

INSPECTOR GENERAL'S REPORT
Case No. 2017-OIG-1

Immediately after the Ordinance appointing me as Inspector General appeared in the newspaper, a letter was hand-delivered to my office. The letter is written in very unusual and virtually illegible handwriting that I recognized as being from a person who frequently wrote to the Judges of Sangamon County and the Court Administrator while I was serving as an Associate Circuit Judge through the end of November 2009.

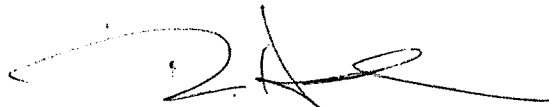
Thereafter, two additional letters arrived by hand-delivery, one of which was left in the Bank lobby of the building where I maintain my office.

I have attempted to enlarge the letters to see if I could ascertain their content, but with the exception of making out a few words such as, "jury trial", I am unable to make any sense of the content of any of the letters. I am also advised by backup Inspector General, Judge John Mehlick, that he has received letters from the same Complainant at his home.

There is no ability to contact the Complainant since the only information provided is a return address which is the street address for the Cook Street U.S. Post Office. No other contact information is provided.

Inasmuch as these letters are illegible and there is no method to contact the potential Complainant, this matter is closed with no action being taken.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Holmes", with a long horizontal flourish extending to the right.

Roger W. Holmes, Inspector General

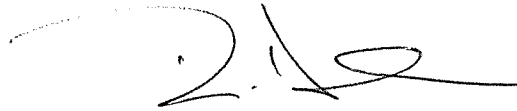
INSPECTOR GENERAL'S REPORT
Case No. 2017-OIG-2

In February 2017, I was provided access to the Inspector General's phone number originally set up for Hillard-Heinz who served as the first Inspector General. They had not been active for more than a year at the time that I accessed the phone for messages. There was one message of unknown date in which the Complainant was critical of a certain action by the Springfield Police Department.


I contacted Springfield Police Chief, Kenny Winslow, with respect to the Complainant's identity and he was familiar with the Complainant and confirmed that Complainant had filed for an Internal Affairs Investigation of his Complaint. The Internal Affairs Investigation has been fully completed and their case has been closed.

Under the Inspector General's Ordinance, the Inspector General has no jurisdiction over Springfield Police Department Internal Affairs matters. Therefore, this case is closed with no action being taken.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Holmes', with a large, sweeping flourish extending to the left.

Roger W. Holmes, Inspector General



JOHN A. MEHLICK
Alternate Inspector General
for the City of Springfield, Illinois

10 Red Bud Run
Springfield, IL 62707-9370

Via Hand Delivery

Springfield City Council Ethics Committee
Municipal Center West
300 South Seventh Street
Room 325
Springfield, IL 62701

Re: 2017 OIG-4

To The Springfield City Council Ethics Committee:

Pursuant to ordinance, I was given a matter to investigate as Alternate Inspector General since Roger Holmes had a conflict.

Complaint

An email from Complainant alleged 1) that a City employee was presenting himself to the State of Illinois as full-time employee of a private firm while working full-time for the City; and 2) the City employee participated in private projects for the private firm that were regulated in part by the City of Springfield.

Actions

Documents from Complainant and the Director were reviewed. Telephone conferences were made with the Complainant, the Director of the department where employee worked, and the employee. It was determined that the employee has been a full-time City employee since 2012. It was further determined that when he left the private firm, he wrapped up some projects for the firm during his first few months with the City. The employee has not done any work for the private firm since. The City employee was listed as a Managing Agent for the firm with the

State of Illinois, even though he was no longer doing any work for the firm. The firm is in the process of taking his name off as Managing Agent and the correct agent is being reported to the State of Illinois. The City employee did not work on projects for the private firm while a City employee and that were regulated by the City. Thus, no conflict of interest exists by the City employee.

Recommendation

This matter should be closed and no referral is necessary. I would note that the Complainant filed a Complaint with the Illinois Department of Financial and Professional Regulation regarding the City employee's failure to have his name taken off as Managing Agent when he started full-time employment with the City. That matter is still pending.

Respectfully submitted,

 6/16/17

John A. Mehlick
Alternate Inspector General
for the City of Springfield, Illinois

JAM:kb

cc: Mayor James O. Langfelder
James K. Zerkle, Corporation Counsel

INSPECTOR GENERAL'S REPORT

Case No. 2017-OIG-3

I was contacted directly at my office by Complainant regarding dissatisfaction with the City's handling of an administrative law case regarding a porta potty located on Complainant's property. The issues raised fell into 3 categories:

1. That City Building and Zoning Inspectors did not adequately know the law relating to porta potties when an administrative law case was filed against Complainant.
2. That Complainant was treated rudely by a member of the Building and Zoning staff.
3. That a plumbing inspector trespassed upon Complainant's land in violation of applicable codes and the posting of a No Trespassing sign when the porta potty was placard to prohibit occupancy.

Complainant stated that the porta potty had been present on Complainant's property for in excess of 8 years and was used by his extended family including children, grandchildren and great grandchildren as they consumed soft drinks from an outdoor drink machine and pursued outdoor recreational activities. Complainant noted that during the time the porta potty has been present, Complainant has pursued 3 building projects on his property in 2012, 2015 and 2016, all of which were done pursuant to duly issued City building permits and all of which resulted in multiple inspectors, including plumbing inspectors, coming to Complainant's residence to perform inspections pursuant to the building permits. Complainant even states that on numerous occasions, City inspectors made use of the subject porta potty. Throughout this period, no complaints were lodged regarding the presence of the porta potty.

According to Building and Zoning, in 2016, they received a citizen complaint regarding the presence of the porta potty. Thereafter, a member of the Building and Zoning staff and Complainant engaged in a lengthy series of telephone conversations, emails, and written violation reports and responses culminating in the filing of an administrative law complaint against Complainant.

Complainant alleges that he was repeatedly advised by the City that the porta potty was in violation of plumbing codes and Illinois Department of Public Health Regulations. The individual handling the case for Building and Zoning sent Complainant numerous citations to the Plumbing Code and at one point, suggested that the porta potty be connected to the City sewer system. Complainant advised him that his property was not connected to the City sewer system and that there was no Code requirement or State requirement that a porta potty be connected to a sewer which would defeat its basic function.

Complainant states that contact was made with the Illinois Department of Health Plumbing Divisions and that they contradicted Building and Zoning employees' characterizations of the porta potties being a plumbing violation. Complainant states that on several occasions, the individual at Building and Zoning was rude to him and terminated one phone call by hanging up on him. While there is no way to review the telephone conversations between the parties, I did review a series of emails and found that both Complainant and the City employee communicated with appropriate decorum in the emails.

Ultimately, an administrative law complaint was filed against Complainant, which alleged that the porta potty was a nuisance under the general definition of nuisance from the Springfield Ordinance and also cited plumbing code violations. Complainant hired a private attorney and spent approximately \$2,000 defending the administrative law case.

Complainant states that the porta potty in question was serviced on a weekly basis by Little Johnny, who is a state licensed company doing retention tank cleanouts. Complainant, pursuant to an FOIA request, learned that the Springfield Park District employs 36 porta potties in various City parks.

Thereafter, Plaintiff's attorney filed subpoenas upon a number of State and City employees and officials. In October, 2016, the City moved to dismiss its complaint without prejudice on the basis of insufficient evidence and stated, "Per inspector, no evidence of nuisance present as of last inspection." Complainant states that nothing changed in the location or use of the porta potty in the 8 years that he used it up to and including the date of the dismissal of the case.

Complainant's final issue is that the City plumbing inspector who placard the porta potty on July 26, 2016, did so in violation of Springfield City Ordinance Section 171.10.06(c) which states:

"Before making an inspection hereunder, the department shall first obtain the consent of the building occupant or, in the event the building is unoccupied, the owner or his authorized agent. If entry is refused, or the occupant or owner cannot be located, entry shall be made only after obtaining a warrant as provided by law."

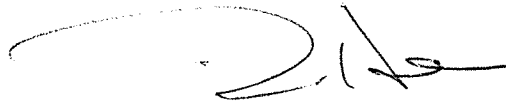
There is no indication that any warrant was ever issued or executed regarding the subject porta potty. Complainant further states that there was a clear "No Trespassing" sign at the entrance to his property and states that in light of his lengthy exchanges with the Building and Zoning employee and the many trips that City inspectors made to his premises regarding the 3 prior building permits, that it would have been easy to contact him by telephone or mail seeking permission to enter the property for the purpose of placing the placard. The plumbing inspector who placed the placard retired several weeks later.

Having had several lengthy telephone conversations and a lengthy office conference with Complainant, having interviewed the Building and Zoning employee in question and having reviewed relevant ordinances, it is my finding that there are no grounds for referral of this matter for any further action. However, the following recommendations are made:

RECOMMENDATIONS

1. That policies be in place to insure the adequate training of Building and Zoning employees within the context of the matters which they handle.
2. That City employees be reminded to maintain professional decorum when dealing with members of the public.
3. That the Office of Corporation Counsel be encouraged to offer training to Building and Zoning personnel as to proper ways to obtain entry onto citizens' property for purpose of inspections or placards.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Holmes', with a large, sweeping flourish on the left side.

Roger W. Holmes, Inspector General

INSPECTOR GENERAL'S REPORT

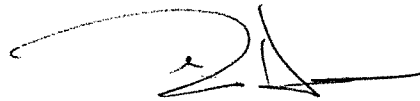
Case No. 2017-OIG-5

During the last week of May, 2017, a call came in to the OIG telephone number and a message was left by a Complainant regarding tree limbs that had been left behind on Complainant's property after CWLP trimmed trees below its power lines. I immediately returned the call and on June 1, 2017, I met Complainant at Complainant's residence to view the limbs in question.

I observed several piles of mulched tree waste and a pile of limbs approximately 15 feet long and 2-3 feet tall. I contacted Mark Mahoney, Director of Public Works who followed up by contacting the tree removal contractor. Shortly thereafter I received a call from Complainant who told me that the problem had been resolved to Complainant's satisfaction.

This matter has been closed with no further action being deemed necessary.

Respectfully submitted,

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Roger W. Holmes, Inspector General

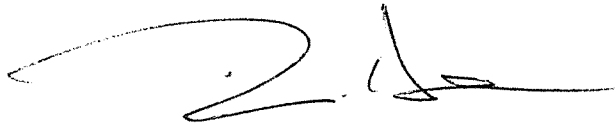
INSPECTOR GENERAL'S REPORT

Case No. 2017-OIG-6

I was contacted during the first week in June by an elderly Complainant who stated that a City vehicle had collided with his vehicle, causing \$1150 in damage on March 29, 2017. He had been discussing the case with a City employee who had promised payment and then did not hear anything further. Upon attempting to contact that employee, I found that he was no longer employed but I was able to contact his supervisor, who immediately ordered the check, which was mailed to Complainant last week.

This matter having been resolved, the case is closed.

Respectfully submitted,

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Roger W. Holmes, Inspector General