

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

IN RE: ILLINOIS DEPARTMENT OF FINANCIAL ) OEIG Case #17-00141  
and PROFESSIONAL REGULATION and )  
AMY WOODRUM )

OEIG FINAL REPORT (REDACTED)

Below is a 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, the Illinois Department of Financial and Professional Regulation, and to Amy Woodrum at her last known address.

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

**FINAL REPORT**

**I. ALLEGATIONS**

On February 3, 2017, the Office of Executive Inspector General (OEIG) received a complaint alleging that Illinois Department of Financial and Professional Regulation (IDFPR) Health Services Investigator I Tashika Miner had a conviction for participating in a drug conspiracy which included the fact that she provided confidential information to the Mickey Cobras gang while she was employed as a police officer with the Chicago Police Department (CPD).<sup>1</sup> According to the complaint, as part of her current job, Ms. Miner may have access to confidential information from Blue Cross/Blue Shield of Illinois.

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<sup>1</sup> At the time of her IDFPR hire, Ms. Miner’s surname was Sledge, but it has since changed to Miner. She will be referred to throughout this report by her current surname.

## II. BACKGROUND

### A. Tashika Miner

Ms. Miner interviewed for a Health Services Investigator I position at IDFPR, in the Division of Professional Regulation, on October 6, 2016, and she began employment in that position on November 16, 2016. During the OEIG investigation, Ms. Miner worked out of the IDFPR office in the Medical Investigations Unit in Des Plaines, Illinois. Prior to working for IDFPR, Ms. Miner worked as a Caseworker with the Department of Human Services. From 2001 to 2006, Ms. Miner was employed as a police officer with the CPD.

### B. IDFPR Division of Professional Regulation

The mission of the IDFPR Division of Professional Regulation is “to serve, safeguard, and promote the health, safety, and welfare of the public by ensuring the licensure qualifications and standards for professional practice are properly evaluated, applied, and enforced.”<sup>2</sup> The Division of Professional Regulation regulates a variety of health care and occupational professionals, including physicians, nurses, physical therapists, dentists, and others.<sup>3</sup>

The Illinois Medical Practice Act<sup>4</sup> sets forth the laws by which physicians are governed and identifies types of violations for which they may be charged and disciplined.<sup>5</sup> These violations include unprofessional or immoral conduct, substance abuse, and violating patient confidentiality, among others.<sup>6</sup> The Medical Investigations Unit of the Division of Professional Regulation may open an investigation of a medical licensee who is alleged to have committed a violation. If there is sufficient evidence to indicate that a violation has occurred, the matter may then be referred to the Prosecutions Unit and result in disciplinary action.<sup>7</sup>

### C. Administrative Order No. 1 (2013) “Directive to State Agencies to ‘Ban the Box’ for State Hiring”

In October 2013, the Office of the Governor issued an Administrative Order aimed at preventing State agencies from considering a job applicant’s criminal history before evaluating the applicant’s knowledge, skills, and abilities. The Administrative Order had the effect of removing questions about an applicant’s criminal history from applications for positions subject to the Personnel Code. Nevertheless, the Administrative Order still required that an applicant complete an Authorization for Release of Criminal History Information form authorizing the employing State agency to obtain information about the applicant’s criminal history, and it permitted the employing State agency to require an applicant to complete a Self-Disclosure of Criminal History

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<sup>2</sup> See <https://www.idfpr.com/DPR.asp> (last visited August 31, 2017).

<sup>3</sup> *Id.*

<sup>4</sup> 225 ILCS 60/1 *et seq.*

<sup>5</sup> See IDFPR Brochure, “How the Division [of Professional Regulation] Responds to a Request For an Investigation of a Physician” (2017) available at <https://www.idfpr.com/Forms/Brochures/HowTheDivRespondsToARequestForAnInvOfAPhysician.pdf>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

form, which could be used after the applicant was deemed eligible for the position.<sup>8</sup> The Administrative Order stated, in relevant part, that applicants shall be advised that the State would not base an employment decision on an applicant's criminal history, unless "the applicant has been convicted of an infraction that is reasonably related to the position sought . . . ."

The Administrative Order requires that if criminal history background checks are conducted, then the Illinois State Police (ISP) statutory and administrative procedures for conducting Uniform Conviction Information Act (UCIA)<sup>9</sup> checks shall be followed by State agencies. Under the Administrative Order, an agency may only research an applicant's criminal history after the applicant has been deemed eligible and is being considered for a specific position. Moreover, the Administrative Order states that if an applicant voluntarily discloses prior criminal history during an interview, then he or she should be advised that such information will be considered, as appropriate, at a separate point in the process.

Pursuant to the Administrative Order, each agency is required to "establish a documented review process for the evaluation of a candidate's criminal history." This review process shall only exclude a candidate based on his or her criminal history where it is determined that such exclusion is job-related and consistent with business necessity, including consideration of at least the following factors:

- The nature and gravity of the offense;
- The time that has elapsed since the conviction and/or completion of sentence; and
- The nature of the job being sought.

### **III. INVESTIGATION**

As part of the investigation into Ms. Miner's hire as an IDFPR investigator, OEIG investigators obtained and reviewed various documents and conducted several interviews of IDFPR employees. A summary of the investigation follows.

#### **A. Health Services Investigator I Position Description**

OEIG investigators obtained and reviewed the Health Services Investigator I position description, which was associated with the position that Ms. Miner was hired into at IDFPR. According to the Health Services Investigator I position description, a person holding this position "performs intensive, complex, controversial or sensitive administrative and regulatory investigations of medical registrants." In addition, the position "[s]erves as liaison cooperating and providing investigative assistance to other State, local and federal agencies investigating complaints against health services practitioners."

Some of the position's essential functions include:

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<sup>8</sup> The Administrative Order also allows an employing agency to obtain an Authorization for Release of Criminal History and a Self-Disclosure of Criminal History form from current State employees moving to a different State position.

<sup>9</sup> The UCIA sets forth the policies and procedures for gaining access to and disseminating criminal information maintained by ISP. See 20 ILCS 2635/1 *et seq.*

- Conducting complex, sensitive overt and covert investigations/inspections of medical practitioners including but not limited to physicians, chiropractors, physician's assistants, and others;
- Examining medical patient files and interrogating witnesses;
- Executing and serving administrative inspection notices, warrants, subpoenas and summonses;
- Providing testimony in courts of law, and regulatory/administrative hearings;
- Serving as Departmental representative and liaison with defense counsel, State's Attorney, Attorney General, and regulatory attorneys;
- Serving as liaison cooperating and providing investigative assistance to other State, local and federal agencies investigating complaints against health services practitioners; and
- Determining the degree of sensitivity of investigation and proceeding accordingly.

## **B. Plea Agreement Entered by Ms. Miner and Disposition**

OEIG investigators obtained and reviewed a plea agreement that was filed in the United States District Court of the Northern Division of Illinois on November 15, 2007. The plea agreement was signed by Ms. Miner, her attorney, and representatives of the United States Attorney's Office. According to the plea agreement, Ms. Miner pled guilty to "conspiracy to possess with intent to distribute and to distribute controlled substances, namely one kilogram or more of heroin, 400 grams or more of fentanyl, and 50 grams or more of cocaine base in the form of crack cocaine."<sup>10</sup>

The factual basis for the plea agreement revealed that in 2005, while employed as a CPD police officer, Ms. Miner began a personal relationship with a member of the Mickey Cobras street gang, Lynn Barksdale, who dealt narcotics in Chicago housing projects and other locations. In early 2006, on several occasions, Ms. Miner used her position as a CPD police officer to access confidential information from CPD databases and other law enforcement databases such as National Crime Information Center (NCIC)/Law Enforcement Agencies Data System (LEADS).<sup>11</sup> Ms. Miner provided Mr. Barksdale with information obtained from these databases, including criminal history reports on members of the Mickey Cobras Gang, and information on vehicles that Mr. Barksdale believed were surveilling him, which included covert CPD and Drug Enforcement Agency (DEA) vehicles. Ms. Miner also assisted Mr. Barksdale with locating the site of a narcotics delivery and with hiding narcotics paraphernalia so that it would not be found by law enforcement officers.

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<sup>10</sup> A violation of 21 U.S.C. § 846.

<sup>11</sup> NCIC is an electronic clearinghouse of crime data that can be tapped into by a criminal justice agency for the purpose of apprehending fugitives, locating missing persons, recovering stolen property, and identifying terrorists. See <https://www.fbi.gov/services/cjis/ncic> (last visited August 25, 2017). LEADS is a statewide, computerized telecommunications system designed to provide criminal justice agencies with access to criminal justice-related information from various sources, including NCIC. See Illinois LEADS Reference Manual (February 5, 2010).

Ms. Miner acknowledged that she understood and voluntarily accepted the terms and conditions of the plea agreement. As a result of her guilty plea, Ms. Miner was sentenced to a ten-month term of imprisonment, followed by a three-year term of supervised release.

### **C. Hiring Documents for Tashika Miner**

OEIG investigators obtained and reviewed various hiring documents related to Ms. Miner's IDFPR hire, including *Rutan* hiring documents, a "Request for Release of Information" form, an email from Ms. Miner to Human Resources Specialist Amy Woodrum, an ISP Bureau of Identification Report, and a Self-Disclosure of Criminal History form.

#### **1. Rutan Hiring Documents**

On October 6, 2016, Ms. Miner sat for a *Rutan* interview with Human Resources Specialist Amy Woodrum and [IDFPR Employee 1].<sup>12</sup> Ms. Miner's interview was scored by Ms. Woodrum and [IDFPR Employee 1] on that same date, as indicated on the relevant Candidate Evaluation form. On that same date, Ms. Miner signed a "Request for Release of Information" form, which authorized IDFPR to obtain and release any information relative to any criminal history for the purpose of determining Ms. Miner's suitability for employment. In addition, Ms. Miner indicated in the relevant section of the form that she had pled guilty to an offense other than a minor traffic violation. The form stated that if the applicant had pled guilty to such an offense then a detailed statement needed to be provided explaining the date, offense, city, and state for each occurrence.

#### **2. Email From Ms. Miner to Human Resources Specialist Amy Woodrum on October 6, 2016**

On October 6, 2016, the same date as her *Rutan* interview, Ms. Miner sent an email to Human Resources Specialist Amy Woodrum with the subject line, "Sledge Additional Information." In the body of the email, Ms. Miner wrote, "See attached." Attached to the email was a document titled, "Conviction Information," which stated:

Tashika Sledge

Conviction Information:

2007, Conspiracy, Chicago, IL

Pled Guilty

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<sup>12</sup> One other candidate interviewed for the Health Services Investigator I position on October 6, 2016.

### **3. ISP Bureau of Identification Report**

On October 7, 2016, the day after her *Rutan* interview, IDFPR obtained a criminal history report through the ISP Bureau of Identification,<sup>13</sup> which contained the results of a UCIA criminal background check run on Ms. Miner. The report stated, “A search of the files of this Bureau made pursuant to the UCIA name based inquiry submitted by your agency, failed to reveal any criminal conviction record for the subject in question.”

### **4. Employment Decision Form**

An “Employment Decision Form,” dated October 31, 2016, indicates that Ms. Miner was the selected candidate for the Health Services Investigator I position because she had knowledge and investigatory experience while working as a CPD police officer from 2001 to 2007, among other reasons.

### **5. Self-Disclosure of Criminal History**

Ms. Miner signed a Self-Disclosure of Criminal History form on November 16, 2016, which was the date she began working at IDFPR. The form was also signed by IDFPR Chief of Staff Brandon Purcell. On that form, Ms. Miner indicated that she had been convicted of a criminal offense other than a minor traffic offense. Instructions on the form directed the applicant to provide a detailed statement for each occurrence. In the space provided, Ms. Miner wrote, “2007, conspiracy.”<sup>14</sup>

#### **D. Interview of [ISP Employee]**

OEIG investigators interviewed [ISP Employee] about criminal background checks conducted by the ISP Bureau of Identification. [ISP Employee] said that if IDFPR requests criminal background checks for employment purposes through the ISP Bureau of Identification, then it would go through the UCIA process, which only reveals State convictions. [ISP Employee] stated that UCIA inquiries do not show federal or out-of-state convictions.

[ISP Employee] stated that to obtain a criminal background check of federal records, an agency would need to provide a job applicant’s fingerprints. [ISP Employee] noted that, with limited exceptions, the Federal Bureau of Investigations only accepts fingerprints obtained by a

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<sup>13</sup> The ISP Bureau of Identification promotes public safety by collecting, maintaining, and providing, timely, accurate, and complete criminal history information to the entire Illinois community. See [http://www.isp.state.il.us/aboutisp/deptorg\\_doa.cfm](http://www.isp.state.il.us/aboutisp/deptorg_doa.cfm) (last visited September 6, 2017).

<sup>14</sup> OEIG investigators also asked DHS for any criminal history documentation related to Ms. Miner. In response, a DHS representative wrote, “Because [Ms. Miner] was not direct care, a background check would not have been done. They probably did a ‘Administrative Review’ of the candidate and determined there was no nexus between the job and the self-disclosed conviction. There is probably some paperwork on that, but it is in a storage warehouse.” No such documents were subsequently located.

LiveScan machine.<sup>15</sup> [ISP Employee] said that in addition to fees that the ISP Bureau of Identification charges, an agency that wanted federal criminal information would also have to pay a fee to the FBI and to the LiveScan vendor.

[ISP Employee] reviewed the ISP Bureau of Identification report containing the results of a UCIA inquiry run on Ms. Miner. [ISP Employee] confirmed that the report would only reveal records of State convictions for Ms. Miner, if they existed.

#### **E. Interview of [IDFPR Employee 1]**

OEIG investigators interviewed [IDFPR Employee 1] who is Ms. Miner's direct supervisor. [IDFPR Employee 1] said that she sat in on Ms. Miner's *Rutan* interview along with Ms. Woodrum. [IDFPR Employee 1] stated that she noticed Ms. Miner had indicated that she had a criminal history on the Request for Release of Information form, signed on October 6, 2016, so she conducted an internet search and found a news article about Ms. Miner's criminal activity while employed as a CPD officer. [IDFPR Employee 1] said she discussed the matter with [IDFPR Employee 2] in approximately mid-October 2016, but she did not discuss it with Ms. Woodrum. When shown a copy of Ms. Miner's plea agreement, [IDFPR Employee 1] remarked that she had never seen it before.

#### **F. Interview of [IDFPR Employee 2]**

On March 1, 2017, OEIG investigators interviewed [IDFPR Employee 2] who is responsible for overseeing the operations of investigations conducted by IDFPR's various investigative units, including the Medical Investigations Unit. [IDFPR Employee 2] confirmed that Ms. Miner worked in the Medical Investigations Unit.

According to [IDFPR Employee 2], as an investigator, Ms. Miner is responsible for conducting sensitive investigations that may involve doctors and drugs, and she has access to confidential tools. Investigators in the Medical Unit sometimes work with law enforcement, Blue Cross/Blue Shield of Illinois, and the DEA. [IDFPR Employee 2] stated that investigators have access to NCIC/LEADS by submitting requests through LEADS-certified employees located in Springfield, Illinois. [IDFPR Employee 2] said that IDFPR investigators may submit requests for LexisNexis searches to two employees, one of whom is located in the Des Plaines office where Ms. Miner works.

[IDFPR Employee 2] said that he learned that Ms. Miner was joining IDFPR on November 1, 2016, and at some point prior to Ms. Miner's start date (November 16, 2016), he learned from [IDFPR Employee 1] that Ms. Miner may have a criminal conviction. After some internet research, [IDFPR Employee 2] learned that Ms. Miner lost her CPD job as a result of an investigation that she was involved in. [IDFPR Employee 2] said that he then spoke to his supervisor, Deputy Director of Statewide Enforcement for the Division of Public Regulation Susan Gold, about this information regarding Ms. Miner. According to [IDFPR Employee 2], Ms. Gold

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<sup>15</sup> LiveScan is an inkless electronic system designed to capture an individual's fingerprint images and demographic data in a digitized format that can be transmitted to a law enforcement agency, including the FBI, for processing. See <http://www.isp.state.il.us/crimhistory/livescan.cfm> (last visited September 6, 2017).

told him that there was no problem with Ms. Miner's employment because she passed a criminal background check conducted by ISP.

OEIG investigators showed [IDFPR Employee 2] Ms. Miner's plea agreement, which he had not previously seen. Upon reviewing it, [IDFPR Employee 2] expressed concerns of employing a person who had previously divulged such confidential information, because of the access to the confidential information that Ms. Miner has in her current investigative position.

#### **G. Interview of Deputy Director of Statewide Enforcement for the Division of Professional Regulation Susan Gold**

On March 6, 2017, OEIG investigators interviewed Ms. Gold who oversees the investigations and prosecutions of licensees of the Division of Professional Regulation and who supervises the chief prosecutors, chief of investigations, and the chief of enforcement administration. Ms. Gold stated that she could not recall if [IDFPR Employee 2] contacted her about Ms. Miner's criminal history prior to her start date, but at some point she learned of Ms. Miner's criminal history from [IDFPR Employee 1]. Ms. Gold said that she then contacted the Human Resources office and was informed that Ms. Miner had passed an ISP criminal background check. Ms. Gold noted that IDFPR requires all new employees to complete a criminal background check.

According to Ms. Gold, after Ms. Miner began working at IDFPR (November 16, 2016), she reviewed Ms. Miner's plea agreement as well as other documents related to her guilty plea. Ms. Gold said that she discussed the information she learned from these sources with her supervisor, Director of the Division of Professional Regulation Jessica Baer, but she could not remember what Ms. Baer said about the matter or when this conversation occurred.

Ms. Gold said that she was familiar with the position description for the Health Services Investigator I and that the position could be considered "quasi-law enforcement." According to Ms. Gold, investigators in this position may investigate complaints pertaining to unlicensed practices, patient care, and violations of the Medical Act, among others. Ms. Gold stated that she did not know if the position had access to LEADS/NCIC or any other law enforcement databases. Nevertheless, Ms. Gold thought that Ms. Miner's criminal conduct was not reasonably related to the Health Services Investigator I job description because Ms. Miner would not have access to law enforcement databases that can trace license plates. When OEIG investigators asked Ms. Gold if Ms. Miner would have obtained the position if information about her guilty plea had been known by IDFPR prior to her start date, Ms. Gold replied that based on everything she had seen *since* Ms. Miner's IDFPR start date, she should have been hired.

#### **H. Interview of IDFPR Chief of Staff Brandon Purcell**

OEIG investigators interviewed IDFPR Chief of Staff Brandon Purcell who is responsible for all employee hiring at IDFPR, including hiring approval. Mr. Purcell said that he reports directly to IDFPR Secretary Bryan Schneider and he supervises Human Resources employees, including Human Resources Specialist Amy Woodrum.



According to Mr. Purcell, Health Services Investigators have access to confidential information through IDFPR's licensing and enforcement database system. Mr. Purcell stated that this database system has personal identifiable information of licensees, including their names, addresses, social security numbers, and telephone numbers. Mr. Purcell said that he did not know if Health Services Investigators had access to patient medical files, but acknowledged that "logic" would suggest that they do.

Mr. Purcell stated that IDFPR conducts criminal background checks on new hires to ensure that IDFPR has done its due diligence, and that it has accurate and complete information on an applicant. Mr. Purcell noted that he would speak to the supervisor for the position and the Director of the Division if he learned that an applicant had a criminal history.

### **1. Email from Ms. Miner to Ms. Woodrum on October 6, 2016**

Mr. Purcell reviewed the email and attachment that Ms. Miner sent to Ms. Woodrum on October 6, 2016, which provided some details on Ms. Miner's guilty plea. Mr. Purcell denied having seen the email or its attachment and said that he could not recall if Ms. Woodrum discussed the email or its attachment with him. When asked if Ms. Woodrum should have discussed the contents of the email with him, Mr. Purcell replied, "No," because he was not involved in the hiring process and the position was *Rutan*-covered. When asked if Ms. Woodrum should have discussed the contents of the email with him after Ms. Miner was selected for hire, Mr. Purcell replied that the only time a conviction is discussed is after the ISP criminal history report is returned to IDFPR. Mr. Purcell said that Ms. Woodrum will discuss criminal convictions with him if they show up on the ISP criminal history report.

OEIG investigators asked Mr. Purcell if Ms. Woodrum should have discussed Ms. Miner's criminal history with anyone and he said that, if anyone, Ms. Woodrum should have discussed the matter with Ms. Gold and with the supervisor for the position, [IDFPR Employee 1]. When asked if Mr. Purcell would take issue with Ms. Woodrum not discussing Ms. Miner's criminal history with anyone, Mr. Purcell replied that Ms. Woodrum should have discussed the matter with him as a "professional courtesy." Mr. Purcell acknowledged that there was no bar on Ms. Woodrum discussing an applicant's criminal history after the *Rutan* process is completed.

### **2. Self-Disclosure of Criminal History signed by Ms. Miner and Mr. Purcell**

Mr. Purcell reviewed a Self-Disclosure of Criminal History form that he and Ms. Miner signed on November 16, 2016. Mr. Purcell said he was familiar with the form and that it was given to new employees to complete at their orientation. According to Mr. Purcell, he witnessed Ms. Miner sign the form and indicate that she had a criminal history; however, Mr. Purcell said that he did not discuss with Ms. Miner her criminal history. Mr. Purcell stated that the first time that he learned of Ms. Miner's criminal history was on November 16, 2016. Mr. Purcell said that he did not really have any thoughts about what Ms. Miner meant when she indicated on the Self-Disclosure of Criminal History form that she had been convicted of "conspiracy" and that he did not do anything upon learning of her criminal history.

Mr. Purcell said that he was not sure if a criminal background check had been completed for Ms. Miner as of November 16, 2016, but Ms. Woodrum was responsible for obtaining the criminal history report from ISP. Mr. Purcell confirmed that nobody at IDFPR other than Ms. Woodrum is responsible for screening an applicant's criminal history.

### **3. ISP Bureau of Identification Report on Ms. Miner's Criminal History**

Mr. Purcell reviewed the ISP Bureau of Identification Report concerning Ms. Miner and was not sure if he had seen it before. Mr. Purcell said that on or shortly after November 16, 2016, he had a conversation with Ms. Woodrum about the results of the ISP criminal history report. Mr. Purcell stated that he put "two and two together" and noticed that there was a discrepancy between the results of the ISP criminal history report and what Ms. Miner had indicated on the Self-Disclosure of Criminal History form. Mr. Purcell said that he did not know if the ISP criminal history report revealed federal convictions and that the report did not detail the type of convictions it disclosed. Mr. Purcell stated that Ms. Woodrum was responsible for knowing what type of criminal information IDFPR requested from ISP. Mr. Purcell acknowledged that he probably would not have known about Ms. Miner's federal conviction if she had not made the disclosure on the Self-Disclosure of Criminal History form.

According to Mr. Purcell, he had a conversation with Ms. Gold about Ms. Miner's criminal history on some date after November 16, 2016, because he was curious about the discrepancy between the ISP criminal history report and Ms. Miner's disclosure on the Self-Disclosure of Criminal History form. Mr. Purcell said that Gold told him that she would look into the matter, but he did not recall Ms. Gold being aware of Ms. Miner's criminal history during the conversation. Mr. Purcell said that a few days later, Ms. Gold told him that she had found information on Ms. Miner's guilty plea and in a subsequent conversation, Ms. Gold informed Mr. Purcell that she did not think Ms. Miner's criminal history was pertinent to the position for which she was hired.

### **4. Administrative Order No. 1 (2013)**

Mr. Purcell reviewed Administrative Order No. 1 (2013) and stated that he had seen it in the past. Mr. Purcell said that he was unaware of IDFPR having any documented review process for the review of a candidate's criminal history, as required under the Administrative Order. When asked if IDFPR should have such a documented review process, Mr. Purcell replied, "In my mind, it does exist." Mr. Purcell said that if a candidate has a criminal history, then IDFPR will gather baseline information, collaborate with supervisors and *Rutan* interviewers, and gauge whether the IDFPR Secretary should get involved.

#### **I. Interview of Human Resources Specialist Amy Woodrum**

OEIG investigators interviewed Human Resources Specialist Amy Woodrum who said that she is responsible for reviewing all documents in an applicant's file and ensuring all necessary hiring paperwork is complete, among other duties. Ms. Woodrum confirmed that all applicants who sit for an IDFPR *Rutan* interview, complete a Request for Release of Information form authorizing IDFPR to obtain criminal history information on the applicant.

### **1. Request for Release of Information and ISP Bureau of Identification Report on Ms. Miner's Criminal History**

Ms. Woodrum explained that the Request for Release of Information is sent to the ISP Bureau of Identification where a criminal history search is conducted of the candidate who receives the highest *Rutan* score. Ms. Woodrum said that ISP then generates a report and if it indicates that an applicant has a criminal conviction, then she will discuss the matter with her supervisor. Ms. Woodrum stated that she did not know what type of convictions are revealed through an ISP criminal history inquiry and she did not know if such inquiries disclosed federal convictions. Ms. Woodrum remarked that she believed the ISP criminal history report was a full report, based on her past experience.

### **2. Email from Ms. Miner to Ms. Woodrum on October 6, 2016**

Ms. Woodrum reviewed the email and attachment that she received from Ms. Miner on October 6, 2016, which disclosed that Ms. Miner pled guilty to "conspiracy." Ms. Woodrum noted that Ms. Miner must have sent her the email after Ms. Miner's *Rutan* interview. Ms. Woodrum stated that she did not notice that the criminal history disclosed in the email was inconsistent with the results of the ISP criminal history report and she did not take any steps to resolve the discrepancy. Ms. Woodrum said that she did not talk to Ms. Miner about her criminal history because the ISP criminal history report indicated that she did not have a criminal history.

Ms. Woodrum stated that she could not say what Ms. Miner pled guilty to based on the contents of the email and that she did not obtain an independent record of Ms. Miner's federal guilty plea. Ms. Woodrum admitted that she would probably not have known about Ms. Miner's federal guilty plea had Ms. Miner not made the relevant disclosure.

### **3. Self-Disclosure of Criminal History signed by Ms. Miner and Mr. Purcell**

Ms. Woodrum reviewed the Self-Disclosure of Criminal History form signed by Ms. Miner and Mr. Purcell on November 16, 2016, and stated that the form was a CMS form and it did not need to be completed by new IDFPR hires. Ms. Woodrum said that Mr. Purcell did not mention to her that Ms. Miner had disclosed that she pled guilty on the form. Ms. Woodrum said she did not notify Mr. Purcell of Ms. Miner's criminal history and she was not obligated to tell anyone about it. According to Ms. Woodrum, she did not tell anyone at IDFPR about Ms. Miner's criminal history. Ms. Woodrum recalled that at some point after Ms. Miner's *Rutan* interview she received a phone call from [IDFPR Employee 1] who informed Ms. Woodrum that she had learned of Ms. Miner's criminal history and wanted to know if it had been disclosed. Ms. Woodrum said that [IDFPR Employee 1] wanted to know if Ms. Woodrum would have told her about Ms. Miner's criminal history if she had not called regarding the matter. Ms. Woodrum recalled that she told [IDFPR Employee 1] that she would not have informed her about Ms. Miner's criminal history.

#### 4. Administrative Order No. 1 (2013)

Ms. Woodrum reviewed Administrative Order No. 1 (2013) and said that she had not seen it before. Ms. Woodrum said that she did not believe that IDFPR had a documented review process for the evaluation of an applicant's criminal history, as required by the Administrative Order. Ms. Woodrum stated that she was unsure what the State's "Ban the Box" policy required. Ms. Woodrum was unsure if IDFPR had a policy regarding what to do in the event that an ISP criminal history report indicated that an applicant had a conviction, but she would discuss the matter with her supervisor.

#### IV. ANALYSIS

##### A. IDFPR Failed To Establish A Documented Review Process For The Evaluation Of A Candidate's Criminal History In Violation Of Administrative Order No. 1 (2013)

Pursuant to Administrative Order No. 1 (2013), State agencies are required to establish a documented review process for the evaluation of a candidate's criminal history. As part of that review process, the Administrative Order directs agencies to consider at least three factors, including the nature and gravity of the offense, the time that has elapsed since the conviction and/or completion of sentence, and the nature of the job being sought. IDFPR failed to have such a review process established and, as a result, the criminal history of a candidate for employment was not assessed in an appropriate manner.

When OEIG investigators requested from IDFPR a copy of this documented review process, they were informed, "Currently there is no documented hiring review process for applicants with a criminal history as documented in Administrative Order 2013 (1)." Mr. Purcell acknowledged that he did not know of the existence of a documented review process for the evaluation of a candidate's criminal history, but confirmed that he had seen the Administrative Order before. Mr. Purcell explained that such a review process existed in his "mind" and involved gathering baseline information on the candidate's criminal history and discussing the matter with IDFPR supervisors and those involved in the *Rutan* interview process.

Clearly, having the review process just exist in Mr. Purcell's "mind" is problematic because other employees do not know what process should be followed as evidenced by what occurred in this case. Ms. Woodrum did not do any information gathering to determine why there was a discrepancy between the ISP report and Ms. Miner's admission to a criminal conviction. Instead, she relied solely on ISP's report that does not include federal and out-of-state convictions, and she did not bring this notice of a criminal conviction by the applicant to anyone's attention. Ms. Gold and Mr. Purcell learned of the conviction after Ms. Miner's start date and neither reached out to any supervisors of Ms. Miner's unit, including [IDFPR Employee 2], in order to determine the amount of confidential information that she can access and whether her criminal history was reasonably related to the job she was hired to perform. And finally, even if the review process in Mr. Purcell's mind was followed, it is insufficient because it is not *documented* and cannot demonstrate that the factors articulated under the Administrative Order were considered.

In addition to employees not knowing how to proceed with a review of an applicant's criminal history, IDFPR's failure to have a documented process, resulted in Ms. Miner's criminal history only being considered after she began working for IDFPR and with limited information about the nature of the position she was hired into and the type of confidential information to which she would have access. Ms. Woodrum said she did not inform anyone at IDFPR of Ms. Miner's criminal history. Mr. Purcell was clear that he did not know about Ms. Miner's criminal history until November 16, 2016, the date that she began working at IDFPR. And Ms. Gold admitted that she reviewed Ms. Miner's criminal history after she began working at IDFPR. Once a candidate is selected for hire and begins working as an employee, then the assessment about his or her criminal history can become muddled by factors that are irrelevant to the review process as outlined in the Administrative Order; for instance, post-hoc rationalizations by IDFPR administrators that Ms. Miner is a good employee are inapposite to whether Ms. Miner's criminal history was properly assessed.

Furthermore, IDFPR's failure to have a documented review process established for the review of a candidate's criminal history, resulted in Ms. Miner's criminal history being assessed by happenstance. According to Mr. Purcell, he happened to notice that the ISP criminal history report was inconsistent with the self-disclosure form that he had Ms. Miner fill out on the day that she began working; a form that Ms. Woodrum described as a CMS form that was not required of new IDFPR hires. If Mr. Purcell had not required Ms. Miner to fill out an unnecessary form, and if he had not put "two and two together" when considering the results of the ISP report, then he would not have notified Ms. Gold.

Because IDFPR failed to have a documented review process for the evaluation of a candidate's criminal history, as required by Administrative Order No. 1 (2013), the allegation that the agency is non-compliant with Illinois law is **FOUNDED**.

**B. Human Resources Specialist Amy Woodrum Committed Misfeasance In The Performance Of Her Duties When She Failed To Notify Anyone Of Ms. Miner's Self-Disclosed Criminal History**

As confirmed by Mr. Purcell, Ms. Woodrum is the only person at IDFPR with the responsibility of screening the criminal history of candidates for employment and she is responsible for knowing what type of criminal information IDFPR requests from ISP when obtaining criminal history information. Ms. Woodrum committed misfeasance in the performance of her duties as Human Resources Specialist when she failed to notify anyone of Ms. Miner's self-disclosed criminal history or know that the criminal information requested by IDFPR from ISP is only for State criminal records.

The OEIG investigation revealed that Ms. Woodrum knew of Ms. Miner's guilty plea to a criminal offense on October 6, 2016, when she received an email from Ms. Miner that disclosed such information. Ms. Miner sat for a *Rutan* interview, which was also scored, on that same date. According to Ms. Woodrum, a request for a criminal history report from ISP is sent for the candidate who scores the highest. The date of the ISP criminal history report received for Ms. Miner was October 7, 2016. Thus, not only was Ms. Woodrum aware of Ms. Miner's self-

disclosed criminal history on October 6, 2016, she was also taking steps to process Ms. Miner's hire at IDFPR, as the highest scoring *Rutan* interviewee, within a day of her interview.

Ms. Miner did not begin employment at IDFPR until November 16, 2016. Yet, as admitted by Ms. Woodrum, at no point between the date that she received Ms. Miner's email and the date that Ms. Miner began employment at IDFPR (over a month later), did Ms. Woodrum discuss Ms. Miner's criminal history with anyone at IDFPR, including Ms. Woodrum's supervisor, Mr. Purcell. Furthermore, Ms. Woodrum took no steps to resolve the discrepancy presented by the ISP criminal history report that she received the day after she learned of Ms. Miner's self-disclosed guilty plea. Ms. Woodrum did not present the discrepancy to her supervisor or contact ISP to inquire why such a discrepancy might exist. Ms. Woodrum's failure to conduct any follow-up with anyone upon receiving the ISP report, which conflicted with Ms. Miner's self-disclosure, is even more egregious in light of Ms. Woodrum's admission that she did not know what type of criminal information an ISP criminal history report revealed.

In sum, Ms. Woodrum knew about Ms. Miner's self-disclosed guilty plea on the same day that she sat for a *Rutan* interview and she knew that the ISP criminal history report for Ms. Miner was inconsistent with Ms. Miner's self-disclosure within a day of Ms. Miner's *Rutan* interview. Ms. Woodrum took no action to resolve the discrepancy, to make any inquiry about it, or to discuss Ms. Miner's criminal history with anyone. As a result, Ms. Miner sailed through the hiring process without any review being done of her criminal history in light of the investigatory position that she was being hired into, until after she began employment at IDFPR.

Because Ms. Woodrum knew about Ms. Miner's criminal history and failed to notify anyone about it or to inquire about the inconsistency that existed in the ISP criminal history report, the allegation that Ms. Woodrum committed misfeasance in the performance of her duties is **FOUNDED**.

## V. FINDINGS AND RECOMMENDATIONS

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

- **FOUNDED** – IDFPR violated Illinois law by failing to establish a documented review process for the evaluation of a candidate's criminal history as required by Administrative Order No. 1 (2013).
- **FOUNDED** – Human Resources Specialist Amy Woodrum committed misfeasance in the performance of her duties when she failed to notify anyone of Ms. Miner's criminal history or to inquire about the inconsistency that existed in the ISP criminal history report.

Based on the findings, the OEIG recommends that IDFPR establish and implement a documented review process for the evaluation of a candidate's criminal history consistent with the requirements of Administrative Order No. 1 (2013).

The OEIG also recommends that IDFPR ensure that all employees, particularly human resources employees, are made aware of the limited scope of an ISP criminal background check conducted through the UCIA process.

And finally, the OEIG recommends that IDFPR take any action it deems appropriate with respect to Ms. Woodrum.

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

Date: **November 29, 2017**

Office of Executive Inspector General  
for the Agencies of the Illinois Governor  
69 W. Washington St., Suite 3400  
Chicago, IL 60602

By: **David Sanchez**  
Assistant Inspector General #146

**Edward Doyle**  
Investigator #159



**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: 17-00141

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 28 days from the original return date, by 1/30/18.

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:

[Signature]  
Signature

IDFPR, General Counsel  
Print Agency and Job Title

Dina M. Masiello  
Print Name

1/2/18  
Date





**Illinois Department of Financial and Professional Regulation**  
**Office of Legal Affairs**

BRUCE RAUNER  
Governor

BRYAN A. SCHNEIDER  
Secretary

Dina Masiello  
General Counsel

January 25, 2018

**VIA EMAIL**

Fallon Opperman  
Executive Inspector General  
Office of the Executive Inspector General  
69 West Washington Street, Suite 3400  
Chicago, Illinois 60602

Re: OEIG Case No. 17-00141, Response to Final Report

Dear Ms. Opperman:

In December 2017, the OEIG provided our agency, the Illinois Department of Financial and Professional Regulation ("IDFPR"), with its Final Report regarding the above-referenced case, including the OEIG's recommendations related to its investigation of the matter. On January 2, 2018, IDFPR advised it would implement some or all of the OEIG recommendations, but would require until January 30, 2018, to do so (response form attached). Please allow this correspondence to serve as IDFPR's response to the OEIG's Final Report of Case No. 17-00141, including the actions IDFPR has taken in response thereto.

In its Final Report, the OEIG concludes that IDFPR violated Administrative Order No. 1 (2013), in that it failed to establish a documented review process for the evaluation of a candidate's criminal history, which resulted in the hiring of an employee with a criminal background without an appropriate assessment of her criminal history. In response, and per the OEIG's recommendations, IDFPR has created a documented review process that will be utilized by IDFPR going forward. This documented review process memorializes the process that IDFPR has been conducting, and the assessment that IDFPR maintains was conducted on the employee in question; however, it makes clear the review process is in accordance with Administrative Order No. 1 to achieve the goals outlined therein and it provides guidance to human resources staff.

The OEIG further concludes that IDFPR's Human Resources Specialist, Amy Woodrum, committed malfeasance by failing to notify anyone that she knew about the subject employee's criminal history. In response, please note Ms. Woodrum has been counseled on IDFPR's documented review process for evaluating a candidate's criminal history. Ms. Woodrum's supervisor will work with her to ensure that the documented process is followed going forward.

We thank you for taking the time to prepare and share the OEIG's Final Report regarding Case No. 17-00141. If you should have any questions regarding our response, please do not hesitate to contact me.

Best regards,

Dina M. Masiello  
General Counsel  
Illinois Department of Financial and Professional Regulation  
100 West Randolph Street, Floor 9  
Chicago, Illinois 60601  
(312) 814-