

PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES UNDER THE GOVERNOR
INVESTIGATIVE REPORT

Case Number: 21-01474

Subject(s): Henry Marbold and Laura Marbold

Below is the redacted version of an investigative summary report issued by the Executive Inspector General for the Agencies of the Illinois Governor. Pursuant to section 20-50 of the State Officials and Employees Ethics Act (Act) (5 ILCS 430/20-50), a summary report of an investigation is required to be issued by an executive inspector general when, and only when, at the conclusion of investigation, the executive inspector general determines reasonable cause exists to believe a violation has occurred. If a complaint is not to be filed with the Commission for adjudication of the alleged violation, the Act further requires the executive inspector general to deliver to the Executive Ethics Commission (Commission) a statement setting forth the basis for the decision not to file a complaint and a copy of the summary report of the investigation and of the response from the ultimate jurisdictional authority or agency head regarding the summary report. 5 ILCS 430/20-50(c-5). The Act requires that some summary reports be made available to the public and authorizes the Commission to make others available. 5 ILCS 430/20-52. Before making them available, however, the Commission is to redact from them information that may reveal the identity of witnesses, complainants, or informants and may redact “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

Some summary reports delivered to the Commission may contain a mix of information relating to allegations with respect to which the executive inspector general did and did not determine reasonable cause existed to believe a violation occurred. In those situations, the Commission may redact information relating to those allegations with respect to which the existence of reasonable cause was not determined.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission has redacted certain information contained in this report and identified where said redactions have taken place and inserted clarifying edits as marked. Publication of a summary report of an investigation, whether redacted or not, is made

with the understanding that the subject or subjects of the investigation may not have had the opportunity to rebut the report's factual allegations or legal conclusions before issuance of the report. Moreover, there has not been, nor will there be, an opportunity for the subject to contest or adjudicate them before the Commission. The subject merely has the opportunity to submit a response for publication with the report.

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Agencies of the Illinois Governor Office of Executive Inspector General ("OEIG"). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG's final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Illinois Governor, and each subject.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52. By publishing the below redacted summary report, the Commission neither makes nor adopts any determination of fact or conclusions of law for or against any individual or entity referenced therein.

– THE REDACTED VERSION OF THE EIG'S SUMMARY REPORT
BEGINS ON THE NEXT PAGE –

I. ALLEGATIONS

On July 27, 2021, the Office of Executive Inspector General (OEIG) received an anonymous complaint alleging that State employees Henry Marbold and Laura Marbold conduct work for Brammer Tree Company (Brammer), Drift Busters Snow Removal (Drift Busters), and/or [Website 1] during State time.¹

II. BACKGROUND

Henry Marbold began working at Central Management Services (CMS) in June 2015. He currently serves as a Carpenter and is stationed at the Illinois State Police Franklin Facility. Laura Marbold began working at State Board of Elections (SBE) in July 2013, and she currently serves as an Administrative Specialist II. The Illinois State Comptroller website reflects that in 2020 Laura Marbold earned \$47,100 and in 2021 she earned \$46,200 from SBE.

Henry Marbold and Laura Marbold's State personnel files indicate that they are spouses and live at the same address.

Both CMS and SBE have policies regarding secondary or outside employment. The CMS Policy Manual states that "[a]n employee may not...conduct outside employment on CMS premises or during CMS work hours" and that "[m]isuse or abuse of state working time for personal gain or for any reason other than performing the employee's assigned duties" is grounds for disciplinary action.² SBE's Policy Manual states "[a]ny employee who intends to engage in any type of outside employment shall obtain the approval of the Executive Director via the submission of a Disclosure Statement...[and they] are required to file a Disclosure Statement annually or when outside employment changes."³

III. INVESTIGATION

A. The Businesses

1. Brammer Tree Service and L & M Tree Service

According to the Illinois Secretary of State (SOS) website, Brammer Tree Service, Inc. was incorporated on February 23, 2006, and dissolved July 12, 2019; Henry Marbold is not listed as an officer or agent. However, the SOS website lists Henry Marbold as the Manager of another tree service, L & M Tree Service, Inc. (L & M), which was organized on April 11, 2019 and terminated December 3, 2021. The L & M principal office's address listed on the SOS website is the same as Henry Marbold and Laura Marbold's home address listed in their State personnel files, and [Individual 1] is listed as another Manager.⁴

¹ To avoid any confusion, Henry Marbold and Laura Marbold, as well as their family member, [Relative 1], will be referred to by their first and last names throughout this report.

² CMS Policy Manual Chapter 1 Section 2.

³ SBE Policy Manual 4.04.3.

⁴ <https://apps.ilsos.gov/corporatellc/CorporateLlcController> (last visited March 8, 2022). In Henry Marbold's interview, discussed further below, Henry Marbold said he and [Individual 1] purchased Brammer and registered their company under the name L & M but continued doing business as Brammer and kept the Brammer telephone number

2. Drift Busters

According to the SOS, Drift Busters was organized on June 15, 2016. Henry J. Marbold II is listed as the Agent and a Manager and the principal office's address is the same as Henry Marbold and Laura Marbold's home address listed in their personnel files.⁵ The Drift Buster's [Social Media 1] page reflects that they provide salt, plow, and shovel services for commercial properties.⁶

3. MarboldSignCo

MarboldSignCo is listed on the online marketplace [Website 1], as a shop that sells handcrafted farmhouse signs.⁷ The [Website 1] website lists the contact person as Laura Marbold, the owner as "Laura," and reflects that this seller has been on [Website 1] since 2018.⁸

As of August 31, 2021, the MarboldSignCo [Website 1] page reflected the shop had made 6,424 sales since it opened in 2018. Records subpoenaed from [Website 1] reflected the following sales volume made by MarboldSignCo through [Website 1] in 2020 and 2021:

Year	Number of Items Sold	Total Sales Prices
2020	2,974	\$87,504
2021	1,802	\$45,919
Total	4,776	\$133,423

B. Outside Employment Disclosures

The CMS and SBE Policy Manuals both require that employees submit a written request to conduct outside employment, and SBE requires employees to submit outside employment Disclosure Statements annually.⁹ The OEIG requested outside employment documentation for Henry Marbold and Laura Marbold from CMS and SBE, respectively.

CMS did not produce any Outside Employment Forms for Henry Marbold from 2015 through May 2021. CMS provided two Request For Outside Employment forms from Henry Marbold's personnel file that were both submitted on June 16, 2021. One form listed the outside employment with L & M stating that employment started March 2019 and involved 15-30 hours per week or as needed. The second form listed outside employment with Drift Busters stating that he began that employment April 2015, his weekly hours were "Seasonal," and he would remove snow as needed during the winter season. The forms were both signed as approved in

because of customer familiarity. To avoid confusion these two companies will collectively be referred to as L & M throughout the remainder of this report.

⁵ <https://apps.ilsos.gov/corporatellc/CorporateLlcController> (last visited February 8, 2022).

⁶ Drift Busters Snow Removal LLC | [Social Media 1] (last visited May 18, 2022).

⁷ Laura Marbold confirmed in her interview that this was her [Website 1] page.

⁸ [Website 1] (last visited May 18, 2022).

⁹ CMS Policy Manual Chapter 3 Section 4 and SBE Policy Manual 4.04.3.

the name of the then-Director on July 13, 2021. The two CMS forms produced did not disclose any outside employment with MarboldSignCo.

SBE did not produce outside employment Disclosure Statements for Laura Marbold for 2013 through 2018. SBE produced forms dated 2019 through 2021 where there is an “X” typed on the line next to the statement “No, I am not currently engaged in outside employment.” SBE also produced a form dated January 11, 2022, which indicates that Laura Marbold is currently engaged in outside employment as “Personal business- [Website 1] Shop,” the type of work performed is “Creating hand painted wood signs,” and the hours and days of employment are “Nights and weekends as needed to complete orders.” All the forms are signed in Laura Marbold’s name and the 2022 form was approved.

C. Henry Marbold’s Telephone Usage For Outside Employment During Work Hours

Henry Marbold’s scheduled work hours are Monday through Friday 7:00 a.m. to 3:30 p.m. He gets a one-half hour lunch period and two 15-minute breaks. His CMS timekeeping documents reflected his start and end time, his lunch period, and the dates and times benefit time was used. They do not otherwise reflect when breaks were taken.

The OEIG obtained Henry Marbold’s personal telephone¹⁰ records from March 1 through September 30, 2021, and compared them with his timekeeping records. The records reflect that during the time he reported working¹¹ at CMS, there were calls with and texts made to numbers associated with his outside businesses including: L & M;¹² his L & M co- manager, [Individual 1];¹³ and [Individual 2], Auctioneer.¹⁴ In his OEIG interview, Henry Marbold admitted that the communications listed below were related to his outside employment.

Calls with and Texts to Telephone Number of L & M

Date	To	From	Time	Duration (for Calls)¹⁵
March 30, 2021	L & M	Henry Marbold	12:34 p.m.	Text
March 31, 2021	L & M	Henry Marbold	1:18 p.m.	Text
April 1, 2021	L & M	Henry Marbold	10:03 a.m.	Text
April 1, 2021	Henry Marbold	L & M	3:05 p.m.	37 seconds

¹⁰ The OEIG obtained records for the telephone number listed in Henry Marbold’s personnel file. In his OEIG interview, Henry Marbold confirmed this number was his personal telephone number.

¹¹ For all of the phone records examined and discussed, “reported working” time or hours refers to calls or texts made during the working hours listed on the employee’s time sheet for that particular day and excludes the time listed for a lunch break.

¹² The OEIG conducted searches on [Website 2], [Social Media 1], and the [Website 3] and found a telephone number associated with L & M. In his interview Henry Marbold confirmed the number the OEIG had associated with L & M was the number he used for that business.

¹³ The OEIG searched a database and found a number associated with [Individual 1]. In his interview Henry Marbold confirmed this was the number he used to communicate with [Individual 1].

¹⁴ Henry Marbold confirmed during his interview that the number found by the OEIG was the number he used to contact [Individual 2], Auctioneer.

¹⁵ The telephone records document call duration, but not the duration of texts.

April 5, 2021	L & M	Henry Marbold	9:46 a.m.	Text
April 6, 2021	Henry Marbold	L & M	8:11 a.m.	13 minutes 57 seconds
April 6, 2021	Henry Marbold	L & M	8:38 a.m.	1 minute 16 seconds
April 6, 2021	L & M	Henry Marbold	8:57 a.m.	3 minutes 33 seconds
April 19, 2021	L & M	Henry Marbold	12:31 p.m.	Text
April 26, 2021	Henry Marbold	L & M	9:38 a.m.	14 seconds
May 13, 2021	L & M	Henry Marbold	11:54 a.m.	Text
May 13, 2021	L & M	Henry Marbold	2:39 p.m.	Text
June 11, 2021	L & M	Henry Marbold	12:56 p.m.	Text
June 11, 2021	L & M	Henry Marbold	1:02 p.m.	Text
June 11, 2021	L & M	Henry Marbold	1:08 p.m.	Text

As noted above, [Individual 1] is another Manager of L & M. Henry Marbold's telephone records reflect the following calls with and texts made to [Individual 1]'s number during Henry Marbold's reported work hours:

Calls with and Texts to Telephone Number of [Individual 1]

Date	To	From	Time	Duration (for Calls)
March 30, 2021	[Individual 1]	Henry Marbold	12:34 p.m.	Text
April 1, 2021	[Individual 1]	Henry Marbold	10:03 a.m.	Text
April 1, 2021	[Individual 1]	Henry Marbold	1:46 p.m.	Text
April 7, 2021	[Individual 1]	Henry Marbold	10:03 a.m.	Text
April 12, 2021	[Individual 1]	Henry Marbold	11:48 a.m.	4 minutes 18 seconds
April 12, 2021	Henry Marbold	[Individual 1]	12:49 p.m.	4 minutes 16 seconds
April 19, 2021	[Individual 1]	Henry Marbold	12:31 p.m.	Text
April 26, 2021	Henry Marbold	[Individual 1]	9:41 a.m.	46 seconds
April 26, 2021	[Individual 1]	Henry Marbold	9:45 a.m.	1 minute 41 seconds
April 26, 2021	[Individual 1]	Henry Marbold	11:52 a.m.	Text
April 27, 2021	[Individual 1]	Henry Marbold	11:35 a.m.	Text
April 27, 2021	[Individual 1]	Henry Marbold	11:42 a.m.	40 seconds
April 27, 2021	[Individual 1]	Henry Marbold	11:47 a.m.	Text
April 27, 2021	[Individual 1]	Henry Marbold	1:06 p.m.	1 minute 17 seconds
April 27, 2021	[Individual 1]	Henry Marbold	1:45 p.m.	Text
April 29, 2021	Henry Marbold	[Individual 1]	8:00 a.m.	2 minutes 4 seconds
May 3, 2021	[Individual 1]	Henry Marbold	7:05 a.m.	Text
May 4, 2021	Henry Marbold	[Individual 1]	7:00 a.m.	51 seconds
May 4, 2021	[Individual 1]	Henry Marbold	7:20 a.m.	Text
May 6, 2021	[Individual 1]	Henry Marbold	11:17 a.m.	2 minutes 49 seconds
May 10, 2021	[Individual 1]	Henry Marbold	7:00 a.m.	Text
May 10, 2021	[Individual 1]	Henry Marbold	7:02 a.m.	Text
May 13, 2021	Henry Marbold	[Individual 1]	9:55 a.m.	9 minutes 38 seconds
May 13, 2021	[Individual 1]	Henry Marbold	11:32 a.m.	Text
May 13, 2021	[Individual 1]	Henry Marbold	11:33 a.m.	Text
May 13, 2021	[Individual 1]	Henry Marbold	11:54 a.m.	Text

May 13, 2021	[Individual 1]	Henry Marbold	2:39 p.m.	Text
May 27, 2021	[Individual 1]	Henry Marbold	9:06 a.m.	Text
June 11, 2021	[Individual 1]	Henry Marbold	12:56 p.m.	Text
June 11, 2021	[Individual 1]	Henry Marbold	1:02 p.m.	Text
June 11, 2021	[Individual 1]	Henry Marbold	1:08 p.m.	Text
June 21, 2021	Henry Marbold	[Individual 1]	11:14 a.m.	52 seconds
June 21, 2021	[Individual 1]	Henry Marbold	11:18 a.m.	Text

While using [Website 2] to find information regarding L & M, the OEIG found an announcement by [Individual 2], Auctioneer stating it was holding an online auction for L & M and it provided its telephone number. The announcement stated the online auction would be held from September 12 through October 7, 2021. Henry Marbold's telephone records reflect the following calls with and texts made to that number during his reported work hours in the weeks leading up to, and during, the auction period:

Calls with and Texts to Telephone Number of [Individual 2], Auctioneer

Date	To	From	Time	Duration (for Calls)
August 30, 2021	[Individual 2]	Henry Marbold	2:15 p.m.	Text
September 1, 2021	[Individual 2]	Henry Marbold	10:02 a.m.	Text
September 2, 2021	[Individual 2]	Henry Marbold	1:19 p.m.	Text
September 2, 2021	Henry Marbold	[Individual 2]	2:10 p.m.	1 minute 51 seconds
September 2, 2021	[Individual 2]	Henry Marbold	2:22 p.m.	Text
September 2, 2021	[Individual 2]	Henry Marbold	2:24 p.m.	Text
September 2, 2021	[Individual 2]	Henry Marbold	2:26 p.m.	Text
September 2, 2021	[Individual 2]	Henry Marbold	2:33 p.m.	Text
September 7, 2021	[Individual 2]	Henry Marbold	10:21 a.m.	2 minutes 7 seconds
September 7, 2021	[Individual 2]	Henry Marbold	10:57 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	7:59 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	8:00 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	8:01 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	8:03 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	8:07 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	8:14 a.m.	Text
September 10, 2021	Henry Marbold	[Individual 2]	8:16 a.m.	11 seconds
September 10, 2021	[Individual 2]	Henry Marbold	8:17 a.m.	25 seconds
September 10, 2021	[Individual 2]	Henry Marbold	8:20 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	8:23 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	8:24 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	8:27 a.m.	Text
September 10, 2021	[Individual 2]	Henry Marbold	1:45 p.m.	Text
September 21, 2021	[Individual 2]	Henry Marbold	9:16 a.m.	Text

Calls with and Texts to Telephone Number of [Relative 1]

Henry Marbold confirmed in his interview that [Relative 1] is a paid employee of L & M and Drift Busters. The OEIG identified a telephone number associated with [Relative 1] through a database search, and Henry Marbold confirmed in his interview that he used this telephone number to communicate with [Relative 1]. Henry Marbold's personal telephone records reflect the following numbers of calls with and texts to [Relative 1]'s number during his reported work hours between March 1 and September 30, 2021:

- 467 calls, totaling approximately 73 hours and 25 minutes; and
- 105 sent text messages.

Additional Calls and Texts Connected to Outside Employment

In his interview, Henry Marbold said that [Individual 3] used to work for L & M, [Individual 3] works on signs for MarboldSignCo, and they are friends. Henry Marbold said he would not have any State related reason to communicate with [Individual 3]. The OEIG identified a telephone number associated with [Individual 3] through a database search.¹⁶ Henry Marbold's personal telephone records reflect the following number of calls with and texts to [Individual 3]'s number during Henry Marbold's reported work hours during three months between March and May 2021:

- 68 calls, and
- 6 sent text messages.

Henry Marbold said that [Individual 4] stores lawn mowing equipment at a shop he (Henry Marbold) rented in [City 1] where the L & M trucks were parked, they may have communicated one time about L & M, and at one point [Individual 4] needed trees removed from a local hotel. Henry Marbold said he would not have any reason to communicate with [Individual 4] as part of his State duties. The OEIG identified a telephone number associated with [Individual 4] through a database search, and Henry Marbold confirmed in his interview that the number the OEIG associated with [Individual 4] was stored in his telephone and is the number he used to communicate with [Individual 4]. Henry Marbold's personal telephone records reflect the following numbers of calls with and texts to [Individual 4]'s number during Henry Marbold's reported work hours between June and September 2021:

- 15 calls, and
- 5 sent text messages.

Henry Marbold said he had communications with [Company 1] that could have been for business or personal purposes, and that he would not have a reason to speak to anyone there for his State duties. The OEIG identified a telephone number associated with [Company 1] through a [Website 2] search, and Henry Marbold confirmed in his interview that the number the OEIG associated with [Company 1] was stored in his telephone and is the number he used to communicate with them. Henry Marbold's personal telephone records reflect the following

¹⁶ In his interview Henry Marbold said the number the OEIG found associated with [Individual 3] was not programmed into his telephone but the number could belong to [Individual 3].

numbers of calls with and texts to [Company 1] during Henry Marbold's reported work hours between March and September 2021:

- 15 calls, and
- 11 sent text messages.

D. Henry Marbold's Use Of Sick Time

The CMS Policy Manual says sick time "may be used for illness, disability or injury, appointments with doctor, dentist or other professional medical practitioner, and also may be used in the event of serious illness, disability, injury or death of a member of the employee's immediate family."¹⁷

Since Henry Marbold's Drift Busters business provides snow removal services, the OEIG compared [City 1], Illinois snowfall information¹⁸ with Henry Marbold's leave requests and found the following:

Date	Precipitation	Sick Time Used
December 30, 2020	Snow	
December 31, 2020		A full sick day
January 25-26, 2021	Wintery Mix	
January 25, 2021		A full sick day
February 7-9, 2021	Wintery Mix	
February 8, 2021		12:30-3:30
February 9, 2021		12:30-3:30
February 17-18, 2021	Snow	
February 17, 2021		12:30-3:30

During his OEIG interview Henry Marbold said he has been involved in litigation regarding L & M for over a year. Following his interview, the OEIG identified various online court docket entries for a civil case listing the plaintiff as Henry J. Marbold and the defendant as [Individual 1]. The docket reflects a Motion for Determination of the Sale of Remaining Post-Auction Company Assets, and reference subpoenas of "[Individual 2] Auctioneer" [sic] and [Individual 5]. The docket reflects the following court appearances by Henry Marbold on dates when Henry Marbold used sick time:¹⁹

¹⁷ CMS Policy Manual Chapter 2 Section 7.

¹⁸ [Website 4] (last visited November 23, 2021).

¹⁹ [website 5] (last viewed February 22, 2022). Since the OEIG was not aware of the litigation until Henry Marbold's interview and did not learn of the use of sick time until after the interview, Henry Marbold was not asked about those dates.

Court Date/Time	Court Docket Entry	Sick Time Used
March 24, 2021 10:30 a.m.	Henry Marbold appeared “in person and by” his attorney of record for a scheduled motion	7:00 a.m.-11:00 a.m.
August 24, 2021 9:00 a.m.	Henry Marbold appeared “in person, represented by” his attorney of record for a scheduled hearing	7:00 a.m.-3:30 p.m.

E. Interview Of Henry Marbold

On February 7, 2022, the OEIG interviewed Henry Marbold. He said he has been a Carpenter for CMS for approximately seven years and his duties include fixing and maintaining State buildings.

Henry Marbold confirmed that he was a co-owner of L & M, and that he had pending litigation in [County 1] regarding L & M and that company was dissolved. He said he did the bidding and scheduling for L & M and helped the crew if needed. He said he began working for L & M in March or April 2019 and said he would work on L & M business on weekdays from 3:30 p.m. until he finished for the day, and on weekends. Henry Marbold said he earned approximately \$1,000 his first year with L & M and approximately \$31,000 in his second year. He said he had employees, including [Relative 1], who was the bookkeeper and answered the telephone. Henry Marbold said [Relative 1] received a salary but she did not have set working hours. He said he had three to four other employees and he talked to some a couple times per week.

Henry Marbold confirmed he also was a co-owner of Drift Busters. He said Drift Busters is a snow removal company that plows for commercial properties that he said started in 2013 or 2014. He said he performs administrative work for Drift Busters and he plows snow. He said if he gets a call for a snow removal estimate he goes out at night or on weekends to bid on the work. He said bids are usually done from mid-summer to fall and he does not have set working hours. He said with Drift Busters he earned approximately \$6,000 or \$8,000 the previous year. He said Drift Busters has about 35 employees, including [Relative 1]. He said [Relative 1] did the bookkeeping and billing for Drift Busters, and as with L & M she received a salary but she did not have set hours. He said Laura Marbold did not work for L & M or Drift Busters and has never been paid by either company.

Henry Marbold said MarboldSignCo sells handmade wooden signs and boxes through [Website 1], and that it is located at his home address. Henry Marbold said he builds boxes, drills holes, cuts boards, and sands boards for MarboldSignCo and he will do this a couple nights a week if Laura Marbold or other people helping her need help. He added that he can build 15 to 20 boxes in an hour. He said Laura Marbold works on the orders in their woodworking shop after she gets off work. He said people have come out to help Laura Marbold, including [relative 2], [relative 3], and friends, among others, and they are paid for their work.

Henry Marbold said he first reported his outside employment with L & M and Drift Busters to CMS approximately eight to ten months before his interview because he got turned in by

someone for having outside employment. He said he did not know he was required to report it to CMS.

Henry Marbold said if he needed to take time off for outside employment he used vacation, personal, or compensatory time and that his supervisor told him not to do outside employment on State time. When asked if he violated the CMS policy regarding the use of sick time he said, “I don’t think I have personally, but I’m not 100%, I don’t think I have.” When asked about his use of sick leave on dates that coincided with snowfall in [City 1], Henry Marbold said for December 31, 2020 and January 25, 2021, he did not remember if on those days he performed work for Drift Busters. He said on February 8, 9, and 17, 2021, he did not take time off for Drift Busters because he only used three hours of sick time and he did not take partial days off to work for Drift Busters.

Henry Marbold initially said that if his former L & M co-owner, [Individual 1], called or texted during work hours he did not answer them, and that although he made calls to or received calls from [Relative 1] on State time, it was “not very often.” However, after he was shown documentation of calls made to and from his cellular telephone and asked if he has ever taken calls regarding his outside employment during his CMS working hours Henry Marbold said “I’m gonna say yes.” Henry Marbold then admitted that the communications with L & M, [Individual 2] Auctioneer, and [Individual 1] listed above were related to his outside employment. He said his communications with [Individual 2] Auctioneer would have been regarding an auction for L & M. He said that communications with [Relative 1], [Individual 3], [Company 1], and [Individual 4] would have been a mix of outside employment calls and personal calls. He said the outside employment and personal communications discussed above were made during a break or at the end of his workday, and that he did not text [Relative 1] regarding outside employment unless he was on a break or lunch but said “I’m not saying I didn’t mess up somewhere.” He also noted that he did not have a State issued cellular telephone so he used his personal telephone to make CMS work related calls. However, when asked if he violated the CMS policy regarding the misuse or abuse of State time he said “I’m gonna say a little bit yes.”

F. Laura Marbold’s Telephone Usage During Work Hours

Laura Marbold’s scheduled work hours are Monday through Friday 8:00 a.m. to 4:30 p.m. She has a rotating schedule where she works from home on Monday and Friday one week and on Monday and Wednesday the next week. She gets a one-hour lunch period and two 15-minute breaks. Although the OEIG identified calls and texts made from Laura Marbold’s personal telephone number²⁰ during her scheduled SBE work hours, the SBE’s timekeeping documents did not record Laura Marbold’s start and end times, the times lunch or other breaks were taken, or the times when used benefit time started and ended. The SBE timekeeping documents only record the total number of hours worked each day and the amount of benefit time used. Although the OEIG identified several days where the time or distribution of calls over the course of the day suggests that calls were outside her lunch or other break times, the OEIG did not find any days where the total duration of calls on Laura Marbold’s personal telephone exceeded one and one-half hours during her scheduled work hours, which is the total amount of time allotted to her for lunch and

²⁰ Laura Marbold confirmed her telephone number during her interview.

other breaks.²¹ The OEIG also did not find any telephone calls to or from or text messages sent to numbers associated with [Website 1], Drift Busters, L & M, [Individual 2] Auctioneer, [Individual 1], or an individual Laura Marbold identified in her interview as a MarboldSignCo employee.

G. Interview of Laura Marbold

On February 7, 2022, the OEIG interviewed Laura Marbold. She said her primary duties at SBE include doing assessments for campaign committees regarding late filing, handling outside complaints against committees, and setting hearings, among other things. She said her SBE job duties require her to communicate with non-State employees and entities. Laura Marbold explained that she twinned²² her personal cellular telephone to her work desk telephone and on the days she works from home she uses her personal cellular telephone for State business.

Laura Marbold said she makes hand painted wood signs and sells them via word of mouth, craft shows, auctions, and [Website 1]. She said she does this under the name MarboldSignCo and has done so through [Website 1] for four years and she has sold them to family and friends on and off for years. She said she has a woodshop on her property at home and that is where she makes the signs. She said she has one paid employee who sands or stains boards and he works as needed. She said her friends and family help her make signs, and Henry Marbold helps her build items at night. Laura Marbold said she does not allow in-person purchases and in the last month she worked on [Website 1] projects for 10-15 hours per week on her personal time. She said she has been making signs for so long she could finish one in 10 minutes if she needed to. She said she also handles the finances and shipping for MarboldSignCo, including mailing packages at the Post Office and having the Post Office pick up the packages.

When shown a copy of her [Website 1] page that reflected she had 6,424 sales since she began that page in 2018, she said that was accurate because [Website 1] records that information. Laura Marbold confirmed that on her 2019, 2020, and 2021 SBE Disclosure Statement forms for outside employment she marked that she is not engaged in outside employment. She said she did not consider the sales from her “craft hobby business” as outside employment and maintained that people in SBE Human Resources knew she sold signs.

Initially, Laura Marbold said that no one told her to list MarboldSignCo on the Disclosure Statement. Later, in her interview, however, she said that last summer (2021) she had a conversation with SBE’s Human Resources Director and he told her to list MarboldSignCo as an outside employer. Laura Marbold claimed she forgot to do so at the time. She said when she received the 2022 yearly renewal ISBE email with the form attached, she filled it out and listed MarboldSignCo as outside employment.

Laura Marbold denied doing any work for MarboldSignCo on State time, and said she has never made calls, received calls, sent text messages, or communicated with customers regarding

²¹ For example, on March 8, 2021, Laura Marbold’s telephone records show 4 telephone calls with [Relative 1] between 9:55 a.m. and 10:40 a.m. totaling 44 minutes. When asked in her interview, Laura Marbold said she took an early lunch that day.

²² Twinning is a feature that allows calls made to a work number to be answered on a cellular telephone. Additionally, when telephones are twinned and calls are made from the cellular telephone, the number displayed on caller ID is the work number.

her sign business on State time. She said she communicates with [Website 1] customers through the [Website 1] website, she accesses the [Website 1] website through her personal computer and cellular telephone, and she has never used State resources to conduct business related to her outside employment.

Laura Marbold said that once she monitored the L & M telephone for an extended weekend but other than that, she denied doing any work for L & M or Drift Busters. Laura Marbold said all of the personal calls she made were made during her lunch or her break periods. She said her communications with [Relative 1] were personal in nature and did not involve discussions of the businesses.

IV. ANALYSIS

Henry Marbold

The CMS Policy Manual requires that a CMS employee submit a written request to conduct outside employment.²³ It further states “[a]n employee may not...conduct outside employment on CMS premises or during CMS work hours” and that “[m]isuse or abuse of state working time for personal gain or for any reason other than performing the employee’s assigned duties” is grounds for disciplinary action.²⁴ Henry Marbold failed to disclose outside employment for years. Drift Busters was organized in 2016, L & M was organized in 2019, and MarboldSignCo has been a seller on the [Website 1] website since 2018. Henry Marbold admitted that he co-owned Drift Busters and L & M, that he worked for Drift Busters since 2013 or 2014, and worked for L & M since March or April 2019. In addition, he admitted that he worked for MarboldSignCo a couple of nights a week. He admitted that he did not disclose his employment with Drift Busters or L & M until 2021, and said he only did so at that time because he was turned in by someone. In addition, the documents produced by CMS did not include any outside employment request forms for MarboldSignCo. Outside employment disclosure forms allow the employer to assess possible conflicts and take steps to ensure that the employee is not conducting outside employment on State time or improperly using benefit time. In a situation where the employee is engaged in outside businesses such as these, it is important that the State have the information to assess whether the outside employment affects the employee’s ability to perform his duties. The allegation that Henry Marbold violated CMS’s outside employment policy by failing to disclose his outside employment is [REDACTED].²⁵

In addition, Henry Marbold performed work for his outside employment while on State time. The OEIG found 20 calls and 47 texts between Henry Marbold and L & M, the auctioneer handling the L & M auction, and the co-manager of L & M. Henry Marbold admitted these communications were related to his outside employment and his timekeeping documents reflect were all made on State time. In addition, [Relative 1] is a paid employee of two of his businesses and Henry Marbold admitted that some of the 73 hours of the 467 calls between them were related

²³ CMS Policy Manual Chapter 3 Section 4.

²⁴ CMS Policy Manual Chapter 1 Section 2.

²⁵ The OEIG concludes that an allegation is “[REDACTED]” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

to Drift Busters or L & M. Henry Marbold also admitted that at least some of the 102 calls and 22 text messages with [Individual 3], [Individual 4], and [Company 1] were related to his outside employment. Henry Marbold also appears to have used sick time to conduct outside employment, handle matters related to his outside employment and/or as a result of his outside employment. The OEIG found instances where Henry Marbold used sick time either the day of or the day after there was either snow or a wintery mix of precipitation. When he was asked about his use of sick time to perform work for Drift Busters, he said he could not remember if he did so on the days where he used a full day of sick time. Additionally, the court docket indicates that on two occasions Henry Marbold used sick time on court days for a lawsuit related to L & M. For these reasons, the allegation that Henry Marbold violated CMS's policy by misusing State time to perform work for his outside businesses is [REDACTED].

Laura Marbold

The SBE Policy Manual states “[a]ny employee who intends to engage in any type of outside employment shall obtain the approval of the Executive Director via the submission of a Disclosure Statement...[and they] are required to file a Disclosure Statement annually or when outside employment changes.”²⁶ Laura Marbold conducted outside employment with MarboldSignCo for years without disclosing it to SBE. Laura Marbold admitted she has been making signs in her home woodshop and selling them on [Website 1] since 2018, that she also sells them via word of mouth, craft shows, and auctions, and that she has sold them to family and friends for years. Contrary to Laura Marbold's claim that she regarded MarboldSignCo as a “hobby,” it is a thriving business enterprise. MarboldSignCo has a paid employee and Laura Marbold also relies on family and friends to produce the signs she sells. Laura Marbold has sold over 6,200 items through [Website 1] alone, generating over \$130,000 in [Website 1] sales in 2020 and 2021. Indeed, her [Website 1] sales in 2020 were nearly double her SBE salary and in 2021 they nearly matched her SBE salary.

Given that Laura Marbold works from home for her SBE job two days a week, it was especially important for SBE to be aware that she also conducts significant business through MarboldSignCo from her home, to ensure outside employment policies are being properly followed. However, Laura Marbold failed to submit any disclosure forms before 2019, and she falsely reported on the disclosure forms she submitted to SBE in 2019, 2020, and 2021 that she was “not currently engaged in outside employment.” Even after SBE's Human Resources Director told Laura Marbold to list MarboldSignCo as an outside employer in the summer of 2021, she still failed to do so until 2022. Therefore, the allegation that Laura Marbold failed to disclose her outside employment is [REDACTED].

V. [REDACTED] AND RECOMMENDATIONS

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

- [REDACTED] – Henry Marbold violated CMS policy by failing to disclose his outside employment.

²⁶ SBE Policy Manual 4.04.3.

- [REDACTED] – Henry Marbold violated CMS policy by misusing State time to perform work for his outside businesses.
- [REDACTED] – Laura Marbold violated SBE policy by failing to disclose her outside employment.

Based on these [redacted], the OEIG recommends that CMS and SBE take appropriate disciplinary action with regard to Henry Marbold and Laura Marbold, respectively.

The OEIG recommends that both CMS and SBE consider, if not already taking place, ensuring their respective secondary employment forms are thoroughly vetted before approval. Such vetting should not only examine whether outside employment may pose a conflict of interest with State duties, but also should examine whether there is a potential for improperly using State time and/or resources to conduct outside employment. Thus, this vetting process may require additional inquiry regarding the type of secondary work being performed, especially when the circumstances, such as these, involve secondary businesses being run out of an employee's home during a time that State work is allowed to be conducted remotely. The secondary employment approval process is also a good time to provide direction and reminders to employees about what they can and cannot do relating to their outside employment, to ensure they comply with agency policies.

Finally, the OEIG notes that SBE's timekeeping procedures, under which employees only record the total number of hours worked each day, do not comply with the State Officials and Employees Ethics Act's requirement to document time spent on State business to the nearest quarter-hour,²⁷ and make it difficult if not impossible to determine whether an employee may be conducting non-State business on State time. One reason for requiring timekeeping more specific than simply identifying the total amount of hours someone worked in a day is to help ensure that employees are fulfilling their work duties. At a time when many State employees, including Laura Marbold, are working remotely for at least part of the week, proper timekeeping is instrumental in providing proper oversight of employees. The OEIG recommends that SBE implement a timekeeping system that requires employees to report their start and end times, and lunch break times.

Date: July 28, 2022

Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 East Adams, 14th Floor
Springfield, IL 62701

Jamiela Kassem
Senior Assistant Inspector General

Katelyn Ruyle
Investigator #138

²⁷ 5 ILCS 430/5-5(c).



ILLINOIS

JB Pritzker, Governor

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Anthony Pascente, Acting Director

CONFIDENTIAL

August 17, 2022

Via Electronic Mail

Susan M. Haling
Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 21-01474 – AGENCY SUMMARY RESPONSE

Dear Ms. Haling,

In accordance with Section 20-50(a) of the State Officials and Employee Ethics Act [5 ILCS 430/20-50(a)], CMS is submitting this letter in order to summarize the agency's response to the Final Summary Report on the above referenced case number 21-01474, which was submitted to this office on July 28, 2022.

CMS is reporting that a pre-disciplinary meeting was scheduled for August 16, 2022, to address the charges founded in the referenced OEIG Final Summary Report. Following a careful review of the evidence and any rebuttal to the pre-disciplinary meeting provided by the employee, CMS will make a determination as to what discipline will be rendered in this matter. CMS will provide additional updates to your office as this matter develops.

Please let me know if you have any questions concerning this agency summary response. Thank you.

Sincerely,

Sean Coombe
Deputy General Counsel

Bult, Sherry

From: Matthews, Bernadette <[REDACTED]@elections.il.gov>
Sent: Thursday, August 25, 2022 12:03 PM
To: Bult, Sherry
Subject: [External] RE: OEIG Case No. 21-01474 - SBE's Agency Response

Good afternoon,

The agency, particularly executive staff and the legal team, have been focused on ballot certification, which occurs tomorrow at the Board's meeting.

We are anticipating reviewing and discussing the findings of the report next week and providing a response within two weeks. Thank you.

Bernadette M. Matthews
Executive Director
Illinois State Board of Elections
69 West Washington, LL-08
Chicago, IL 60602
P: [REDACTED]
F: [REDACTED]

STATE BOARD OF ELECTIONS

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October 18, 2022

Susan M. Haling
Executive Inspector General
Office of the Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, IL 60602

Re: OEIG Case No. 21-01474 - FINAL SUMMARY REPORT

Executive Inspector General Haling:

The Illinois State Board of Elections (SBE) has received and reviewed the [REDACTED] contained in the Final Summary Report referenced above.

In response to the [REDACTED] that Laura Marbold violated SBE policy by failing to disclose her outside employment, the SBE has taken appropriate disciplinary action with regard to Ms. Marbold, as recommended by the OEIG in its Report. Specifically, Ms. Marbold received a formal written disciplinary reprimand and has been warned that failure to timely disclose outside employment in the future may result in additional, progressive disciplinary action.

In response to the recommendation that the SBE implement a timekeeping system that requires employees to report their start and end times, and lunch break times, the SBE will be implementing an electronic timekeeping system in the future that will log start and end times of staff, as well as designated lunch break times.

If you require further information regarding our agency response, please do not hesitate to contact me at [REDACTED].

Sincerely,

[REDACTED]

Bernadette M. Matthews
Executive Director

From: [Bult, Sherry](#)
To: [EEC.CMS](#)
Cc: [Casey, Michelle](#); [Rice, Nathan](#); [Opperman, Fallon](#)
Subject: FW: OEIG Case No. 21-01474
Date: Monday, August 28, 2023 8:35:00 AM

Good morning,
Below please find an updated response to OEIG case no. 21-01474.
Thank you,
Sherry

From: Bentivegna, Lindsay <[REDACTED]@Illinois.gov>
Sent: Friday, August 25, 2023 11:33 AM
To: Bult, Sherry <[REDACTED]@Illinois.gov>
Subject: RE: OEIG Case No. 21-01474

Sherry,
I was able to obtain the information. Mr. Marbold was issued a 25-day suspension and served it September 16, 2022, through October 10, 2022. Returning to work October 11, 2022.
Please let me know if you need anything else.

Warmly,
Lindsay

From: Bult, Sherry <[REDACTED]@Illinois.gov>
Sent: Friday, August 25, 2023 9:19 AM
To: Bentivegna, Lindsay <[REDACTED]@Illinois.gov>
Subject: RE: OEIG Case No. 21-01474
Thank you Lindsay.

From: Bentivegna, Lindsay <[REDACTED]@Illinois.gov>
Sent: Friday, August 25, 2023 9:15 AM
To: Bult, Sherry <[REDACTED]@Illinois.gov>
Subject: RE: OEIG Case No. 21-01474
Hi Sherry,
I'm looking into the status of this case.
Thanks for your patience.

Warmly,
Lindsay

From: Bult, Sherry <[REDACTED]@Illinois.gov>
Sent: Tuesday, August 22, 2023 3:32 PM
To: Bentivegna, Lindsay <[REDACTED]@Illinois.gov>
Subject: OEIG Case No. 21-01474

Good afternoon Lindsay,
At your earliest convenience, would you provide our office an update on Henry Marbold in the above case? For your reference, attached is the response to our final summary report we received from CMS.
Thank you,

Sherry

Sherry E. Bult

Senior Paralegal

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

Chicago, Illinois 60602

Office (312) 814-1208

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