

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

IN RE: TRACY MIX ) OEIG Case #13-02003

OEIG FINAL REPORT (REDACTED)

Below is an amended final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (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 Commission received this report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, 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 Tracy Mix at his last known address.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

**FINAL REPORT**

**I. INTRODUCTION**

On September 18, 2013, the Office of Executive Inspector General received a complaint alleging that Illinois Department of Transportation (IDOT) employee Tracy Mix, who is a member of the Illinois Army National Guard (National Guard), submitted false military documents to IDOT to obtain leave from work. The OEIG finds that Mr. Mix did submit a document seeking military leave for a time period when he was not scheduled for military duty and also failed to cooperate with the OEIG during the course of this investigation.

**II. BACKGROUND – IDOT Highway Maintainer Tracy Mix and Military Leave**

Tracy Mix is an IDOT Highway Maintainer, Lead Worker, and also is a member of the National Guard. Mr. Mix participates in standard military duty, which includes a two-week long annual training and monthly military drills.

IDOT provides full-time employees military leaves of absence “for any period actively spent in such military service including basic training and special or advanced training, whether or not within the state, and whether or not voluntary.” Employees seeking military leave may submit leave request forms and supporting documentation. Certain types of military leave qualify for paid leave or a “pay differential.”<sup>1</sup> IDOT’s payroll department is responsible for determining an employee’s pay differential during military leave based on submitted documents.

### **III. INVESTIGATION**

#### **A. Tracy Mix Military Leave Submissions**

Tracy Mix submitted military leave documents, including various Memorandums for Record on “Department of the Army” letterhead.<sup>2</sup> The Memorandum for Record set forth dates of duty and, in some cases, describe the type of military duty to be performed, contain a signature block for [Sergeant 1], and also:

- refer to [Sergeant 1] as the point of contact; and
- provide a phone number for [Sergeant 1].

One Memorandum for Record, dated June 15, 2013, was unsigned, and listed the phone number (815) 993-XXXX as the contact number for [Sergeant 1]. Investigators discovered that the (815) 993-XXXX number was Mr. Mix’s personal cell number. The June 15, 2013 Memorandum for Record also indicated that Mr. Mix will be “performing AT Annual Training Recovery operations” from June 17 through June 21, 2013.

#### **B. OEIG Review Relative to the June 15, 2013 Memorandum for Record**

The OEIG undertook several steps to determine the validity of the June 15, 2013 Memorandum for Record. Investigators discovered that:

- on June 17, 2013, an IDOT supervisor called the number listed as [Sergeant 1’s] contact number, (815) 993-XXXX, which, as noted above, is Mr. Mix’s personal cell;
- a person answering (815) 993-XXXX identified himself as “[Sergeant 2]” and
- the IDOT supervisor who called to speak to [Sergeant 1] was told by “[Sergeant 2]” that [Sergeant 1] was on vacation.

Mr. Mix’s phone records reveal that his personal phone number, (815) 993-XXXX, received a call on Monday, June 17, 2013 at 9:00 a.m. from the IDOT supervisor’s desk phone number.

#### **C. Interviews of Illinois Army National Guard Sergeants**

Investigators interviewed National Guard [Sergeant 1] and [Sergeant 2], who oversaw or worked with Mr. Mix’s unit. They stated that, when requested, they each prepare Memorandums for Record to be provided to employers. In addition, [Sergeant 1] stated that when he was the point of contact for a Memorandum for Record he created, he would:

- include his desk number, which was (815) 750-XXXX;

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<sup>1</sup> Pay differential is the difference between an employee’s normal IDOT pay and employee military pay.

<sup>2</sup> Investigators identified possible discrepancies in IDOT’s determination of Mr. Mix’s pay.

- sign the Memorandum for Record; and
- provide it to a soldier in person or by emailing a signed, scanned copy.

[Sergeant 1] reviewed the June 15, 2013 Memorandum for Record Mr. Mix submitted to IDOT and said he *did not* prepare this Memorandum for Record and that “there was nothing ever officially scheduled” for the listed dates. Moreover, he stated that Mr. Mix would not have been asked to perform “Annual Training Recovery” on those dates.<sup>3</sup> [Sergeant 1] also said:

- the phone number listed did not belong to him or anyone in his office;
- he would not have listed Mr. Mix’s cell number as the contact number; and
- he did not give Mr. Mix permission to write the Memorandum for Record, list him as a point of contact, or list Mr. Mix’s personal number as the point of contact.

[Sergeant 2] also said he did not create the June 15, 2013 Memorandum for Record, did not speak to an IDOT supervisor on June 17, 2013, did not use or answer Mr. Mix’s cell phone, and did not give Mr. Mix permission to answer his own cell phone using [Sergeant 2’s] name, adding, “I don’t usually give people permission to impersonate me.”

#### **D. Interview of IDOT Employee Tracy Mix**

On May 15, 2014, the OEIG interviewed Mr. Tracy Mix who said he informs his IDOT supervisor of his military obligations as soon as he receives notice from the National Guard. Mr. Mix also stated that when he needs to submit a Memorandum for Record to IDOT, [Sergeant 1] provides it to him and with respect to the June 15, 2013 Memorandum for Record, Mr. Mix said he could not recall it, referring to it as “a strange one.” He also:

- denied writing it, stating [Sergeant 1] would have given it to him; and
- said he did not know why [Sergeant 1] would have listed Mr. Mix’s personal phone number in the Memorandum for Record.

Mr. Mix, however, also told investigators that it would be normal for his own phone number to be listed so that IDOT would be able to reach him when he is on the field during military duty. Nevertheless, he denied answering the phone on June 17, 2013 when the IDOT supervisor called his cell phone number, and denied representing himself as “[Sergeant 2]” that day.

#### **IV. ANALYSIS**

The OEIG confirmed with [Sergeant 1] and [Sergeant 2] that they did not prepare the June 15, 2013 Memorandum for Record. In support of this conclusion, they both explained that [Sergeant 1] would have signed it and would *not* have listed Mr. Mix’s cell phone for the point of contact. [Sergeant 1] also stated that “there was nothing ever officially scheduled” for the time period reflected in the June 15, 2013 Memorandum for Record.

The OEIG finds that Mr. Mix prepared and submitted the June 15, 2013 Memorandum for Record in an effort to obtain a military leave of absence. This conduct is a violation of Mr. Mix’s obligations to conduct himself “to the highest possible ethical standards,” to act “with honesty and integrity” in the performance of his duties, and “to report accurately and truthfully

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<sup>3</sup> In fact, the Annual Schedule lists recovery operations as taking place the following month, on July 13-14, 2013.

all information.”<sup>4</sup> Therefore, the allegation that Mr. Mix submitted a false June 15, 2013 Memorandum for Record to IDOT is **FOUNDED**.

The State Officials and Employees Ethics Act requires state employees to cooperate with investigations. The OEIG concludes that Mr. Mix was untruthful in his interviews with investigators. Mr. Mix denied creating the June 15, 2013 Memorandum for Record without permission from [Sergeant 1], and denied answering his cell phone on June 17, 2013 and telling an IDOT supervisor he was [Sergeant 2]. Thus, the OEIG finds that the allegation that Mr. Mix violated the State Officials and Employees Ethics Act is **FOUNDED**.

## V. CONCLUSION

The OEIG issues the following findings and recommendations:

- **FOUNDED** – Tracy Mix created and falsified a June 15, 2013 military document.
- **FOUNDED** – Tracy Mix failed to cooperate in violation of the Ethics Act.

The OEIG recommends that IDOT discipline Mr. Mix and further recommends IDOT take whatever other action it deems necessary to determine whether Mr. Mix was properly paid for military leave.

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

**Date:** March 30, 2015

**Office of Executive Inspector General for  
the Agencies of the Illinois Governor**  
69 W. Washington Street, Ste. 3400  
Chicago, IL 60602

**Spiridoula Mavrothalasitis**  
Assistant Inspector General

**Edward J. Doyle #159**  
Investigator

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<sup>4</sup> IDOT Personnel Policies Manual, Section 10.



# Illinois Department of Transportation

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

May 22, 2015

Ms. Fallon Opperman  
Deputy Inspector General  
Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

Subject: OEIG Complaint # 13-02003

Dear Ms. Opperman:

This letter is in response to your April 1, 2015 letter regarding case number 13-02003 in which you requested that we report to your office the actions taken as a result of your recommendations.

On May 18, 2015, a Pre-disciplinary meeting was held and Tracy Mix's union representation was informed that Mr. Mix is being charged with Violation of the Ethics Act, Failure to Cooperate in an Investigation, and Truth in Reporting. Mr. Mix is to provide a written rebuttal to the charges by the close of business Tuesday, May 26, 2015. After it is received, it will be reviewed and a determination will be made as to whether or not discipline will be imposed. We will notify your office after that determination is made.

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,

A handwritten signature in black ink, appearing to read "Jeff Heck".

Jeff Heck  
Director



**Office of Executive Inspector General**  
**for the Agencies of the Illinois Governor**

www.inspectorgeneral.illinois.gov

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY  
RESPONSE FORM**

Case Number: 13-02003

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

We will implement some or all of the OEIG recommendations but will require additional time to do so.

We will report to OEIG within 30 days from the original return date.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

[Handwritten Signature]  
Signature

IDOT - Director OQCR  
Print Agency and Job Title

Jeff Heck  
Print Name

4/22/15  
Date



# Illinois Department of Transportation

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

June 26, 2015

Ms. Fallon Opperman  
Deputy Inspector General  
Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

Subject: OEIG Complaint # 13-02003

Dear Ms. Opperman:

This letter is in response to your April 1, 2015 letter regarding case number 13-02003 in which you requested that we report to your office the actions taken as a result of your recommendations.

Effective June 17, 2015, Tracy Mix was suspended up to thirty days pending decision to discharge for violations of the Ethics Act, failure to cooperate in an investigation, and truth in reporting.

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- .

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeff Heck'.

Jeff Heck  
Director



# Illinois Department of Transportation

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

July 8, 2015

Ms. Fallon Opperman  
Deputy Inspector General  
Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

Subject: OEIG Complaint # 13-02003

Dear Ms. Opperman:

This letter is in response to your April 1, 2015 letter regarding case number 13-02003 in which you requested that we report to your office the actions taken as a result of your recommendations.

Our office has been advised that Mr. Mix has been discharged from IDOT effective July 10, 2015.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeff Heck'.

Jeff Heck  
Director



# Illinois Department of Transportation

Office of Finance and Administration / Bureau of Investigations and Compliance  
2300 South Dirksen Parkway / Springfield, Illinois 62764

CONFIDENTIAL

August 31, 2016

Ms. Margaret A. Hickey  
Executive Inspector General  
Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

Re: OEIG Case No. 13-02003

Dear Ms. Hickey:

This letter is in regards to case number 13-02003. In a letter dated July 8, 2015, IDOT informed your office that Mr. Tracy Mix had been discharged. However, as a result of the grievance process available to Mr. Mix his termination was reduced to a two day suspension.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Bruce Harmening".

Bruce Harmening  
Bureau Chief