

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: ALVIN FORBES

)

OEIG Case # 10-01167

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 Alvin Forbes at his last known address.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission’s determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. Initial Allegations and Subsequent Allegations

The OEIG received a complaint alleging that Illinois Department of Human Rights (“DHR”) employee Alvin Forbes used State resources to engage in prohibited political activity. In particular, the complaint alleged that, on October 7, 2010, Mr. Forbes forwarded an email while on State time from his State account regarding the importance of voting in the upcoming

election.¹ During the course of the investigation, the OEIG also investigated whether Mr. Forbes used his State computer for personal purposes.

II. Background

Alvin Forbes is a Human Rights Investigator I for DHR and works from 8:30 a.m. to 5:30 p.m. at the DHR office located at 100 W. Randolph Street in Chicago, Illinois. Mr. Forbes is an American Federation of State, County and Municipal Employees (“AFSCME”) union member.

[Redacted names and identifying information of witnesses and/or non-State employees]

III. Investigation

A. Review of Alvin Forbes’ Email Records

OEIG investigators obtained and reviewed email messages from Mr. Forbes’s DHR email account from January 16, 2003 to October 25, 2010. Included in these records was an October 7, 2010 email that Mr. Forbes received from [a relative]. [The relative] was forwarding Mr. Forbes an email she had received that read:

Message to Voters: We must vote on November 2, like our lives depend on it, because it does. The Republican party (*sic*) has been hi-jacked by dangerous, radical hate mongers called the “Tea Party.” They are led by Glen (*sic*) Beck and Sara (*sic*) Palin who’s (*sic*) only goal is to take down President Obama and the government. In any third world country this would be called a “Coup de tat” (a sudden and decisive change of government illegally or by force). In America we fight “coups” at the ballot box. These people hate Blacks. They hate Latinos. They hate Muslims and have at times made many anti-Semitic statements. They hate Gays. They hate any moderate Republican who might be likely to cooperate with Obama.

Their rallying cry? We want to take back our country!! Take it back from whom? American soil is still wet with the blood of our ancestors who fought for our right to vote. And vote we must!

The polls say Republicans are going to win enough votes to take over the senate and congress because Democrats lack the enthusiasm to vote. We must get as many people to the polls now as we did to vote for Obama. We don’t need enthusiasm. We need to vote out of fear. Fear that these radicals could take this country back to Jim Crow and the hey-day of the Ku-Klux-Klan. Don’t think it could happen? Just stay home on election day and see what happens to this country.

¹ The election referenced herein refers to the November 2, 2010 elections.

Time is very short. Don't leave the voting to the other guy. VOTE! Vote for your state: Governor, and especially senator and congressman. Try to reach as many people as you can, like African drums across America.

Forward this E-mail to at least 15 people and please keep it going pretty much like a chain letter. We can't break the chain or we may find ourselves in chains once more!!

On October 7, 2010, at 11:07 a.m., Mr. Forbes forwarded [redacted's] email to 17 individuals. [Redacted] was one of the 17 individuals who received Forbes's email. After receiving the email, [redacted] replied, "Thank you very much, and I will be forwarding it."

B. Interview of Alvin Forbes

On March 11, 2011, OEIG investigators interviewed Alvin Forbes. Mr. Forbes advised investigators that [redacted] is his [relative]. During the interview, Mr. Forbes said that he completes the mandatory State's Ethics Training every year. Mr. Forbes denied engaging in any political activity on behalf of any candidate for political office.

The investigators provided Mr. Forbes with a copy his October 7, 2010 email. After reviewing the email, Mr. Forbes said he recalled receiving and forwarding the email on his State computer to seventeen individuals, nine of whom he said were State employees. One of the State employees he forwarded the email to was [redacted]. Mr. Forbes said that the content of the email "may be perceived as political in nature." Mr. Forbes stated he sent the email as an "FYI" but agreed that he expected the email to be forwarded. Mr. Forbes said he understood how the email could be perceived as prohibited political activity under the Ethics Act. Mr. Forbes further stated that his forwarding of the email was "unintentional" and that he exercised a poor lapse in judgment when he forwarded the email.

Mr. Forbes also told investigators that he used his State computer for personal purposes because he did not have a home computer. Mr. Forbes stated that he received newsletters from organizations such as Democracy for America and North Side Democrats on his State computer. Mr. Forbes told the investigator that he was aware that DHR's policy prohibits the personal use of State computers.

C. Investigative Activity Following Alvin Forbes's Interview

OEIG investigators obtained and reviewed Mr. Forbes's time record for October 2010. Mr. Forbes's time entry for October 7, 2010, indicates he worked the entire day. Mr. Forbes's time record does not reflect that he was on his lunch or that he used benefit time on October 7, 2010, at or around 11:07 a.m., the date and time when he forwarded the above-referenced email.

IV. Analysis

The State Officials and Employees Ethics Act ("Ethics Act") prohibits a State employee from misappropriating State property or resources by using them to engage in prohibited political

activity during compensated time. 5 ILCS 430/5-15(a). The Ethics Act defines “prohibited political activity” to include “preparing for, organizing, or participating in any ... political event” and “helping in an effort to get voters to the polls.” 5 ILCS 430/1-5. “Political” is defined by the Ethics Act as “any activity in support of or in connection with any campaign for elective office.” *Id.* The Ethics Act further defines “Compensated time” as “any time worked by or credited to a State employee that counts toward any minimum work time requirement ... but does not include any designated State holidays or any period when the employee is on a leave of absence.” *Id.*

The October 7, 2010 email Mr. Forbes received and subsequently forwarded to individuals to vote against “Republican and Tea Party” candidates, and referred to, among other things, Glenn Beck, Sarah Palin, and President Obama. This email was clearly political and was an effort to solicit votes on behalf of a particular political party as defined by the Ethics Act. During his OEIG interview, Mr. Forbes admitted he received and forwarded the email from his State computer. Accordingly, the allegation that Mr. Forbes engaged in prohibited political activity by using his State computer and email system on State time to circulate the October 7, 2010, solicitation to vote is **FOUNDED**.

In addition, DHR’s policy prohibits using State equipment and property “for any purpose other than Department business,” and that “State computers are only to be used for State business.” DHR Administrative Policy and Procedures Manual, Chapter IV - Section A, Use of State Equipment and Property. Mr. Forbes admitted that he used his State computer for personal purposes including receiving emails that are political in nature. Mr. Forbes informed the OEIG investigator that he was aware DHR policy did not permit personal use of the State computer. Therefore, the allegation that Mr. Forbes used his State computer for personal purposes is **FOUNDED**.

V. Recommendations

Following due investigation, the OEIG issues these findings:

- **FOUNDED** - Alvin Forbes engaged in prohibited political activity when he used his State computer to forward a political email.
- **FOUNDED** - Alvin Forbes misused State property for personal purposes in violation of the DHR’s computer use policy.

The OEIG recommends that Alvin Forbes be subject to discipline for engaging in prohibited political activity and for misusing State property for personal purposes.

Under the circumstances, the OEIG will not request the Illinois Attorney General file a complaint against Alvin Forbes with the Illinois Executive Ethics Commission.

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

ILLINOIS DEPARTMENT OF
 Human Rights

Pat Quinn, Governor
Rocco J. Claps, Director

CONFIDENTIAL

April 20, 2011

Sherry Bult
Office of the Executive Inspector General
32 W. Randolph Street, Ste. 1900
Chicago, Illinois 60601

Re: OEIG Case #: 10-01167

Dear Ms Bult:

Attached is the response from the Illinois Department of Human Rights concerning the above-referenced matter in compliance with OEIG the recommendations.

If you have any questions, I may be reached at (312) 814-6262.

Very truly yours,

Raymundo R. Luna
Chief Legal Counsel

Enclosure—as stated

cc: Rocco J. Claps, Director, IDHR



OFFICE OF EXECUTIVE INSPECTOR GENERAL

for the Agencies of the Illinois Governor

Ricardo Meza, Executive Inspector General www.inspectorgeneral.illinois.gov

OEIG RESPONSE FORM

Case Number: 10-01167

Due 20 Days after Receipt of Report

Please check the box that applies.



We have implemented all the OEIG recommendations:
(Provide details regarding action taken.)

Mr. Alvin Forbes, an employee of the Illinois Department of Human Rights, was issued an oral reprimand for engaging in prohibited political activity when he used his State computer to forward a political e-mail in violation of the Ethics Act and for misuse of State property for personal purposes in violation of IDHR's computer use policy.

In administering the discipline, the IDHR considered Mr. Forbes' disciplinary history and work performance. His personnel record shows that Mr. Forbes has no prior discipline and his work performance has been good.



We are implementing the OEIG recommendations. However, we seek to deviate as follows:
Provide details regarding action planned/taken and proposed alternative(s).)

We do not wish to implement any of the OEIG recommendations and seek to deviate as follows:
(Explain why and provide details of alternate plan.)

	Illinois Department of Human Rights Director
Signature <i>[Handwritten Signature]</i>	Print Agency and Job Title
Rocco J. Claps	<i>4/20/11</i>
Print Name	Date

Return to Sherry Bult, Office of Executive Inspector General, 32 W. Randolph St.,
Chicago, Illinois 60601