



OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL

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***** FOUNDED SUMMARY REPORT – CONFIDENTIAL *****

March 30, 2020

Honorable Don Harmon
Senate President
327 Capitol Building
Springfield, IL 62706

Also sent by Email

Re: LIG Case No. 19-026

Dear Senator Harmon,

This summary report of investigation is issued pursuant to Section 25-20(a) of the State Officials and Employees Ethics Act, 5 ILCS 430.

In November 2019, the Office of the Legislative Inspector General (LIG) received a complaint that raised concerns about potential prohibited political activity and other possible wrongdoing in Kankakee County. The actions occurred during the time a process was underway to replace Senator Toi Hutchinson, who had resigned to work in Governor Pritzker's administration.

I conclude that Brandon Craig, an employee in the District office of Senator Emil Jones, III, engaged in prohibited political activity when on State time.

1. Jurisdiction

Pursuant to Section 25-10(c) of the State Officials and Employees Ethics Act (Ethics Act), the LIG has jurisdiction over former State employees regarding events occurring during any period of employment when the State employee's ultimate jurisdictional authority is a legislative leader. Pursuant to Section 1-5 of the Ethics Act, "employee" means "any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed."

Senator Emil Jones, III, is a current member of the General Assembly. Brandon was a contractual employee working for Senator Jones in the District office. Senate President Don Harmon is the ultimate jurisdictional authority in this case.

2. Evidence Obtained

During the course of the investigation, I interviewed five Kankakee area officials, the Kankakee County Democratic Chairman, a candidate for the Toi Hutchinson vacancy (the Candidate), Senator Emil Jones, III, his Chief of Staff, and the subject of this report, Brandon Craig (Brandon). In addition, my office obtained the Replicon payroll records for Brandon and reviewed text messages between Brandon and Senator Jones' Chief of Staff and Brandon's calendar notes.

3. Factual Findings

Late on October 30, 2019, the Assistant Superintendent of Environmental Services Utility for the City of Kankakee (Individual A) received a telephone call from Brandon. Brandon identified himself as Senator Jones' Chief of Staff and said he was doing research on the Kankakee River. Brandon asked if he could come down the next day to discuss the Kankakee River flooding issue. Individual A stated he would have another person, Individual B, present for the meeting because Individual B was more knowledgeable about the flooding issue.

The meeting was held at 10:00 a.m. on October 31, 2019. Individuals A and B were present, as well as another employee of the Service Utility. Brandon introduced himself as Senator Jones' Chief of Staff and said Senator Jones sent him down there. He did not have any business cards with him, nor could he relate the committees Senator Jones served on. The officials thought this meeting was strange because Kankakee is not in Senator Jones' District. Individual A took Brandon on a tour of the affected area following the October 31 meeting.

Individual B is a Kankakee County employee who has been working on the Kankakee River Planning Project with other area officials for years. According to Individual B, during the October 31 meeting, Brandon stated there was funding for the river project available during Governor Rauner's administration but the Governor had cut that funding. That funding was now available and Senator Jones had picked the Kankakee River Project to receive these funds. Brandon also named a State Representative who would handle the funding legislation on the House side.

Following the October 31, 2019 meeting, Brandon called Individual B and told him Senator Jones wanted to get involved and make sure this project was accomplished. He asked Individual B to set up a meeting for the next week. Brandon called Individual B over that weekend to find out the location of the meeting. During this call, Brandon told Individual B, "Between you and I, we've got about \$25 to \$30 million to give Kankakee County." Brandon asked for an exact amount needed for the project. It was Individual B's understanding that Senator Jones would attend the next meeting.

The next meeting took place on November 6, 2019, around 11:00 a.m. in the conference room of the EMA building, part of the Sheriff's Department. On November 5, 2019, Brandon called and said Senator Jones would not be coming to the meeting, but that the Candidate, who was going to be appointed Senator, was coming. Individuals A and B attended this meeting, along with several other Kankakee officials, Brandon, the Candidate, and a Harvey alderman who was a volunteer who helped the Candidate on occasion.

At the November 6 meeting, according to the Kankakee officials, the Candidate said there was \$25 million available for the Kankakee River Project. She pulled up information, a press release, on a computer to show those in attendance. The funding the Candidate was referring to had been provided several years earlier and had already been spent on modernizing the water treatment facility. One Kankakee County official told the Candidate that they would be unveiling a plan to fix the flooding issues in the near future. The Candidate asked for the plan that day so they could secure the funding for the project. The Candidate stated she was working with a certain Representative, the same person mentioned previously by Brandon, to get a bill rolling.

On November 8, 2019, the Democratic County Chairmen for Senate District 40 met to cast their weighted votes to replace Senator Toi Hutchinson. The Kankakee County Chair held roughly 40% of the weighted vote. Grundy County held about 3%, Will County held about 15%, and two townships held roughly 12% and 15% each. Four candidates, including the Candidate, sought the appointment to the Hutchinson vacancy.

The Kankakee County Democratic Chair made it clear to the candidates that his top priority was the flooding issue. This was communicated twice to the Candidate, as was the Chair's interest in knowing what research each candidate had done on the flooding issue. According to the Chair, the Candidate was the only one who told him she had access to people who could make funding for the river project happen. She did not mention a specific dollar amount she could obtain. The Chair felt no one tried to unduly influence him, nor did anyone offer him anything for casting his vote in a particular manner. Patrick Joyce was appointed to the vacancy following the November 8, 2019 weighted vote.

Brandon Craig Interview

Brandon stated he was a State employee at the time of the meetings in October and November of 2019. Brandon stated he was employed as an intern, drafted legislation and could

state he was Senator Emil Jones, III's Chief of Staff. Brandon stated Jones told him he could introduce himself as Jones' Chief of Staff and Jones would acknowledge it.

Brandon stated he contacted Individual A on October 29, 2019, to set up a meeting on October 31, 2019. The Candidate had asked him to do some research for her on the Kankakee River flooding issue. Brandon said the Candidate was a Senate candidate for the 40th District and his work for her was "off the clock." Brandon stated this meant he was not working for the State of Illinois at that time. Brandon gave his title as Chief of Staff to Emil Jones, III, at the time of the first meeting. He stated, "This sounds bad, but I know that if I was on the clock as a State employee, that is a bad look [because] you can't work for the State and do campaign stuff at the same time."

Brandon worked in Jones' District office as a contractual employee. His contract provided for him to work 25 hours per week. According to payroll records, Brandon was earning \$14 per hour.

Brandon stated he did not tell Senator Jones that he was going to Kankakee to do research for the Candidate. He did not know if the Candidate mentioned it to Jones. Brandon stated he asked Jones from time-to-time if he could go "off the clock" and help the Candidate. According to Brandon, Jones agreed Brandon could help the Candidate when he was off the clock.

On October 31, 2019, Brandon stated he met Individuals A and B in the morning in Kankakee City offices. An employee in Individual A's office also attended the meeting. Brandon took a tour of the affected area with Individual A following the October 31 meeting. Brandon talked to Individual B between October 31 and November 6, but denied telling Individual B that Senator Jones was coming to the November 6 meeting. Following the October 31 meeting, Brandon reported back to the Candidate. He denied reporting back to Senator Jones.

Brandon also denied telling the Kankakee officials there was \$25-\$30 million available to fund the river project. There was discussion about the cost to dredge 30 miles of the river at \$1 million per mile, but no promise of funding was made.

With respect to the November 6 meeting, Brandon's recollection was that it occurred in the afternoon, but no earlier than 11:00 a.m. Individuals A and B were at the meeting, as were other Kankakee officials, the Candidate and a Harvey alderman. Brandon had no idea why the alderman was there.

Brandon stated he was "off the clock" for both the October 31 and November 6 meetings. He stated both meetings were not related to State business.

Contractual employees like Brandon began using a system called Replicon to track their hours in 2019. The Replicon records for Brandon show he claimed he worked for Senator Jones from 9:00 a.m. to 2:00 p.m. on October 31, 2019, the date of the first Kankakee meeting. Replicon records for November 6, 2019, show Brandon clocked in from noon until 5:00 p.m. Brandon was not required by Senator Jones to describe the work he performed on a daily basis. There is a place in Replicon where an employee could note what tasks he performed. Brandon

seemed genuinely surprised when confronted with the Replicon records showing he was paid by the State for the work he did on the Candidate's behalf on October 31 and November 6 in Kankakee. He understood he should not have included those hours in Replicon. No one else entered his time into Replicon.

Brandon did not reply to later attempts by my office to contact him by phone and email in an attempt to obtain further information.

Senator Emil Jones, III, Interview

Investigator David Risley and I spoke with Senator Emil Jones, III, on February 4, 2020. Despite our admonishments to Brandon not to discuss the matter with anyone, Senator Jones stated Brandon called him immediately following our interview of him. Senator Jones was supporting the Candidate for the appointment to the Hutchinson vacancy. Senator Jones stated he did not have prior knowledge of Brandon's travel to Kankakee on October 31 or November 6. He found out about it for the first time when Brandon called him after his interview with my office. Senator Jones introduced Brandon to the Candidate. Senator Jones denied giving direct permission to Brandon to help the Candidate, but stated what Brandon did on his own time was Brandon's business. During his phone conversation with Brandon after Brandon's interview, Senator Jones told Brandon as long as he had worked for the Candidate on his own time and wasn't doing it on State time, there should not be a problem. According to Jones, Brandon denied working for the Candidate on State time.

Jones obtained the dates in question from Brandon and then checked the Replicon records. Jones discovered Brandon had clocked State-time hours on October 31 and November 6. According to Senator Jones, when he approves the timesheets for his employees, he just sees the total amount of hours for the pay period. However, Jones acknowledged the Replicon records show a daily total and he approved Brandon's hours.

Brandon was not required to describe the work he performed when on State time. Jones thought his assistant in the District office kept a log of the days Brandon worked in the office. Brandon worked in the field for Senator Jones only rarely, just on two or three occasions. Other than that, Brandon worked in the District office.

Senator Jones denied telling the Candidate or Brandon that he would carry a bill in the Senate to provide \$25-\$30 million of funding for the Kankakee River Project. He also denied telling Brandon he could represent himself as Jones' Chief of Staff.

Interview of Senator Jones' Assistant

On February 10, 2020, I spoke with Senator Jones' assistant, L.P., who, since November of 2019, has had the title "Chief of Staff." She has worked with Senator Jones for eleven years. L.P. related the following:

Brandon told her in October that Senator Jones told him he could represent himself as Chief of Staff. She did not confirm that with Senator Jones at that time. About one week prior

to this interview, she spoke with Senator Jones about it. Senator Jones related there had been a conversation with a bunch of people where a person asked Jones who was his chief of staff. Jones said he responded, "Staff, what staff? I have L.P. and Brandon. Well, Brandon can be Chief of Staff." Brandon was present for that conversation. Jones told L.P. he said it in a joking manner, but Brandon must have taken it seriously.

L.P. did not have the ability to check on Brandon's entries on Replicon. She did not keep track of when Brandon was in the office or not. L.P. instructed Brandon to clock in when working for the Senator, clock out for lunch, clock back in after lunch, and clock out when he left for the day. She also told him no political work was to be done in the office, even giving out the campaign's phone number was prohibited.

L.P. knew Brandon was not in the office on October 31, 2019. It was Halloween and she dressed up to hand candy out from the office. She was alone the entire time. L.P. checked Brandon's notes on a pad of paper on his desk. He had written down November 4 and 5. The next time he noted a date was November 12. (Brandon clocked five hours on November 6, the Kankakee date, six hours on November 7, and four hours on November 8.) L.P. took his notes to mean Brandon was in the office on the dates noted, but not there on dates that were not noted.

On January 10, 2020, Brandon called L.P. to say he had worked December 3-5, 9, 11, and 12 for a total of 30 hours. His contract had expired November 30, 2019, and had not been extended. He did come into the office and worked on the job fair for Senator Jones. It is my understanding no payment has been made for those hours as a result of this pending investigation.

The Candidate's Interview

On March 23, 2020, I spoke with the Candidate who told me she learned of this investigation from Senator Emil Jones, III. She met Brandon the first time at Senator Jones' office. She was impressed with Brandon and Senator Jones spoke very highly of him. Brandon agreed to assist her by researching the Kankakee River flooding issue. She did not realize he was doing it on State time. She knew Brandon went to Kankakee twice. She was only present for the second meeting, which occurred at 11:00 a.m. on November 6, 2019. The meeting lasted about an hour. The Candidate stated she never told the Kankakee officials there was \$25-\$30 million available to fund the river project. She did tell the people at the meeting to give her all the research they had and she would take it to the named Representative to see if he could create a bill to find funding. That Representative does not represent the Kankakee River area. She denied promising the Kankakee officials anything. She denied saying Senator Jones would carry the bill in the Senate.

The Candidate stated she had heard Brandon introduce himself as Senator Jones' Chief of Staff on occasion. She called Brandon after Senator Jones told her about this matter. She asked Brandon if he was on State time when he attended the two meetings in Kankakee. Brandon told her he was not on State time when he was in Kankakee. She learned from Senator Jones that Brandon had clocked his time in Kankakee as State time.

Following the November 6, 2019, meeting, the Candidate and Brandon went to Bourbonnais and had a long lunch. They went their separate ways from there.

I asked the Candidate to provide me with other dates and times Brandon volunteered for her. I also asked her if she could locate the press release she pulled up at the November 6, 2019, meeting. She told me she would look for that information and forward it to me. To this date, I have not received any additional information from the Candidate.

Replicon System

Missy Jennings, the Senate Secretary's Office Human Resources Officer, provided information about the Replicon time-keeping system. The Replicon system is used for Senate District personnel. Time entries can be made online or via a mobile app. If the online system is used, no visible location data is recorded. Most district employees use the mobile app because it is convenient. The mobile app automatically uses GPS data from the mobile device to record location data, which appears as the nearest address or building. As presently configured, no comments are required to report activities performed when entering time data. However, it is possible to require an employee to enter the types of tasks worked on. As presently configured, only the Senators can approve an individual's hours. The Replicon system is highly configurable at both the general and individual levels.

4. Conclusions and Recommendations

State employees are not permitted to intentionally perform prohibited political activity during State-compensated time, other than vacation, personal, or compensatory time off. 5 ILCS 430/5-15(a). Prohibited political activity includes working on a campaign for elective office. 5 ILCS 430/1-5(13).

The evidence discloses Brandon Craig engaged in prohibited political activity at least on October 31 and November 6, 2019, when he was in Kankakee working on the Candidate's campaign for the appointment to the Hutchinson vacancy. The Replicon records disclose he was compensated for a total of 10 hours on those two days. Brandon admitted he knew he was to perform political work only when he was "off the clock," i.e., not when being compensated by the State.

Senator Jones approved Brandon's time sheets without sufficient knowledge of the work Brandon performed. He relied on Brandon to record his hours appropriately.

I recommend the following:

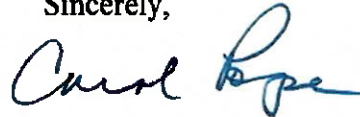
- A. An audit should be performed of Brandon's Replicon records. If Brandon has any hope of working in State government in the future, he must cooperate with the audit. The purpose of the audit would be to determine if other hours claimed by Brandon were for legitimate State business.

- B. Brandon should make restitution to the State for the hours he was compensated for when not working on State business.
- C. If Brandon were still working in Senator Jones' office, he would be subject to termination or suspension in excess of three days. Consequently, this founded summary report should be published along with the response of the ultimate jurisdictional authority. See 5 ILCS 430/25-52(a).
- D. Contractual employees should be required to record in Replicon a daily description of the tasks performed.
- E. A copy of this report should be placed in Brandon's personnel file.
- F. Senators should be apprised of the potential for abuse in this situation and of their duty to be sure their employees are only being compensated for State work.

Transparency concerning the LIG's findings of misconduct is crucial to the sound functioning of the Office of the Legislative Inspector General. Public reporting of founded summary reports is critical to achieving accountability. This is a founded summary report concerning Brandon Craig. This report should be published in redacted form.

Pursuant to Section 25-50 of the Ethics Act, you are required to respond to this summary report in writing within 20 days. Your response is to include a description of corrective action to be taken, including whether you agree with my recommendations.

Sincerely,



Carol Pope.
Legislative Inspector General

CP/cdc