

PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES UNDER THE GOVERNOR
INVESTIGATIVE REPORT

Case # 21-00329

Subject(s): Richard Gebhardt

Below is the redacted version of an investigative summary report issued by the Executive Inspector General for the Agencies of the Illinois Governor. Pursuant to section 20-50 of the State Officials and Employees Ethics Act (Act) (5 ILCS 430/20-50), a summary report of an investigation is required to be issued by an executive inspector general when, and only when, at the conclusion of investigation, the executive inspector general determines reasonable cause exists to believe a violation has occurred. If a complaint is not to be filed with the Commission for adjudication of the alleged violation, the Act further requires the executive inspector general to deliver to the Executive Ethics Commission (Commission) a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report of the investigation and of the response from the ultimate jurisdictional authority or agency head regarding the summary report. 5 ILCS 430/20-50(c-5). The Act requires that some summary reports be made available to the public and authorizes the Commission to make others available. 5 ILCS 430/20-52. Before making them available, however, the Commission is to redact from them information that may reveal the identity of witnesses, complainants, or informants and may redact “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

Some summary reports delivered to the Commission may contain a mix of information relating to allegations with respect to which the executive inspector general did and did not determine reasonable cause existed to believe a violation occurred. In those situations, the Commission may redact information relating to those allegations with respect to which the existence of reasonable cause was not determined.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission has redacted certain information contained in this report and identified where said redactions have taken place and inserted clarifying edits as marked. Publication of a summary report of an investigation, whether redacted or not, is made with the understanding that the subject or subjects of the investigation may not have had the

opportunity to rebut the report’s factual allegations or legal conclusions before issuance of the report. Moreover, there has not been, nor will there be, an opportunity for the subject to contest or adjudicate them before the Commission. The subject merely has the opportunity to submit a response for publication with the report.

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Agencies of the Illinois Governor Office of Executive Inspector General (“OEIG”). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG’s final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Illinois Governor, and each subject.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52. By publishing the below redacted summary report, the Commission neither makes nor adopts any determination of fact or conclusions of law for or against any individual or entity referenced therein.

– THE REDACTED VERSION OF THE EIG’S SUMMARY REPORT
BEGINS ON THE NEXT PAGE –

I. BACKGROUND AND INTRODUCTION

The Illinois School for the Visually Impaired (ISVI) is a residential and day school for blind or visually impaired students that is operated by the Illinois Department of Human Services (DHS).¹ On February 25, 2021, the Office of Executive Inspector General (OEIG) received an anonymous complaint alleging that ISVI Chief Stationary Engineer Richard Gebhardt falsely stated on his employment application that he was a high school graduate.²

II. INVESTIGATION

Records reflect that since 2013, Mr. Gebhardt has received two emergency appointments as a Maintenance Equipment Operator at ISVI, subsequently held the position of Stationary Engineer, and currently holds the position of Chief Stationary Engineer.

Employment applications maintained in DHS's records include applications in Mr. Gebhardt's name dated August 27 and October 27, 2013, to be hired via emergency appointments as a Maintenance Equipment Operator. The position description for that position reflects that it required "knowledge, skill and mental development equivalent to completion of high school." On both applications, in response to the question, "High School Graduate?" the "Yes" box was marked with a handwritten "X."³ In response to a question asking for the number of years completed, on the August 27, 2013 application a preprinted "4" box was marked with a handwritten "X," and on the October 27, 2013 application a "4" was handwritten. Mr. Gebhardt started in those positions in August and November 2013, respectively.

DHS's records also include an application in Mr. Gebhardt's name dated March 12, 2015, for a Stationary Engineer position. That position, which performs duties such as preventative maintenance and repairs, required "knowledge, skill and mental development equivalent to completion of eight years elementary school." On that application, in response to the question, "High School Graduate?" the "Yes" box was marked with a handwritten "X," and in response to the question, "Number of Years Completed," a "12" was handwritten. He started in that position in May 2015.

In addition, DHS's records include an application in Mr. Gebhardt's name dated June 25, 2017, for the Chief Stationary Engineer position. That position, which performs duties such as administrative work, conducting facility tours, and overseeing projects, required "knowledge, skill and mental development equivalent to completion of high school." On the application, in response to the question, "High School Graduate?" the "Yes" box was marked with a handwritten "X," and in response to the question, "Number of Years Completed," a "12" was handwritten. He started in that position in September 2017, and is currently in that position.

Additionally, each application included the following certification language with signatures in Mr. Gebhardt's name:

¹ www.dhs.state.il.us/page.aspx?item=87728 (last visited November 22, 2021).

² [The Commission has exercised its discretion to redact this footnote pursuant to 5 ILCS 430/20-52.]

³ These applications, as well as the other applications discussed in this report, were standard CMS100 application forms, with standard questions.

I certify that all the information on this application is true and accurate and understand that misrepresentation of any material fact may be grounds for ineligibility or termination of employment.

On November 10 and December 6, 2021, the OEIG interviewed ISVI Chief Stationary Engineer Richard Gebhardt. Mr. Gebhardt said he completed 10th or 11th grade but did not graduate from high school or pass a General Educational Development (GED) test.⁴

Although he stated in his initial interview that he has never falsified any employment applications related to his DHS employment or falsely reported his educational level, when shown the employment applications dated October 27, 2013, March 12, 2015, and June 25, 2017, he confirmed that they were his applications and that the signature and handwriting were his. For the October 27, 2013 application he said he did not recall checking the “Yes” box and if he did it was a mistake, no one else would have filled out the application for him, and at the time he filled out the application he was in the process of taking GED classes but he did not complete them. For the March 12, 2015 application he said he may have made a mistake when filling it out because he was in the process of taking GED classes at that time. For the June 25, 2017 application he said he did not know why he would have misrepresented his education level because he was aware that the positions he held did not require a high school diploma.

III. ANALYSIS

DHS policy and the Illinois Administrative Code provide that any current or prospective DHS employee who knowingly provides false information shall be subject to disciplinary action, including discharge.⁵ Additionally, the State of Illinois Code of Personal Conduct (State Code of Conduct) provides that a State employee may not make any materially false statement or knowing misrepresentation on an application for State employment or other document pertaining to qualifications or any other official record.⁶

Mr. Gebhardt submitted at least three employment applications where he stated he graduated high school and indicated a false number of years completed even though he had not completed that many years of high school, or graduated from high school. Furthermore, Mr. Gebhardt certified with his signatures that this false information was true and accurate. Mr. Gebhardt admitted to the OEIG that these were his applications, and that he did not graduate from high school. Based on the foregoing, the allegation that Mr. Gebhardt knowingly provided false information on his State employment applications, in violation of DHS policy, the Illinois Administrative Code, and the State Code of Conduct, is [REDACTED].⁷

⁴ The OEIG sent a subpoena to Mr. Gebhardt’s former school district for a copy of his high school diploma but they responded that they were unable to find any responsive records, adding that all of the records relating to Mr. Gebhardt’s class were lost during a school move.

⁵ DHS Administrative Directive 01.02.03.060 (effective May 10, 1999), 20 Ill. Adm. Code 120.95.

⁶ State Code of Conduct, Version 2 (effective July 1, 2016).

⁷ The OEIG concludes that an allegation is “[REDACTED]” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

IV. [REDACTED] AND RECOMMENDATION

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING [REDACTED]**:

- **[REDACTED]** – Mr. Gebhardt knowingly provided false information and made knowing misrepresentations on State employment documents, in violation of DHS policy, the Illinois Administrative Code, and the State Code of Conduct.

While Mr. Gebhardt did not need a high school degree to be qualified for the positions discussed above, he made false statements on multiple employment applications and certified that they were true and accurate. The OEIG recommends that DHS take whatever action it deems appropriate.

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

Date: March 21, 2022

Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 East Adams, 14th Floor
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By: **Jamiela Kassem**
Senior Inspector General #148

Ashley Noblet
Investigator #163



JB Pritzker, Governor

Illinois Department of Human Services

Grace B. Hou, Secretary

Office of the General Counsel

69 West Washington • 9th Floor • Chicago, Illinois 60602

April 11, 2022

Via e-mail to Senior Paralegal [REDACTED] (via email at [REDACTED]@illinois.gov), on behalf of:

Susan M. Haling

Executive Inspector General

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

69 West Washington Street, Suite 3400

Chicago, Illinois 60602

RE: Response to the Final Report for Complaint 21-00329

Dear Executive Inspector General Haling:

This letter responds to the Final Report for Complaint Number 21-00329, attached. It includes one [REDACTED] allegation and makes one recommendation. The Department of Human Services (DHS) is reviewing the Report. Your office will receive an update regarding this matter within one month. If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

/s/ Grace B. Hou by /s/ Robert J. Grindle

Grace B. Hou
Secretary



JB Pritzker, Governor

Illinois Department of Human Services

Grace B. Hou, Secretary

Office of the General Counsel

69 West Washington • 9th Floor • Chicago, Illinois 60602

February 6, 2023

Via e-mail to Senior Paralegal [REDACTED] (via email at [REDACTED]@illinois.gov), on behalf of:

Susan M. Haling

Executive Inspector General

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

69 West Washington Street, Suite 3400

Chicago, Illinois 60602

RE: Updated Response to the Final Report for Complaint 21-00329

Dear Executive Inspector General Haling:

This letter updates the previous response to the Final Report for Complaint Number 21-00329. The Department of Human Services (DHS) terminated the employment of Mr. Gebhardt. He challenged the discharge before the Civil Service Commission (CSC). The CSC has found in favor of the Department and the discharge stands. All time for appeals has elapsed.

With the discharge standing and all time for appeals elapsed, DHS considers this matter closed. If you have any questions, please feel free to contact Robert J. Grindle, DHS' Ethics Officer.

Regards,

/s/ Grace B. Hou by /s/ Robert J. Grindle

Grace B. Hou
Secretary