

STATE OF ILLINOIS)
)
) SS.
IROQUOIS)

IN THE CIRCUIT COURT OF IROQUOIS COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
 Plaintiff,)
 v.)
)
DEE SCHIPPERT,)
 Defendant.)

Case No. 2024 CF 38

PEOPLE’S RESPONSE TO MOTION *IN LIMINE* ONE (GAMBLING)

NOW COME the People of the State of Illinois by and through the Attorney General, Kwame Raoul, State of Illinois, and Haley C. Bookhout, Assistant Attorney General, and in response to Defendant’s Motion *in Limine* One (Gambling), hereby state as follows:

1. The Defendant is charged by way of a thirty-three (33) count Information, filed with the Court on March 20, 2024.
 - a. Defendant is charged in Count I with Theft of Governmental Property by Deception exceeding \$100,000, a Class X felony, which includes the allegation “in that said defendant submitted fraudulent timesheets claiming hours she did not work...” between May 31, 2020, and July 15, 2022.
 - b. Defendant is charged in Count III with Theft of Governmental Property by Deception exceeding \$10,000 but not exceeding \$100,000, a Class 1 felony, which includes the allegation “in that said defendant submitted fraudulent timesheets claiming she worked at least 40 hours per work week...” between May 31, 2020, and July 15, 2022.

- c. Defendant is charged in Count IV with Theft of Governmental Property by Deception exceeding \$10,000 but not exceeding \$100,000, a Class 1 felony, which includes the allegation “in that said defendant submitted fraudulent timesheets claiming overtime hours she did not work...”, between May 31, 2020, and July 15, 2022.
- d. Defendant is charged in Count V with Theft of Governmental Property by Deception exceeding \$10,000 but not exceeding \$100,000, a Class 1 felony, which includes the allegation “in that said defendant submitted fraudulent timesheets claiming hours from previous pay period, without identifying the payroll as back pay...” between May 31, 2020, and July 15, 2022.
- e. Defendant is charged in Count VII with Theft of Governmental Property by Deception exceeding \$10,000 but not exceeding \$100,000, a Class 1 felony, which includes the allegation “in that said defendant made false representations to the Board of Health to obtain approval to receive pay for 179 hours of overtime...” between July 6, 2022, and July 15, 2022.
- f. Defendant is charged in Count VIII with Theft of Governmental Property by Deception exceeding \$10,000 but not exceeding \$100,000, a Class 1 felony, which includes the allegation “in that said defendant fraudulently used grant funds from the Contact Tracing Grant to pay for her overtime...” between May 31, 2020, and July 15, 2022.
- g. Defendant is also charged with two additional counts of Theft alleging the Defendant exercised unauthorized control over governmental property between

May 31, 2020, and July 15, 2022. Count II being a Class X felony and Count VI being a Class 1 felony.

- h. Defendant is also charged with eight counts of Forgery, all Class 3 felonies, relating to false entries made on timesheets for hours the Defendant allegedly worked during a given pay period.
 - i. Defendant is also charged with 17 counts of Official Misconduct, all Class 3 felonies; 16 of which are predicated on the above conduct. Count XXXIII contains additional allegations in that said Defendant, “a public officer or employee, in her official capacity, knowingly performed an act which she knew she was forbidden by law to perform, in that she committed the offense of Whistleblower Retaliation, 740 ILCS 174/15, by retaliating against Taylor Eades by terminating her employment after Taylor Eades disclosed information to Iroquois County Human Resources and/or the Iroquois County Board and/or the Illinois State Police, when Taylor Eades had reasonable cause to believe that the information disclosed a violation of a State or federal law, rule, or regulation, in violation of 720 ILCS 5/33-3(a)(2).”
2. During the time relevant to the charges against the Defendant, the Defendant was employed by the Iroquois County Board of Health (“Board of Health”) as the Iroquois County Public Health Administrator (“Administrator”), overseeing the Iroquois County Public Health Department (“ICPHD”) and its employees.
- a. Paragraph 1.1 of the Defendant’s Employment Agreement with the Iroquois County Board of Health from both 2015 and 2020 state: “During the term of Administrator’s employment hereunder, the Board shall employ Administrator and

Administrator shall serve the Board in the capacity of administrator, and/or in such other capacities as the Board and the Administrator may from time to time agree. In such capacity, Administrator shall have, subject to the direction and control of the Board, such responsibilities as provided in the standard operating guidelines and procedures, and for such other tasks, including the conduct of the daily operations and business of the Iroquois County Public Health Department (“Department”), as may be assigned to Administrator by the Board.”

- b. Paragraph 1.2 of the Defendant’s Employment Agreement with the Iroquois County Board of Health from both 2015 and 2020 state: “During the term of Administrator’s employment hereunder, Administrator shall devote her full working time and best efforts to the business and affairs of the Board for a minimum of forty (40) hours a week, including all meetings, training, and other duties deemed necessary in the sole discretion of the Board.”
- c. The Iroquois County Personnel Policy Manual, in effect at all relevant times, states it is the responsibility of the employee to submit hours during the pay period when the employee worked those hours.
- d. The Defendant’s position as Administrator was a full-time salaried position. As a result of the COVID-19 Pandemic, salaried employees of the ICPHD were given permission to claim overtime, which would be paid-out at time-and-a-half their hourly wage. The Board of Health told the Defendant in or around August 2020 that she could not claim more than 28 hours of overtime (or two hours per day) per pay period.

3. The People, in part, are alleging that the Defendant's timesheets contained fraudulent information as to both her 40-hour per week schedule, as well as her overtime hours worked. The People are also alleging that the Defendant made misrepresentations about her actual time worked, being both the 40-hour per week schedule as well as overtime, to the Iroquois County Board of Health. Between March 2020 and July 2022, the defendant claimed and was paid for more than 1,830.50 hours of overtime. More than 1,500 of these hours were allegedly for contact tracing. While the Defendant's contract does require at least 40 working hours to be dedicated to the position of Administrator, the contract does not specifically provide for set days of the week or set working hours during the day.
 - a. According to the ICPHD website, the normal business hours of the ICPHD are 8:30 a.m. to 4:30 p.m.
 - b. Additional documentation submitted by the Defendant on grant paperwork to the State of Illinois confirms the hours of operation, and the Defendant also certified that the ICPHD has a time and effort system to track program-specific work. For example, in the Contact Tracing Grant application, the Defendant said time will be submitted on time study sheets. The Defendant's salary and overtime were, at least in part, funded by grants awarded to Iroquois County.
 - c. The Defendant was required to sign and submit bi-weekly timesheets, which document the amount of overtime and vacation claimed, and if it should be paid out of a specific grant. The People intend to admit this evidence so the trier of fact can compare the hours claimed on the timesheets to the hours the Defendant is observed working.

4. The People will present testimony from employees of the ICPHD that due to the nature of their positions, they were physically present at the ICPHD during much of the COVID-19 pandemic. The evidence will show that the Defendant was not frequently present at the ICPHD during normal business hours. Employees of the ICPHD would testify that Defendant's failure to be present during normal business hours interfered with their ability to complete certain tasks. The evidence will also show that the Defendant was not physically present at the ICPHD on weekends.
5. The People will present evidence that the Defendant would tell employees of the ICPHD, the Board of Health, as well as Iroquois County Board members that she would often work from 6:00 a.m. through 11:00 p.m., every day of the week, taking work-related phone calls.
 - a. The People will present evidence from the Defendant's personal cell-phone call logs, challenging this contention. If this matter proceeds to trial, the People would be prepared to elicit testimony regarding how many calls were made and/or received outside of the ICPHD's normal business hours, how many calls were made and/or received during the ICPHD's normal business hours, and whether the evidence is consistent with an individual doing contact tracing.
 - b. The People will also present evidence from Ruder Technologies documenting the number of calls made to and from the Defendant's assigned desk phone at the ICPHD, challenging this contention.
 - c. The People's evidence will include information that, during the height of the COVID-19 pandemic, the Defendant was taking overtime related to specific activities, such as contact tracing.

- d. The People's evidence will also include information that as the COVID-19 pandemic progressed, the Defendant was claiming substantially greater overtime than all of the other ICPHD employees.
6. The People have tendered witness statements of employees of Iroquois County that they observed the Defendant's vehicle at Winnie's Gaming Café ("Winnie's") and/or Scotchman's East in Watseka, IL, "during work hours".
 - a. The People contend that the witnesses would testify that they would see the Defendant's vehicle during the normal hours of operation for the ICPHD, while the same employees would have difficulty contacting the Defendant for work-related issues.
 - b. The People have tendered statements to the defense that the Defendant told several ICPHD employees that she would go to Winnie's during work hours to cope with stress.
7. The People have also tendered evidence to the defense consisting of hours of video footage of the Defendant utilizing gaming machines in Winnie's. A breakdown of the hours shows that the Defendant was utilizing the gaming machines during the normal business hours of the ICPHD, as well as after business hours, and weekends
 - a. The People have tendered video from Winnie's between October 4, 2020, to June 11, 2022. Review of the available video shows the Defendant was at the gaming machines for more than 759 hours.
 - b. From October 4, 2020, to December 31, 2020, the Defendant is observed in Winnie's, during the normal business hours of the ICPDH, for approximately 14 hours and 33 minutes. The Defendant also started video gaming during normal

business hours and continued playing after normal business hours for approximately 1 hour and 7 minutes. The Defendant is observed in Winnie's after business hours for at least 22 hours and 28 minutes. During that same time period, the Defendant claimed at least 52 holiday hours and 263 hours of overtime on her timesheets – in addition to her contractually required 40 hours per week.

- c. During 2021, the Defendant is observed on video at Winnie's for approximately 141 hours and 56 minutes during normal ICPHD business hours. The Defendant started video gaming during normal business hours and continued playing after business hours for approximately 147 hours 20 minutes. The Defendant is observed at Winnie's after business hours for approximately 157 hours and 47 minutes. During 2021, the Defendant claimed at least 796 hours of overtime – in addition to her contractually required 40 hours per week.
 - d. From January 1, 2022, through July 5, 2022, the Defendant is observed on video at Winnie's for approximately 103 hours and 59 minutes during normal ICPHD business hours. The Defendant started video gaming during normal business hours and continued playing after business hours for approximately 46 hours and 10 minutes. The Defendant was at Winnie's after business hours for approximately 36 hours and 10 minutes. During that same time frame, the Defendant claimed at least 275 hours of overtime – in addition to her contractually required 40 hours per week
8. The People intend to present additional evidence at trial including, but not limited to:
- a. Remote access log-in information from the Defendant's work laptop;
 - b. Salesforce records for the Defendant's account;

- c. Recordings from public and executive sessions of the Board of Health and its committee meetings, including but not limited to statements by the Defendant;
 - d. Testimony from Board of Health members that they never approved the Defendant claiming more than 28 hours of overtime per pay period;
 - e. Testimony from Board of Health members that they never approved the Defendant claiming back pay;
 - f. Testimony from Board of Health members that they never received documentation of the Defendant's overtime hours;
 - g. Evidence of how much the Defendant was paid, in addition to her normal salary, as a result of claiming overtime;
9. The People intend to present evidence from both witnesses as well as documentary records reviewed during the investigation to demonstrate that the Defendant was not only not working her required forty (40) hours per week, that she was also falsifying her overtime hours in order to receive overtime pay. Evidence of her hours spent at Winnie's, coupled with other evidence obtained, is both highly relevant and necessary to the People's case-in-chief.
- a. The People argue that, while the Defendant was not contractually obligated to work her required 40 hours during the ICPHD's normal business hours, she was still required to work 40 hours during a seven-day week. Records and witness testimony, not exclusive to, but including evidence of hours spent gaming, are expected to demonstrate that while the Defendant was reporting to ICPHD employees, the Board of Health, and the County Board, that she was working all hours of the day, she was in fact not working her required hours, much less the

additional overtime claimed. The People further argue that gaming evidence from all seven days of the week, both during and after the ICPHD's normal business hours, becomes relevant precisely because the Defendant's contract does not specify when she was to work her 40 hours a week. This evidence is crucial for the trier of fact to determine whether the timesheets and hours claimed are indeed fraudulent and whether the Board of Health was in fact deceived.

- b. Furthermore, evidence of the Defendant's gaming is relevant to show the Defendant falsely claimed she was contact tracing, despite being paid out of grant requiring said funds be used for that specific purpose.
- c. The evidence of video gaming presented by the People is not speculative in nature, as the hours spent at Winnie's were video recorded, time-stamped, and tendered in evidence.
- d. The defense will have the opportunity to question a prospective juror's experience and opinions on gaming during *voir dire*.
- e. The People are not offering evidence of the Defendant video gaming to inflame the prejudices of the jury, but instead to show what the Defendant was doing with her time while she claimed to be working.

Wherefore, the People respectfully request that the Court deny the Defendant's Motion in Limine One (Gambling) and request that evidence be allowed to be presented by the People in their case-in-chief.

THE PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL:

BY: *Haley C. Bookhout*
Haley C. Bookhout
Assistant Attorney General