

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. SHAKMAN, et al.,)	
)	
Plaintiffs,)	
)	Case Number: 69 C 2145
v.)	
)	Magistrate Judge Schenkier
COOK COUNTY RECORDER OF)	
DEEDS, et al.,)	
)	
Defendants.)	

**INTERIM REPORT OF THE *SHAKMAN* COMPLIANCE ADMINISTRATOR
FOR THE COOK COUNTY RECORDER OF DEEDS**

Cardelle B. Spangler, *Shakman* Compliance Administrator for the Cook County Recorder of Deeds, by and through her attorney, Matthew D. Pryor, pursuant to Art. III.C. of the Supplemental Relief Order for the Cook County Recorder of Deeds, submits this Interim Report as follows:

I. Introduction

Since her appointment on September 13, 2010, Cardelle B. Spangler, the Recorder Compliance Administrator (“RCA”)¹, has filed six reports with this Court providing updates on the progress made by the Office of the Cook County Recorder of Deeds (“Recorder’s Office” or “Office”) to obtain Substantial Compliance with the Supplemental Relief Order (“SRO”).² While the RCA’s next report to the Court is not due until December 15, 2012, due to recent developments, the RCA files this Interim

¹ “RCA” hereinafter shall refer to the Recorder Compliance Administrator and/or her staff.

² “Recorder” hereinafter shall refer to the Cook County Recorder of Deeds, Eugene Moore, and/or his staff.

Report to apprise the Court, Class Counsel, and the public of a recent occurrence at the Recorder's office.

II. Background

Since the RCA's last report, the Recorder's Office has taken positive steps to comply with the SRO. Chief Deputy Recorder, Darlena Williams-Burnett, has provided the RCA with consistent notice of employment actions and has had an increasingly positive working relationship with the RCA. On June 6, 2012, Ms. Williams-Burnett, Deputy Recorder, Casey Griffin, and Director of Human Resources, Felix Babatunde, informed the RCA that an Administrative Assistant V (Grade 20) in the Geographic Information Systems ("GIS")/Database Management Department was set to retire. Over the ensuing weeks, the RCA discussed posting options with the Recorder's Office for this position. In late July 2012, Ms. Williams-Burnett approved the temporary "cross-training" of an employee into this vacant position while the Human Resources Department worked with the RCA on the necessary documents (e.g. Job Description, Job Posting) for posting. Additionally, the Recorder's Office obtained budgetary clearance from Cook County's Department of Budget and Management Services to post for this position. On September 11, 2012, Ms. Williams-Burnett provided her final edits to the Job Description and Job Posting; those edits, which altered the title to "AAV/GIS Systems Data Analyst", were accepted by the RCA the following week. On September 20, 2012, the Recorder's Office posted this position on its website and began accepting applications for the same. The posting was set to expire on October 4, 2012, 14 days after its posting.

On September 24, 2012, the RCA met with Ms. Williams-Burnett, Mr. Griffin

and Mr. Babatunde to discuss the AAV/GIS Systems Data Analyst posting (active at that time) as well as six additional vacancies that Ms. Williams-Burnett had previously indicated she intended to publicly post and fill.³ At that meeting, Ms. Williams-Burnett changed her mind about moving forward with filling any of the open positions because “they want to retool the office.”

After the meeting, the RCA spoke with Ms. Williams-Burnett in her office and asked her what she meant by “they want to retool the office.” Ms. Williams-Burnett explained that on September 21, 2012, she met with Bill Velazquez, a representative from the campaign of Cook County Recorder of Deeds Candidate, Karen Yarbrough. According to Ms. Williams-Burnett, Mr. Velazquez informed Ms. Williams-Burnett that Ms. Yarbrough was displeased with the recent posting of the AAV/GIS Systems Data Analyst position, wanted the posting taken down, and wanted the Recorder’s Office to cease attempting to fill any and all vacant positions through the remainder of its administration. Ms. Williams-Burnett told the RCA she attempted to explain to Mr. Velazquez that she had a duty to maintain a staff capable of servicing the public but that Mr. Velazquez was not swayed. Ms. Williams-Burnett also said she informed Mr. Velazquez that the Recorder’s Office was filling these positions not by political appointment but through public postings in accordance with their *Shakman* obligations.

After the above discussion with Ms. Williams-Burnett, the RCA called Independent Inspector General (the “IG”), Patrick Blanchard, and informed him of the

³ These positions included: Director of Mortgage Fraud (Grade 22), Interim Director of Satellite Offices (Grade 22), Administrative Assistant V/Floating Cashier Supervisor (Grade 18), Administrative Assistant I (Grade 12), Clerk IV (Grade 11), and Real Estate Indexer I (Grade 11). At the time of the September 24, 2012 meeting, all of these positions were either vacant or soon to be vacated due to retirement or resignation.

conversation. The RCA then spoke briefly with Ms. Williams-Burnett over the phone on September 25, 2012, wherein Ms. Williams-Burnett stated that she spoke briefly to Recorder Eugene Moore about her conversation with Mr. Velazquez and that Recorder Moore told her to keep running the office how she had been running it.

On September 28, 2012, the Director of Human Resources notified the RCA that Ms. Williams-Burnett directed him to prematurely remove the AAV/GIS Systems Data Analyst posting without explanation. Applicants were immediately sent notices of the posting's removal and were told that the reason for removal was due to "lack of funding."

On October 1, 2012, Ms. Williams-Burnett emailed the RCA to explain her basis for removing the posting. Ms. Williams-Burnett's correspondence read as follows:

My apologies for not communicating with you, [sic] in a more timely manner. As you know, I've been out of the office and extremely busy. However, on Friday, I did instruct Felix to take down the posting for the Director of GIS position. This posting, as well as the Concourse Manager position has the attention of the incoming Recorder, and she had indicated her 'disappointment with me, in filling a high level management position.' Just as I tried to convey to her representative, we were filling key positions, recently vacated, that require a certain level of expertise. Along with all the other real issues we face in trying to adequately staff this office. Unfortunately, nothing I say will convince them that I am not trying to circumvent her authority, and or interfere [sic] with her designs for the office. This is unfortunately [sic] in more ways than one, particularly when we obtain permission to fill the vacancy, during a hiring freeze. While I do not plan to meet with Bill again, I don't want this decision to be another area of disagreement or resentment. I understand her frustration she simply doesn't know how we operate, or the extent of the court oversight. Which is a good thing, especially now. I am becoming more sympathetic to Cardell's [sic] position. We had to offer up a sound reason, to applicants, for taking down the posting, so we tied it to the (proposed) budget. This will have a budgetary impact because any new hires would be vulnerable to lay offs [sic], if we are forced to reduce our budget, even more. I don't want to subject a new employee to that or the animosity [sic] they could face while a new administration takes over with the mind set the person should have never been hired.

Upon receiving the above correspondence, the RCA forwarded the same to the IG.

On October 4, 2012, the IG interviewed Ms. Williams-Burnett about the AAV/GIS Data Analyst position. At the conclusion of that interview, Ms. Williams-Burnett provided the IG with what Ms. Williams-Burnett described to the IG as a copy of an email exchange between herself and Ms. Yarbrough. The IG subsequently provided that email to the RCA. Part of that exchange included an email from Ms. Yarbrough to Ms. Williams-Burnett on September 26, 2012.⁴ In that email, Ms. Yarbrough writes that she was “extremely disappointed that several high-level hires are being made by [Ms. Williams-Burnett].” The email further states that “...Bill Velazquez, who has my every confidence was selected by me to convey my concerns to you about what appeared to be transpiring in the office.” The email closes by stating, “[n]ow, I am clear that you do not work for me neither are we colleagues, therefore, you owe me nothing. But, in light of our face-to-face meeting of the minds several months ago, I hopefully expected consideration, collaboration and information. You may have ‘gone through this before’ with other officeholders however it was not with Karen Yarbrough. I look forward to November and beyond and whatever it presents.”

On October 17, 2012, the RCA met with Ms. Williams-Burnett and Assistant State’s Attorney, Daniel Brennan, Jr. The RCA told Ms. Williams-Burnett that her decisions to remove the AAV/GIS posting and to refrain from filling the remaining open positions because of the communications she had with Ms. Yarbrough and Mr. Velazquez were plain violations of the SRO. As a result of that meeting, Ms. Williams-Burnett decided to re-post the AAV/GIS Systems Data Analyst position. As of the date of this

⁴ At a later interview of Ms. Yarbrough, conducted by the IG and RCA, Ms. Yarbrough confirmed the authenticity of the email provided by Ms. Williams-Burnett.

report, she has not told the RCA whether she plans to move forward with the other positions previously considered for posting. The RCA will monitor the AAV/GIS Systems Data Analyst hiring process closely and include an update in her next report.

The RCA also met with Ms. Yarbrough, her attorney, Janet Gilbert, and the IG on October 26, 2012. At that meeting, Ms. Yarbrough discussed her conversation with Mr. Velazquez when she directed him to meet with Ms. Williams-Burnett. She also discussed her correspondence with Ms. Williams-Burnett after the latter's meeting with Mr. Velazquez as well as details concerning other contacts between Ms. Williams-Burnett and Ms. Yarbrough over the past year. Because several of the topics discussed at the meeting with Ms. Yarbrough are the subject of an ongoing investigation by the OIIG, the RCA will not include any additional details here. At the conclusion of that meeting, the RCA provided Ms. Yarbrough with copies of the 1992 Consent Decree, the 1994 Plan of Compliance, the 2007 Contempt Motion, the Cook County Ethics Ordinance, a blank Political Contact Log⁵, and every report filed by the RCA with this Court, which are all available on the RCA's website. The RCA's meeting with Ms. Yarbrough was constructive and Ms. Yarbrough offered to meet with the RCA soon after the election to discuss *Shakman* duties and responsibilities should she be successful in her campaign.

III. Recorder of Deeds Eugene Moore and Chief Deputy Recorder Darlena Williams-Burnett

Since the Recorder of Deeds, Eugene Moore, took office in 1999 as an appointed successor of Jesse White (later winning consecutive elections for this Office in 2000,

⁵ Due to the Recorder's continued objection of OIIG oversight of his office (outside the bounds of the SRO), the OIIG never trained Recorder's employees on using the Political Contact Log – something it was permitted to do for other *Shakman* defendants such as Cook County and the Cook County Forest Preserve District.

2004 and 2008), he has been subject to the 1992 Consent Decree. Further, Recorder Moore himself entered into the SRO in September 2010. Ms. Williams-Burnett, as Recorder Moore's Chief Deputy Recorder throughout his administration, has also been subject to these filings.

The RCA understands that Ms. Williams-Burnett was attempting to fill vacancies she believed needed to be filled to carry out the duties of the Recorder's Office while, at the same time, purportedly was experiencing external pressure to not fill those vacancies from a candidate running for the office. While the RCA was deeply troubled by Ms. Williams-Burnett's recount of her conversation with Mr. Velazquez, her related correspondence with Candidate Yarbrough, and her decisions to both remove an active posting and cease efforts to fill other vacant positions, Ms. Williams-Burnett's recent decision to continue with the posting for the AAV/GIS Data Systems Analyst position provides the RCA with some hope that the above serious missteps may be remedied. Considering the RCA's recent reports noting positive efforts by Ms. Williams-Burnett to move toward substantial compliance, the RCA hopes that this misstep was merely an aberration. Further, Ms. Williams-Burnett recently issued an all-office memorandum informing Recorder employees of their need to log any and all political contacts concerning employment actions. Training on the political contact log requirement will be essential to ensuring the effectiveness of this endeavor.

IV. Conclusion

Over two years into her oversight of the Recorder's Office, it is unfortunate that the Chief Deputy Recorder was, at least initially, susceptible to external political influence when making employment decisions. In an effort to hold the Recorder's Office

more accountable to make progress toward substantial compliance with the SRO and prevent such violations in the future, the RCA will begin issuing more frequent reports to the Court than is currently required in the SRO. Additionally, the RCA continues to support increased oversight by the OIIG consistent with other *Shakman* defendants such as Cook County Government and the Cook County Forest Preserve. Such supervision would allow the OIIG to train all Recorder employees on the Political Contact Log requirements and allow the OIIG to monitor the Office's use of this log.⁶

Immediately after this November's election, the RCA will make every effort to meet with whoever is elected to succeed Mr. Moore as the next Recorder of Deeds. It is vital that the next Recorder understand and support—the scope and details of the 1992 Consent Decree and the Supplemental Relief Order so that this office soon may come into substantial compliance.

Respectfully submitted,

Cardelle B. Spangler
Recorder Compliance Administrator

By: /s/ Matthew D. Pryor
Her Attorney

⁶ Should such oversight not be granted in the near term, the RCA will conduct the Political Contact Log training and monitor its implementation – a solution that will suffice only for the short-term.

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