



OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL

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

November 19, 2019

Honorable John J. Cullerton
President of the Senate
327 Capitol Building
Springfield, IL 62706

Dear Senator Cullerton,

This matter was initiated upon a complaint filed by Senator Michael Hastings with the Office of the Legislative Inspector General (LIG) on September 28, 2018. Senator Hastings expressly waived his right to confidentiality under Section 25-90(a) of the State Officials and Employees Ethics Act.

An official investigation was opened on March 21, 2019.

The complaint alleges that Senator Hastings' former Chief of Staff, Cassandra J. Matz, violated the Illinois State Officials and Employees Ethics Act by engaging in prohibited political activity using her official State email account (a State resource) and misappropriated State resources and violated Senate personnel policy by using her official State email account to conduct her personal real estate business.

Based on the evidence summarized below, the allegations of the complaint are found to be factually well-founded.

1. Jurisdiction

Pursuant to Section 25-10(c) of the State Officials and Employees Ethics Act ("Ethics Act"), the Legislative Inspector General (LIG) has jurisdiction over former State employees regarding

events occurring during any period of employment where the State employee's ultimate jurisdictional authority is a legislative leader. During the time period involved in the allegations raised in the complaint, Cassandra Matz was an employee in Senator Michael Hastings' district office.

The LIG's jurisdiction includes authority to investigate allegations of waste, abuse, misconduct, and violations of the Ethics Act and other related laws and rules.

2. Procedural History

In March 2013, Cassandra J. Matz was hired by Senator Hastings to work part-time in his district office as Community Outreach Liaison.

In April 2015, upon the departure of his former Chief of Staff, ██████████, Senator Hastings promoted Ms. Matz to work full-time as his Chief of Staff.

In a June 11, 2018, email exchange between Senator Hastings and Ms. Matz in which they expressed mutual dissatisfaction and frustration with each other regarding employment and supervision issues (set forth fully below), Ms. Matz made the statement, "I'm feeling harassed."

In a reply email, Senator Hastings said that his management questions to Ms. Matz in his emails were not harassing, but if she felt harassed in the workplace she should follow the flowchart of instructions posted in the break room. He also informed her that he had forwarded their email exchange and her statement of feeling harassed to the Chief Legal Counsel of the Office of Senate President (OSP), whom she could contact if she so chose regarding any allegation of harassment in the workplace.

Ms. Matz did then contact the OSP Chief Legal Counsel, Giovanni Randazzo, and forwarded the email exchange with Senator Hastings that she described as having "a tone felt of harassment." (Note: In a clarifying letter dated August 8, 2018, sent by Ms. Matz's attorney to an attorney representing the Office of Senate President, Ms. Matz's attorney stated, "To be clear, the harassment Ms. Matz has experienced is not physical sexual harassment, but is nonetheless actionable discrimination based on sex, race, disability, and political discrimination." Furthermore, during her interview Ms. Matz expressly stated that she neither experienced nor observed any sexual harassment by Senator Hastings.)

As a result of Ms. Matz's complaint to the OSP and related communications subsequently received from her attorney alleging violations of Ms. Matz's civil rights in the form of a pattern of acts constituting unlawful employment discrimination, the OSP Legal Counsel's office conducted an investigation. After reviewing the evidence submitted by Ms. Matz and her attorney and interviewing members of Senator Hastings' office staff, the OSP Chief Legal Counsel concluded the available evidence was insufficient to substantiate Ms. Matz's complaint.

On September 28, 2018, Senator Hastings sent a letter to then-Acting LIG Julie Porter alleging that Ms. Matz violated the Illinois State Officials and Employees Ethics Act by engaging in prohibited political activity using her State email account and violated Senate personnel policy

by conducting personal real estate business transactions and work relating to her position as an elected local official using State resources, and requested investigation.

On October 3, 2018, citing the violations of the Ethics Act and Senate personnel policy alleged in his LIG complaint, Senator Hastings informed Ms. Matz that her State employment was terminated for cause.

On October 14, 2018, Ms. Matz filed a complaint with the LIG alleging violations of her civil rights by Senator Hastings, including “harassment, retaliation and sex, race, disability, and political discrimination.” In that complaint, Ms. Matz expressly waived her right to confidentiality under Section 25-90(a) of the State Officials and Employees Ethics Act.

On February 25, 2019, acting through her counsel, Ms. Matz filed a charge of discrimination based on race, color, sex, disability, and retaliation with the U.S. Equal Employment Opportunity Commission (EEOC), which was cross-filed with the Illinois Department of Human Rights (IDHR).

The undersigned took office as LIG on March 1, 2019.

On March 21, 2019, an official LIG investigation was opened in both this case and the related case involving Ms. Matz’s allegations regarding Senator Hastings (case 18-027).

On June 10, 2019, acting through counsel, Ms. Matz filed a civil action in Cook County Circuit Court (case 2019 L 6369) against Senator Hastings, the Illinois State Senate, and State of Illinois alleging violation of the whistleblower provisions of the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/15. In that complaint, Ms. Matz alleges that from June 2018 to the present Senator Hastings has engaged in acts of retaliation against her for her complaints of harassment and discrimination and after termination of her employment has threatened her through third parties in an effort to dissuade her from exercising her right to report and seek remedy for his treatment of her.

On September 11, 2019, the EEOC dismissed Ms. Matz’s complaint, stating, “Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.” The notice included a statement that dismissal by the EEOC triggered a right to file a lawsuit raising the same claims in federal or state court.

On September 30, 2019, the Illinois State Senate, acting through the Illinois Attorney General, filed a motion and supporting memorandum seeking dismissal of Ms. Matz’s Cook County Circuit Court case for failure to state a cause of action for whistleblower retaliation in violation of the State Officials and Employees Ethics Act. That motion and supporting memorandum were adopted in a concurrent filing by Senator Hastings.

Because the facts of cases 18-026 and 18-027 are intertwined, the complaints in the two cases were investigated concurrently.

3. Summary of Evidence

The evidence includes the documents appended to the LIG complaints in both this case and related case 18-026, two interviews with Ms. Matz (plus supplemental email exchanges through her attorney), an interview with Senator Hastings plus supplemental email exchanges through his attorney that were confirmed by him, and information obtained from the Human Resources Officer in the Senate Secretary's Office.

On June 11, 2018, a series of emails were exchanged between Ms. Matz and Senator Hastings in which they expressed mutual frustration in their working relationship, leading to a statement by Ms. Matz in one that she was feeling harassed:

I'm feeling harassed at this point, Senator. I've respectfully answered your question several times at this point. The tone of your emails is very unnerving. Are you having a bad morning Senator? I'm trying to understand what I've done for you to be so demanding and accusative towards me. From the time joining District 19 in 2013, I've given you and constituents of District 19 my best. Which resulted in me being respected by the community and my tireless work ethics. So I'm asking you again Senator, please stop and lets get back to serving the community.¹

Senator Hastings replied:

Cassandra—The question is not harassing.

I needed to know if you touched base with the Springfield office on Friday. It is to be sure that before [REDACTED] [Senator Hastings' then-departing Legislative Assistant] left, you communicated with each other in regards to legislative and constituent matters. Furthermore, it was to communicate the Touch-A-Truck event. It is evident that you failed to speak with him before he left.

If you feel harassed in the work place, there is a flow chart in the break room. Please feel free to follow the instructions. It is there to protect against harassment in the workplace.

Furthermore, I cc'd our Chief Legal Counsel of you would like to contact him regarding these emails.

Ms. Matz subsequently sent an email to Giovanni Randazzo, Chief Legal Counsel, Office of Senate President, in which she describes her allegation regarding Senator Hastings as being a "tone felt of harassment" in his emails:

Good Day Giovanni Happy Monday!

Senator Hastings informed me he has sent you a barrage of email of our correspondence back and forth, in which reference the tone felt of harassment. Here's another one. Please advise. Thank you.

¹ The text of emails and text messages quoted in this report is verbatim, including spelling and grammatical errors.

Mr. Randazzo replied saying that, while he had not yet had an opportunity to read Senator Hastings' email, Ms. Matz had three options if she wanted to file a complaint regarding harassment: (1) a complaint with the Senate under the personnel policy; (2) a complaint with the Department of Human Rights; and (3) a complaint with the Legislative Ethics Commission. He asks what steps Ms. Matz wants him to take, if any.

That afternoon, Senator Hastings sent the following email message to Ms. Matz, with a copy to Giovanni Randazzo:

Cassandra—Understanding through previous email communications, you feel that you are harassed in the workplace.

My office takes the allegations of harassment very seriously. I am formally requesting the Senate Chief Legal Counsel to investigate your allegation. My office will fully cooperate in the investigation. I request that you fully cooperate as well.

You are hereby placed on paid temporary leave, effective immediately, pending the completion of an official investigation by the Senate Chief Legal Counsel. Upon leaving the office you are to leave all keys on the desk and lock the bottom lock. Until the investigation is completed, you are not to communicate formally through the district email account or telephonically with constituents.

If you have any questions regarding this email, please contact the Senate Chief Legal Counsel, Giovanni Randazzo, who is cc'd on this email or via telephone at 217-782-2156.

Based initially on a request of Senator Hastings, followed by the above communications from Ms. Matz, the Office of Senate President (OSP) opened an investigation of Ms. Matz's allegation of harassment.

According to Senator Hastings, during Ms. Matz's absence from the district office while on administrative leave he discovered there were close to 5,000 or 6,000 unread email messages in her office email inbox, so during June and July 2018 he asked a temporary summer employee to go through Ms. Matz's emails to sort them into categories, especially constituent correspondence, and to clean out any spam messages. He said that about a week or two later the temporary employee asked what he wanted done with all the emails about real estate business, which the employee said went all the way back to 2013. The employee also asked what to do with emails about things like political fundraising. Senator Hastings said to put everything into a file.

When asked whether he counseled new employees about prohibitions on using State resources for personal business, Senator Hastings replied, "Not only did I counsel them, they have to read the policy handbook and sign it." He said employees, including Ms. Matz, were also required to complete annual ethics training for legislative employees (which includes explicit instruction about prohibited political activity).

The Senate Secretary's Office provided copies of an "Acknowledgement of Receipt of Personnel Policies" signed by Ms. Matz on July 29, 2013; an "Ethics Training for Legislative Employees Certification" dated March 13, 2014, which was unsigned; and signed certifications by Ms. Matz of her completion of ethics training for legislative employees dated March 17, 2016 and March 10, 2017.

On September 28, 2018, Senator Hastings copied then-Acting LIG Julie Porter on a letter to Ms. Matz in which he said:

It has been brought to my attention that you have violated the Illinois Ethics Act (5 ILCS 430/) on multiple counts.

Additionally, you have systematically and continuously conducted a private real estate business while on state compensated time while misappropriating state resources throughout your state employment....

I am formally requesting the Legislative Inspector General to investigate these matters.

On October 3, Senator Hastings transmitted an employment termination letter to Ms. Matz:

Your conduct spurring this decision is a necessary consequence of the following violations, which include but are not limited to:

Violations of the Personnel Policies of the Office of Senate President to include: (a) conducting private business activities from an official state e-mail account; (b) conducting private business activities from a government computer; (c) conducting private business activities while working on state time; (d) failure to complete a directive from a supervisor; (e) failure to attend work in a timely manner; (f) insubordination; (g) misappropriation of state resources; (e) misrepresentation of an official elected office; and improper solicitation.

Violating the Illinois Ethics Act, 5 ILCS 430 et seq. to include: (a) managing or working on a campaign for elective office or against any referendum question; (b) preparing for, organizing, or participating in any political meeting, rally, demonstration or other political event; (c) soliciting contributions, including but not limited to the purchase of, selling, comma, distributing, or receiving payment for tickets for any political fundraiser, political meeting or other political event; and (d) soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

Conducting business in furtherance of your duties as a local elected official during state employment.

(Emphasis in original.)

Ms. Matz's Office Email Accounts and Computer. Senator Hastings set up his office's official email accounts using a Google enterprise email service (G-Suite) utilizing the domain "senatorhastings.com".

The email address assigned to and used by Ms. Matz when she was working part-time as Community Outreach Liaison was “outreach@senatorhastings.com”.

The email address assigned to and used by his Chief of Staff, first [REDACTED] and subsequently by Ms. Matz, was “district19@senatorhastings.com”.

According to Ms. Matz, she was assigned and used a district office laptop computer to access her office email account while working in the office. She said she did not remove that laptop from the office.

Ms. Matz said that she was also able to access her office email account using her personal iPhone.

Senator Hastings said Ms. Matz was able to access her office email account from any mobile device or computer with Internet access. However, Ms. Matz said she used no devices other than her office laptop and personal iPhone to send email messages using her office email account.

Email messages sent using Ms. Matz’s personal iPhone included an automatic footer message, “Sent from my iPhone”. Email messages sent using her office laptop contained no such footer. Therefore, Ms. Matz said, email messages containing no “Sent from my iPhone” message necessarily were sent using her office laptop computer while she was at the district office.

When Senator Hastings was asked whether State funds were used to pay for his State office email system and the office computers used to access that system, he sent the following reply through his attorney, which Senator Hastings subsequently personally affirmed to be true:

The *www.senatorhastings.com* and the e-mail addresses associated with the account are official state e-mail accounts and are limited to Senate and State of Illinois business only.

However, the site domain and google services account requires a credit card to pay for the related services. The State of Illinois does not provide the Senate office with a credit card to purchase these services. Senator Hastings pays for that account with campaign funds. The use of campaign funds to supplement the district office is allowed under 10 ILCS 5/9-8.10 (c): “Nothing in this Section prohibits the expenditure of funds of a political committee controlled by an officeholder or by a candidate to defray the customary and reasonable expenses of an officeholder in connection with the performance of governmental and public service functions.”

Moreover, the office laptop computer that Ms. Matz used while in the Office was paid for by the State of Illinois, and the Internet service the Senate Office uses is paid for with State of Illinois funds.

Because the email account used by Ms. Matz while she was employed as Senator Hastings’ Chief of Staff was designated by him—acting in his official State capacity and in conformity with Illinois Senate policies—as an official office email account to be used only for Senate and State of Illinois business, it is considered for purposes of this report and related findings to be a State resource.

Email Messages Appended to the Complaint. In his complaint Senator Hastings appended 13 email messages sent by Ms. Matz using her office email account that he alleged constitute prohibited political activity and 36 email messages sent by or to Ms. Matz constituting or evidencing use of her office email account to conduct personal Village of Olympia Fields or real estate business activity. He says it was to those emails he was referring in his October 3, 2018, termination letter to Ms. Matz.

Of the 13 email messages alleged to constitute prohibited political activity, only five actually constitute prohibited political activity, one of which was dealt with appropriately by Ms. Matz in conformity with supervisory direction and so is not considered a violation for purposes of this report. The remaining four, however, clearly constitute prohibited political activity Ms. Matz was warned to avoid due to the potential consequence of termination of employment. Three other emails relate to conducting Village of Olympia Fields business in Ms. Matz's capacity as an elected village Trustee, and the remaining five relate to a "Women Leading the Way" project that, while containing a political element in the general sense, do not meet the statutory definition of prohibited political activity.

Of the 36 email messages alleged to relate to conducting Ms. Matz's personal real estate business, 34 clearly do so, while the last two appended arguably relate to office business. In the most egregious of those relating to her personal real estate business, Ms. Matz used her official position and a claim to be acting at Senator Hastings' behest to ask a State agency to resolve a licensing issue for a "constituent" who was, in fact, her.

Emails Constituting Prohibited Political Activity. The five email messages constituting prohibited political activity are the following, all sent from Ms. Matz's personal iPhone, as so labeled in a footer message at the end of each email:

- On May 22, 2014, while employed as Community Outreach Liaison, Ms. Matz used her office email account "outreach@senatorhastings.com" to send an email to [REDACTED] (then Chief of Staff) at "district19@senatorhastings.com" in which Ms. Matz forwarded a political email advertising that Governor Quinn's re-election campaign was seeking to hire field organizers. Ms. Matz asked if [REDACTED] had heard about that.

[REDACTED] replied, alerting Ms. Matz to the fact her email constituted prohibited political activity and advising how to handle the receipt of such political emails (rather than forwarding them):

Hey C-

This is an email that violates the ethics clause we talked about last week. Please be sure to send [sender] the appropriate response email. (I can resend it to you if you need it.)

We cannot send or receive any emails that are political or related to campaigns using our senatorhastings.com account. You cannot respond with an alternate address or phone number. You must respond though stating the

ethical violation and request to be removed from the list to prevent receiving these emails in the future. The fines associated with these violations are thousands of dollars and *the state will terminate employees if they use the state time/accounts for political/campaign use.*

Please let me know if you need the response email or have questions.

(Emphasis added.)

Ms. Matz asked that [REDACTED] resend the office's standard response, which she did, following which Ms. Matz sent that response to the sender of the offending email.

(Note: Given how new to the office Ms. Matz was at the time and her appropriate response to supervisory guidance about how to deal with such incoming unsolicited political emails, this occurrence is not considered a violation for purposes of this report.)

- On Monday, January 30, 2017, at 11:10 a.m. (during normal office work hours), after becoming Chief of Staff and assuming use of the "district19@senatorhastings.com" email account, Ms. Matz used that State email account to send an attached campaign "Strategy Memo" outlining the strategy for her political campaign for election as a Trustee of Olympia Fields. (The recipient is unnamed herein.)
- On Thursday, February 9, 2017, at 9:59 a.m. (during normal office work hours) Ms. Matz used her "district19@senatorhastings.com" email account to send two attachments consisting of her photo on campaign graphics that appear to be designed for use on campaign literature or posters.
- On Sunday, April 16, 2017, starting at 10:29 p.m. (not on a normal workday), Ms. Matz used her "district19@senatorhastings.com" email account to send a series of emails with attachments relating to what were labeled in the title as "Campaign Expenses".
- On Friday, May 11, 2018, at 5:59 p.m. (after normal work hours), Ms. Matz used her "district19@senatorhastings.com" email account to send an image of an invitation to a political fundraiser for [REDACTED].

As noted above, five allegedly offending emails between July 22-25, 2017, related to exchanging drafts of a mission statement for a "Woman Leading the Way" program that Ms. Matz claims was a district office project. As stated in the mission statement attached to an email, the purpose of the project was "to educate, inspire, provide resources and empower the next female leaders with the core values, attitudes and skills that are the foundation of quality leadership." The political aspect of the project is contained in its stated goals:

- To create opportunities for women to observe, interact with, and learn from outstanding established leaders, in all aspects of government and

- *To facilitate the process of developing philosophies and individualized plans for becoming tomorrow's elected official.*

(Emphasis added.) While training people to develop “plans for becoming tomorrow’s elected official” is a questionable use of State time and resources, it does not—at least overtly—meet the statutory definition of prohibited political activity, which aims primarily at partisan organization or partisan campaign activity.

The remaining three of the emails alleged to constitute prohibited political activity relate to administrative business concerning Ms. Matz’s role as an elected Trustee of Olympia Fields and should more appropriately be categorized as such. Such personal use of State resources was prohibited by Senate personnel policies.

Using State Email Account to Conduct Personal Real Estate Business. Senator Hastings based his termination letter and complaint to the LIG in part upon 34 emails relating to Ms. Matz’s personal real estate business, consisting primarily of messages and attachments concerning disclosure reports, closing documents, transaction reports, and real estate licensing issues.

When interviewed, Ms. Matz did not deny the personal business nature of the emails, but asserted the defense of inadvertence. She claimed she lacked the technical know-how to always be able to distinguish between her use of her personal and office email accounts when using her personal iPhone to send messages.

However, the claim of inadvertent confusion of email accounts fails to account for email messages Ms. Matz sent from her personal email account to her office email account, messages forwarded using her iPhone from her office email account to her office account (apparently read initially on her iPhone and then forwarded to herself to be read later on the larger screen of her office laptop), and messages sent from her office laptop (as evidenced by the lack of the “Sent from my iPhone” message at the bottom). Nor does it explain why Ms. Matz never asked her real estate associate and others who frequently sent real estate business emails to her office email address to stop doing so and send them instead to only her personal email address.

The following email messages cited by Senator Hastings in his complaint were sent by Ms. Matz from her personal email account to her office account, all sent using her iPhone:

- On Sunday, July 12, 2015, at 9:00 a.m. (more than two months after assuming the position of Chief of Staff), Ms. Matz sent an email message from her personal “cassandramatz@yahoo.com” email address to her “district19@senatorhastings.com” office email address. Attached were an Association of Realtors “Residential Real Property Disclosure Report,” “Mold Disclosure,” and “Disclosure of Information on Radon Hazards.”

When asked about why she would email such forms to her office email account, other than to view it on her office laptop computer (with its larger screen) rather than on her iPhone or to use the office printer to print them off, Ms. Matz nodded yes and said that sounded like a conclusion you could come up with—a conclusion she did not deny or dispute despite being given that opportunity.

- A minute later on Sunday, July 12, 2015, at 9:01 a.m., Ms. Matz sent another email message from her personal “cassandramatz@yahoo.com” address to her “district19@senatorhastings.com” office email address, this time attaching a realtors “Listing Agreement.”
- On Tuesday, July 28, 2015, at 11:27 a.m. (during normal work hours), Ms. Matz sent an email message from her personal “cassandramatz@yahoo.com” address to her “district19@senatorhastings.com” office email address with a blank real estate broker/firm reinstatement application form attached. The only apparent reasons for sending such an email seem to be to either print it off on the office printer (a State resource) and/or work on it at the office.
- On Monday, August 3, 2015, at 11:40 a.m., Ms. Matz sent an email message from her personal “cassandramatz@yahoo.com” address to her “district19@senatorhastings.com” office email address with a “HUD Broker checklist” attached.
- On Wednesday, April 20, 2016, at 4:09 p.m., Ms. Matz sent an email message from her personal “cassandramatz@yahoo.com” address to her “district19@senatorhastings.com” office email address in which she forwarded a message from the Illinois Department of Financial and Professional Regulation (IDFPR) congratulating her on renewing her real estate managing broker license, number 471017038 and instructing her to click on a link to view (and potentially print) her license, which she apparently intended to do at the office rather than on her iPhone.
- Two minutes later on Wednesday, April 20, 2016, at 4:11 p.m., Ms. Matz sent an email message from her personal “cassandramatz@yahoo.com” address to her “district19@senatorhastings.com” office email address with a PDF image of her license. The only apparent reason for doing so would be to use the office printer to print it.

On two other occasions, Ms. Matz used her personal iPhone to forward email messages to herself at her office email address, again apparently to either view them on the larger screen of her office laptop or print them using the office printer:

- On Wednesday, April 6, 2016, at 6:07 p.m., Ms. Matz sent an email message from her iPhone using her “district 19@senatorhastings.com” address to herself at that same email address. Attached was a JPEG image of for CJ Redd Realty, commercial real estate, bearing a photograph of Ms. Matz.
- On Friday, March 24, 2017, at 4:05 p.m., Ms. Matz sent an email message from her iPhone using her “district 19@senatorhastings.com” address to herself at that same email address. Attached was a PDF image of an IDFPR real estate broker corporation license, number 478.026470, issued to CJ Redd Realty, Inc., listing Cassandra J. Matz as managing broker.

On 12 other occasions, Ms. Matz used her office laptop (as evidenced by the lack of a “Sent from my iPhone” message at the bottom) to send email messages relating to her personal real estate business using her official “district 19@senatorhastings.com” address. The dates and times were:

- Monday, July 27, 2015, at 12:03 p.m.
- Tuesday, August 4, 2015, at 11:29 a.m. (with attached 2014 Real Estate Broker Firm/Office Reinstatement application for CJ Redd Realty, Inc, license number 478026470, signed by Ms. Matz)
- Tuesday, August 4, 2015, at 11:47 a.m.
- Wednesday, December 2, 2015, at 12:20 p.m.
- Monday, March 28, 2016, at 4:05 p.m.
- Wednesday, April 27, 2016, at 12:02 p.m.
- Tuesday, May 24, 2016, at 2:21 p.m.
- Friday, May 27, 2016, at 10:47 a.m. and again at 1:11 p.m.
- Thursday, June 9, 2016, at 2:50 p.m.
- Friday, June 10, 2016, at 9:54 a.m.
- Thursday, July 7, 2016, at 1:31 p.m.

In a particularly egregious abuse of her position as well as misappropriation of State resources to conduct personal real estate business, in March 2016 Ms. Matz used her office laptop (as evidenced by the lack of a “Sent from my iPhone” message at the bottom) and office email account to send and receive email communications with ██████████ at IDFPR invoking Senator Hastings’ name and using her position as his Chief of Staff to seek assistance resolving a license issue involving a “constituent” who was, in fact, Ms. Matz herself:

- On Friday, March 4, 2016, at 11:56 a.m., Ms. Matz used her “district 19@senatorhastings.com” email address and using her official title in an email to ██████████ at IDFPR, captioned “Mix up with constituents license,” in which she stated:

Good Day ██████████ Happy Friday!

Senator Hastings thought you might be able to assist in correcting the position of the Sponsoring broker v.s the Managing broker. It was brought to my attention that the managing brokers name appeared on the license twice and with further investigation, all the other brokers license have the sponsoring broke name in the correct position. Please look into this, so the managing brokers license (471.017038) can be in compliance with IDFPR, and with the

sponsoring brokers (CJREDD Realty, Inc. 478.026470) name to appear in the corrected position. Thanks for all you do.

[Note the references to both license numbers in previous emails described above as being associated with Ms. Matz and her business, evidencing that she was the “constituent” whose problem she was asking IDFPR in her official capacity to resolve, as is confirmed by [REDACTED]’s response, below.]

- On Monday, March 28, 2016, at 4:13 p.m., Ms. Matz sent a follow-up email to Mr. [REDACTED] asking if he was “able to rectify the license mix up.”
- On Tuesday, March 29, 2016, at 8:44 a.m., [REDACTED] sent a response in which he forwarded an email he received earlier that morning from another IDFPR employee, the latter stating in part:

Cassandra J. Matz’s managing broker license #471.017038 issued on October 22, 2012 with some assistance from Licensing as she completed the incorrect form and wound up renewing her broker license instead of transitioning to a managing broker license....

Her company’s license (CJ Redd Realty, Inc. #478.026470) issued on April 24, 2014.

She never transferred her license under the sponsorship of her company which is why she shows up as the managing broker of her company but is self sponsored on her own license.

[The email goes on to provide instructions on how to submit the correct paperwork to resolve the issue.]

The remaining emails relating to Ms. Matz’s real estate business appended to Senator Hastings’ LIG complaint consisted of incoming messages sent to Ms. Matz’s office email address, outgoing messages from her office email address using her iPhone and therefore subject to her (improbable) claim of inadvertent use, and two at least arguably relating to office business. The dates and content of those emails are not detailed here because they only muddy the evidentiary water and are unnecessary to resolution of this case.

4. Analysis

Intentional violation of the State Officials and Employees Ethics Act prohibition against using a State resource to conduct prohibited political activity is a Class A misdemeanor, punishable by up to 364 days of incarceration and a fine of up to \$2500. (5 ILCS 430/50-5(a)) The burden of proof regarding that or any other criminal offense is beyond a reasonable doubt. Based on the evidence of Ms. Matz’s limited aptitude for using electronic technology summarized in the summary report of investigation in related case 18-026, her defense that her use of her State email account to send the prohibited political emails using her iPhone was inadvertent, while improbable under a preponderance of the evidence standard, is nevertheless sufficiently plausible that it cannot be discounted beyond a reasonable doubt.

However, in the context of the emails regarding her personal village and real estate business, the claim of inadvertent confusion of personal and official office email fails to account for the email messages described above sent by Ms. Matz from her personal email account to her office email account, messages forwarded using her iPhone from her office email account to that same office account (apparently because read initially on her iPhone and then forwarded to herself to be read later on the larger screen of her office laptop), and those messages sent from her office laptop (as evidenced by the lack of the “Sent from my iPhone” message at the bottom).

Consequently, the preponderance of the evidence supports the findings stated below.

5. Factual Findings

The evidence and information summarized above leads to the following findings of fact:

- On at least four occasions (January 30, 2017; February 9, 2017; April 16, 2017; and May 11, 2018), Ms. Matz used her official office email account (which was a State resource) to conduct prohibited political activity after being warned that such use constituted grounds for termination of employment.
- On numerous occasions throughout her employment as Senator Hastings’ Chief of Staff, as described above, Ms. Matz misappropriated a State resource, namely her official office email account, and knowingly violated Senate and office personnel policy by using that email account to conduct personal real estate business activity.
- On March 4 and 28, 2016, Ms. Matz abused her position as Senator Hastings’ Chief of Staff by using her official office email account and title to send email communications to a State employee at IDFPR and invoking Senator Hastings’ name to attempt to influence official State action in the form of assistance resolving a real estate business license issue for a purported “constituent” who was, in fact, Ms. Matz herself.

6. Conclusions and Recommendations

Because intentional violation of the prohibitions on use of a State resource to engage in prohibited political activity cannot be proven beyond a reasonable doubt based on the currently available evidence summarized above, no referral for potential criminal prosecution is recommended.

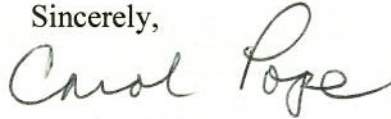
However, the preponderance of evidence does support the allegations of the complaint, which is therefore well-founded. Termination of employment is supported by the facts.

Because Ms. Matz is no longer a State employee, she is not subject to disciplinary measures applicable to employees. However, it is recommended that a copy of this report be placed in her personnel file so it can be considered in making any decisions regarding potential future State employment.

Because termination of Ms. Matz's employment was appropriately imposed as discipline by Senator Hastings, pursuant to the requirement in 5 ILCS 430/25-52(a), it is requested that this founded report be published.

Pursuant to §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 the corrective action to be taken, including whether you agree with my recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Carol Pope".

Carol Pope
Legislative Inspector General

CP/cmdc