has accepted Mr. Stout's resignation which is effective December 31, 2011.

If you have any questions, or if I can be of further assistance to you or your staff, please do not hesitate to contact me at 217-558-4617.

Respectfully,

Jeff Heck
Acting Director



Illinois Department of Transportation

Office of the Secretary
2300 South Dirksen Parkway / Springfield, Illinois / 62764
Telephone 217/782-5597

December 13, 2011

Mr. Michael R. Stout

Dear Mike:

Thank you for your letter of resignation dated December 12, 2011 effective December 31, 2011. This letter serves as acceptance of your resignation.

Sincerely,

Ann L. Schneider
Secretary

bcc: Sean O'Shea
Matt Hughes
Mike Woods