

FIRST DIVISION
March 6, 2017

No. 1-16-0654

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JOSE ANTONIO COSSIO, JR.,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 15 CH 11749
)	
COOK COUNTY,)	Honorable
)	Rita M. Novak,
Defendant-Appellee.)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Simon and Mikva concurred in the judgment.

ORDER

Held: We affirm the order of the circuit court which found plaintiff-appellant's termination from Cook County was not against the manifest weight of the evidence. Further, there was no due process violation and the circuit court did not err by failing to remand these proceedings. Finally, plaintiff-appellant had a duty to answer the county investigator's questions truthfully and he is not entitled to back pay.

¶ 1 Plaintiff-appellant, Jose Antonio Cossio Jr. (hereinafter "Cossio"), applied for the position of Fleet Manager with Cook County in April 2013. Cossio represented that he had no

felonies and an honorable discharge from his military service with the United States Air Force. Cossio was hired and began his employment on June 17, 2013. At some point, the Cook County Office of the Independent Inspector General (hereinafter "the OIIG") obtained information which showed Cossio may have falsified certain aspects of his employment application. An investigation ensued and on September 24, 2014, Cossio was interviewed by OIIG investigators. As part of this interview Cossio signed a form which acknowledged his duty to cooperate and be truthful with the investigators. On September 26, 2014, the OIIG notified Cossio of his pre-disciplinary hearing based on a charge of falsifying records. On September 30, the OIIG notified him he was also being charged with failing to cooperate with the OIIG investigation. On October 1, Cossio's pre-disciplinary hearing meeting was held. On October 10, Cossio was informed he was being terminated from his position with Cook County for: (1) failing to disclose his bad conduct discharge; (2) the bad conduct discharge constituted a felony; and (3) providing false and misleading information to OIIG investigators.

¶ 2 Cossio appealed his termination to the Cook County Employee Appeals Board (hereinafter "the Board"). Cook County presented three witness and had 34 exhibits admitted in support of their case, while Cossio called no witnesses and only had one exhibit admitted. On July 30, 2015, the Board affirmed Cossio's termination after finding he provided false and misleading information to the OIIG investigators. Cossio then appealed the Board's decision to the circuit court of Cook County. On February 11, 2016, after briefing from the parties, the circuit court determined that Cossio's termination was not against the manifest weight of the evidence and affirmed the Board's decision. This timely appeal then followed.

¶ 3 Cossio raises several arguments on appeal: (1) the Board's decision was against the manifest weight of the evidence; (2) he was denied due process during his termination

proceedings; (3) the circuit court erred in failing to remand the case back to the Board; (4) he did not have a duty to answer the OIIG's questions at the pre-disciplinary meeting; and (5) the failure to hold his evidentiary hearing within 60 days was caused by the County, thus entitling him to back pay. For the reasons set forth below, we affirm the decision of the circuit court.

¶ 4

JURISDICTION

¶ 5 On February 10, 2016, the circuit court entered an order affirming the Cook County Employee Appeal Board's decision to discharge Cossio. Cossio filed a motion to reconsider on February 26, 2016, which the circuit court denied on March 4, 2016. A notice of appeal was filed on March 10, 2016. Accordingly, this court has jurisdiction over this matter pursuant to Article VI, Section 6 of the Illinois Constitution, and Illinois Supreme Court Rules 301 and 303. Ill. Const. 1970, art. VI, §6; Ill. S. Ct. R. 301 (eff. Feb. 1, 1994); Ill. S. Ct. R. 303 (eff. May 30, 2008).

¶ 6

BACKGROUND

¶ 7 In 2004, while Cossio was in the Air Force, he took a fellow airman's user name and password from forms that he had accessed. Cossio then used this information to log into the fellow airman's "MyPay" account, an online military payment website. Cossio then transferred \$800 from the airman's account to a charity in Russia. In December 2004, following a military court martial, Cossio was convicted of larceny over \$500 (10 U.S.C. § 921; Art. 121 Uniform Code of Military Justice); communicating a threat (10 U.S.C. § 934; Art. 134 Uniform Code of Military Justice); identity theft (18 U.S.C. § 1028); and use of government computer for identify theft (18 U.S.C. § 1030). According to Cossio's military records, he was sentenced to a bad-conduct discharge, confinement for ten months, and a fine of \$750.00. Cossio served his sentence at Lackland Regional Correctional Facility from January through August of 2005.

¶ 8 In 2005, after his release from confinement, a different Air Force investigation revealed that Cossio created a fraudulent website mimicking an official government website. In November 2005, Cossio was charged with crimes related to this fake website. In November 2007, Cossio entered into a pretrial agreement (hereinafter "the Plea Agreement") with the government. Pursuant to the Plea Agreement, Cossio agreed to plead guilty to conduct detrimental to good order and discipline in exchange for a sentence of time served.

¶ 9 The Plea Agreement expressly stated that it did not affect the bad conduct discharge adjudged in the 2004 court-martial. It states, "[t]he current pretrial agreement relates only to the charges proffered on 22 November 2005. I understand that nothing in this pre-trial agreement will affect the findings of the sentence of the court martial held on 15-16 December 2004." In the appendix of the Plea Agreement, it reiterates that the Plea Agreement will not affect the December 2004 sentence and bad-conduct discharge. Following a lengthy appeals process, the military executed his bad conduct discharge on December 2008.

¶ 10 On April 23, 2013, Cossio applied for a job with Cook County through Taleo, an online job application system used by Cook County, by creating a profile and filling out an application. On his profile, Cossio represented that he had no felony convictions. A profile question asked Cossio the nature of his military discharge, and the options available were "bad conduct discharge," "dishonorable discharge," "general discharge," "honorable discharge," "other than honorable discharge," and blank. Cossio chose "honorable discharge."

¶ 11 As part of his employment application, Cossio also submitted a conditional employment affidavit, which defined "conviction" as all convictions regardless of whether the conviction was in Illinois, another state, federal court, or the court of another country. Cossio represented he had no felony convictions.

¶ 12 On June 17, 2013, Cossio began his employment with Cook County as Fleet Manager at the Bureau of Administration. A Fleet Manager is responsible for managing the overall inventory, acquisition, and maintenance of some 2,000 shared vehicles; making business decisions that are financially responsible, accountable, justifiable, and defensible in accordance with Cook County policies and procedures; proposing budgets pertinent to maintaining the fleet and assisting in preparing annual fleet budgets. As Fleet Manager, Cossio had access to all of the information pertaining to Cook County's fleet, which consisted of approximately 2,000 vehicles, and information about employees that served as vehicle coordinators and employees enrolled in the shared fleet program, including copies of their driver's licenses and home addresses.

¶ 13 After his hiring, the Cook County OIIG received information regarding possible falsification of an employment application by Cossio. The OIIG investigated Cossio's criminal history and determined that Cossio's previous convictions were felonies. On September 24, 2014, OIIG investigators Nicole Nelson (hereinafter "Investigator Nelson") and Frank Bochte (hereinafter "Investigator Bochte") interviewed Cossio. Before the interview began, Cossio signed the "Warning of Rights and Duties to Employee – Compulsory Interview." Investigator Nelson also read out loud the Warning, which states in part, "You have a duty as a government employee to answer all questions truthfully. If you refuse to cooperate by answering truthfully, you can be subject to discipline up to and including discharge." Investigator Nelson asked if Cossio answered the questions in the employment affidavit accurately and he claimed that he did. Investigator Nelson asked Cossio if he was ever convicted of a felony or misdemeanor, and Cossio spoke about his military convictions but claimed that the military does not assign misdemeanor or felony classification to its convictions. Cossio did admit to the investigators that he was court-martialed. Cossio also informed the investigators that he had taken a fellow

airman's user name and password off some forms and then used that information to access that airman's "MyPay" account. He admitted that he accessed that account, and transferred \$800 from that account to a charity in Russia.

¶ 14 The OIIG investigators also asked Cossio about the classification of his discharge from the military. Cossio told the investigators that he had an honorable discharge after his first tour of duty. Cossio stated that he was sentenced to a bad conduct discharge but that he did not know what his subsequent discharge really was and that he was afraid to find out. He explained that he did not want to call the VA's office to find out definitively what his discharge was. He further claimed to investigators that he never received his bad conduct discharge and that he did not know if he had bad conduct discharge.

¶ 15 In 2011, Cossio had filed a *pro se* federal court complaint which stated, "[t]he military Judge . . . gave Cossio a Bad-Conduct discharge which was finally executed in December 2008." Cossio had also attached a copy of the DD 214 Certificate of Discharge for bad conduct to the federal complaint. In his federal amended complaint, he further stated, "[a]fter numerous appeals, he eventually received a bad-conduct discharge." Cossio did not inform the OIIG investigators that he actually received his DD 214 bad conduct discharge, nor did he give a copy of the DD 214 bad conduct discharge to the OIIG investigators.

¶ 16 Cossio also told the OIIG investigators that he had a plea agreement that would allow the bad conduct discharge to be dismissed. Cossio told investigators that he had a side agreement or a pre-trial agreement with JAG officers whereby his bad conduct discharge would be dismissed if he would plead guilty to certain charges.

¶ 17 According to the investigators, Cossio never explained to them that there was more than one court-martial. At the Cook County Employee Appeals Board hearing, Investigator Nelson

repeatedly testified that Cossio never disclosed the fact that he had been subject to more than one court-martial.

¶ 18 After the interview, on the same day, Cossio sent a four page fax to the OIIG investigators. Cossio faxed a memo that he drafted for the investigators, correspondence about his Plea Agreement, and a document indicating honorable discharge for his first tour of duty on March 30, 2004.

¶ 19 On September 26, 2014, Cossio was notified about his pre-disciplinary hearing meeting and his charge of falsification of records. On September 30, 2014, Cossio was notified about an additional charge of failing to cooperate with the OIIG investigation in violation of the Personnel Rules and Cook County Ordinance. On October 1, 2014, Cossio had his pre-disciplinary hearing meeting. The OIIG concluded Cossio provided false and misleading information during the application process and interview with the OIIG investigators. It also concluded that his military convictions were felonies.

¶ 20 On October 10, 2014, Cook County terminated Cossio for violating the following Cook County Personnel Rules and Cook County Ordinance:

- (1) Cook County Personnel Rule 8.03(b)(14) – Falsification of employment records through misstatement or omission of pertinent facts or information;
- (2) Cook County Personnel Rule 8.03(b)(13) – Violation of Cook County Ordinance; and
- (3) Section 2-285 of the Cook County Ordinance – Cooperation with the Office of the Independent Inspector General ("OIIG") in the conduct of investigations.

Specifically, the OIIG determined that Cossio provided false and misleading statements in applying for employment with Cook County in 2013 by failing to disclose (1) a bad conduct discharge and (2) his felony convictions. In addition, the OIIG determined that Cossio failed to

cooperate in an OIIG investigation by providing false and misleading information during the September 24, 2014 interview with OIIG investigators.

¶ 21 On June 11, 2015, the Cook County Employee Appeals Board conducted the evidentiary hearing of Cossio's appeal of his termination. At the hearing, Cossio did not testify or present any witnesses. Cook County called three witnesses: Martha Martinez, Rebecca Strisko, and Investigator Nelson. The parties also entered into several stipulations. Relevant to this appeal, the first stipulation stated:

"Tony Cossio waives his due process argument that he was not given proper notice or due process during the pre-disciplinary and termination process. Cook County provided Tony Cossio with all of the due process that Cossio was entitled to. The September 26, 2014 Letter regarding pre-disciplinary meeting and Robert Meza's September 30, 2014 email to Tony Cossio notifying him regarding additional charges conforms with applicable law and rules regarding pre-disciplinary and termination process."

On July 30, 2015, the Board issued a decision affirming Cossio's termination. The Board determined he violated Cook County Ordinance section 2-285, which is a major cause infraction that did not require progressive discipline.

¶ 22 Cossio sought administrative review of the Board's decision before the circuit court of Cook County. On February 10, 2016, the circuit court affirmed the decision of the Board. The circuit court held that the Board's decision was not against the manifest weight of the evidence, arbitrary or contrary to law. In holding that the Board's decision was not against the manifest weight of the evidence, the circuit court noted that Investigator Nelson's testimony was pivotal to the charge that Cossio violated Cook County Ordinance section 2-285. It further explained that Cossio did not testify or present any other witnesses, and therefore Investigator Nelson's testimony was uncontroverted. The circuit court stated some of Cossio's statements to the OIIG during his interview "were downright false statements, frankly, the obfuscation in and of itself

led the – [sic] gave the investigator a misleading picture of what actually occurred in the court-martial." In holding that the discharge was not arbitrary or capricious, the court noted that Cossio "had a position of significant responsibility with regard to acquisition and maintenance of valuable County equipment. He had access to employee records, financial and budget records." The court continued, "certainly one would expect a person – an employee with that level of responsibility to understand his obligation to cooperate with the Inspector General in an investigation and, without parsing words and splitting hairs, but a full and complete disclosure of highly relevant information as concerns the investigation." Cossio filed a motion to reconsider, which was also denied.

¶ 23 This timely appeal followed.

¶ 24 ANALYSIS

¶ 25 Before turning to the merits of Cossio's appeal, this court must admonish him for the brief he submitted. Cossio's brief fails to comply with Supreme Court Rule 341. Ill. S. Ct. R. 341 (eff. Feb. 6, 2013). As a reviewing court, this court is entitled to have the issues clearly defined, pertinent authority cited, and a cohesive legal argument presented. *Walters v. Rodriguez*, 2011 IL App (1st) 103488, ¶ 5. "The appellate court is not a depository in which the appellant may dump the burden of argument and research." *Thrall Car Manufacturing Co. v. Lindquist*, 145 Ill. App. 3d 712, 719 (1986). Pro se litigants are not excused from following rules that dictate the form and content of appellate briefs. *In re marriage of Barile*, 385 Ill. App. 3d 752, 757 (2008).

¶ 26 Cossio's brief does not contain a proper "[p]oints and [a]uthorities" section (Ill. S. Ct. R. 341(h)(1) (eff. Feb. 6, 2013)), a proper introductory paragraph (Ill. S. Ct. R. 341(h)(2) (eff. Feb. 6, 2013)), an adequate statement of the standard of review as to each issue he raises (Ill. S. Ct. R. 341(h)(3) (eff. Feb. 6, 2013)), an adequate statement of facts (Ill. S. Ct. R. 341(h)(6) (eff. Feb. 6,

2013)), an argument section that contains citations to the record and authority (Ill. S. Ct. R. 341(h)(7) (eff. Feb 6, 2013)), and an appendix section as required by Rule 342 (Ill. S. Ct. R. 341(h)(9) (eff. Feb. 6, 2013)).

¶ 27 In this case, Cossio has failed to provide cohesive legal arguments or a reasoned basis for his contentions. Accordingly, his contentions are forfeited. However, forfeiture aside, and to the extent Cossio has made legal arguments, his appeal fails on the merits.

¶ 28 In his first issue, Cossio argues the Board's decision to affirm his firing was against the manifest weight of the evidence. Judicial review of an administrative decision to discharge an employee is a two-step process. First, the court must determine whether the agency's findings of fact are against the manifest weight of the evidence, however, an agency's findings are considered *prima facie* true and correct. *Collura v. Bd. Of Police Comrs.*, 113 Ill. 2d 361, 372 (1986). Next, the court must determine whether the findings of fact constitute "cause" for the discharge. See *Department of Mental Health & Development Disabilities v. Civil Service Com.*, 85 Ill. 2d 547, 550-51 (1981) (explaining what may constitute "cause").

¶ 29 In regard to the first step, it is well settled that if there is evidence in the record that supports an administrative agency's decision, that decision is not contrary to the manifest weight of the evidence and must be sustained on judicial review (*Fagiano v. Police Bd.*, 123 Ill. App. 3d 963, 974 (1984)), unless the opposite conclusion is clearly evident (*O'Boyle v. Personnel Bd. Of Chicago*, 119 Ill. App. 648, 653 (1983)) and, no rational trier fact, viewing the evidence in the light most favorable to the agency, could have agreed with the agency's determination. *Fairview Haven v. Department of Revenue*, 153 Ill. App. 3d 763, 770 (1987).

¶ 30 The Board's decision to affirm the termination of Cossio is not against the manifest weight of the evidence, because the Board heard un rebutted testimony that Cossio violated Cook County Ordinance section 2-285. Section 2-285(a) states:

"It shall be the duty of all County employees, officials, agents, contractors, subcontractors, licensees, grantees or persons or businesses seeking County contracts, grants, licenses, or certification of eligibility for County contracts, **to cooperate with the OIIG in the conduct of investigations undertaken pursuant to this division.** Every County contract and every bid, proposal, application or solicitation for a County contract and every application for certification of eligibility for a County contract or program shall contain a statement that the person, individually and on behalf of the applicant, will abide by all provisions of this division. **It shall be unlawful for any person subject to this Section to refuse to cooperate with the Independent Inspector General as required by this Section.** The penalty for such violation shall be governed by Section 2-291." Cook County Code of Ordinances § 2-285(a) (amended Oct. 2, 2012) (emphasis added).

At the Board hearing, the Board heard testimony from Investigator Nelson concerning Cossio's failure to cooperate and be truthful during the interview which occurred on September 24, 2014. Inspector Nelson testified that Cossio told her he had never received an official bad conduct discharge, he did not know if he had a bad conduct discharge, and he was afraid to find out if he had a bad conduct discharge. The County then introduced Cossio's *pro se* federal complaints. The original complaint and the amended complaint both affirmatively pled that Cossio's bad conduct discharge was executed in 2008. Cossio had also attached his DD 214 Certificate of Discharge showing a bad conduct discharge. This evidence establishes Cossio's knowledge of his bad conduct discharge before he was hired by the County. Cossio did not rebut this at the Board hearing.

¶ 31 In his brief, Cossio spends a great deal of time discussing the documents he alleged he faxed to OIIG investigators following his interview. However, as the circuit court correctly pointed out, these documents were never presented to the Board. Even if they were introduced,

they still show a pattern of dishonesty on Cossio's part. The four page fax does not mention his 2008 bad conduct discharge. Moreover, Cossio incorrectly argues "the Board did not find that Cossio failed to disclose his discharge to Nelson." This is exactly what the Board found: "the evidence established [Cossio] knew and received a bad conduct discharge. [Cossio] failed to disclose to [Nelson], OIIG investigators that he had multiple convictions and that the plea agreement regarding the second conviction did not apply to the initial bad conduct discharge." Accordingly, his argument finds no support in the record.

¶ 32 We find the testimony and evidence presented by the County at the Board hearing more than supports the Board's decision to find Cossio in violation of section 2-285. Thus, the Board's decision was not against the manifest weight of the evidence.

¶ 33 Next, we must review whether the findings of fact constitute cause for discharge. A reviewing court gives considerable deference to the administrative agency's finding that cause exists for the employee's discharge, and such a finding is only to be overturned if "arbitrary and unreasonable or unrelated to the requirements of the service." *Allman v. Police Bd. Of Chicago*, 140 Ill. App. 3d 1038, 1040 (1986). Neither the appellate court nor the trial court may substitute its judgment for that of the administrative agency. *Davern v. Civil Service Com.*, 47 Ill. 2d 469, 472 (1970). Cause is defined as "some substantial shortcoming which renders the employee's continuation in office in some way detrimental to the discipline and efficiency of the service and which the law and sound public opinion recognize as a good cause for his no longer occupying the position." *Kreiser v. Police Bd. of Chicago*, 40 Ill. App. 3d 436, 441, *aff'd* 69 Ill. 2d 27 (1977).

¶ 34 Guided by this standard, we conclude the Board's decision to terminate Cossio was not "arbitrary and unreasonable or unrelated to the requirements of service." *Allman*, 140 Ill. App. 3d

at 1040. The Board heard, through the testimony of Martha Martinez, that Cossio's position as Fleet Manager with Cook County placed him in a position to access a considerable amount of sensitive information. Cossio had access to personal information of countless county employees. The Board also heard unrebutted testimony that Cossio lied to and tried to deceive the OIIG investigators concerning his bad conduct discharge stemming from his first court martial in violation of Cook County Ordinance section 2-285. The County argued such conduct constituted grounds for immediate termination. Cossio presented no evidence to the Board to demonstrate his termination would be an inappropriate sanction for his wrongful conduct. The Board agreed with the County and concluded his violation of section 2-285 represented a "major cause infraction" that warranted immediate termination. Based upon the testimony and evidence presented, the Board's conclusion was not arbitrary and unreasonable or unrelated to his position given the amount of sensitive information he could access. Accordingly, the Board's decision is affirmed.

¶ 35 Next, Cossio argues he was denied due process during the administrative review process. He argues the charge he violated section 2-285 is vague and that he did not receive proper notice during the administrative proceedings. "[A]n administrative proceeding is governed by the fundamental principles and requirements of due process of law. However, due process is a flexible concept that requires only such procedural protections as fundamental principles of justice and the particular situation demand." *Abrahamson v. Illinois Dept. of Professional Regulation*, 153 Ill. 2d 76, 92 (1992). "An administrative hearing comports with due process where the parties are given the opportunity to be heard, the right to cross-examine adverse witnesses, and impartiality in ruling upon evidence." *Gonzalez v. Pollution Control Bd.*, 2011 IL App (1st) 093021, ¶ 42. A court will find a due process violation only if there is a showing of

prejudice. *Id.* A claim that an administrative proceeding violated an individual's right to due process presents a question of law and, therefore, is subject to *de novo* review. *Sudzus v. Department of Employment Security*, 393 Ill. App. 3d 814, 824 (2009).

¶ 36 Cook County responds that Cossio cannot make a due process argument concerning any part of the administrative proceeding because he stipulated to due process before the Board. A stipulation is "an agreement between the parties or their attorneys with respect to an issue before the court." *Wisam I, Inc. v. Illinois Liquor Control Com'n*, 2014 IL 116173, ¶ 42. Courts look favorably on stipulations "because they promote the disposition of cases, simplify the issues, and save expense to the parties." *Id.* "A stipulation is conclusive as to all matters necessarily included in it and no proof of stipulated facts is necessary, since the stipulation is substituted for proof and dispenses with the need for evidence." *Id.* "Generally speaking, a party is precluded from attacking or otherwise contradicting any facts to which he or she stipulated." *Id.* (internal citations omitted). We agree with Cook County's argument that Cossio has waived his due process argument through the stipulation entered before the Board.

¶ 37 A review of the record shows Cossio stipulated at the Board hearing that he had received sufficient due process during both the pre-disciplinary and termination process. The stipulation, which was read into the record and agreed to by both the County and Cossio's attorney before the Board states,

"Tony Cossio waives his due process argument that he was not given proper notice or due process during the pre-disciplinary and termination process. Cook County provided Tony Cossio with all of the due process that Cossio was entitled to. The September 26, 2014 Letter regarding pre-disciplinary meeting and Robert Meza's September 30, 2014 email to Tony Cossio notifying him regarding additional charges conforms with applicable law and rules regarding pre-disciplinary and termination process."

By way of this stipulation, Cossio agreed that he had received "all of the due process he was entitled to." In his brief, Cossio, attempts to argue that the stipulation only applied to the pre-disciplinary hearing. This argument is contradicted by the clear language of stipulation, which refers to both the pre-disciplinary and termination process. Through this stipulation Cossio acknowledged he received all the due process he was entitled to regarding the pre-disciplinary hearing and the Board hearing and we reject his due process argument.

¶ 38 Cossio next argues that the circuit court erred in failing to remand the case back to the Board to allow him to introduce his faxed documents. The question of whether to remand a case to an administrative tribunal for further hearings is a matter which lies within the discretion of the circuit court. *Salvation Army v. Department of Revenue*, 170 Ill. App. 3d 336, 346 (1988) (applying an abuse of discretion standard of review). Section 3-111(a)(7) allows a circuit court to remand an administrative proceeding and states,

"(7) where a hearing has been held by the agency, to remand for the purpose of taking additional evidence when from the state of the record of the administrative agency or otherwise it shall appear that such action is just. However, no remandment shall be made on the ground of newly discovered evidence unless it appears to the satisfaction of the court that such evidence has in fact been discovered subsequent to the termination of the proceedings before the administrative agency and that it could not by the exercise of reasonable diligence have been obtained at such proceedings; and that such evidence is material to the issues and is not cumulative;" 735 ILCS 5/3-111(a)(7) (West 2014).

Based on the record, Cossio's remand argument has no merit. By Cossio's own admission, the faxed documents were sent to OIIG investigators the day he had met with them, September 24, 2014. Obviously then the faxed documents were known to Cossio well before the Board hearing on June 10, 2015. Accordingly, the evidence was not discovered "subsequent to the termination of the proceedings before the administrative agency" and the circuit court did not abuse its discretion denying Cossio's remand request. *Id.*

¶ 39 Cossio next argues he did not have a duty to answer the OIIG's questions pursuant to section 2-285. This raises an issue of statutory construction, which we review *de novo*. *Village of Chatham v. County of Sangamon*, 216 Ill. 2d 402, 410 (2005).

¶ 40 Section 2-285 states in relevant part, "it shall be the duty of all County employees . . . to cooperate with the OIIG in the conduct on investigations undertaken pursuant to this division. * * * It shall be unlawful for any person subject to this Section to refuse to cooperate with the Independent Inspector General as required by this Section." Cook County Code of Ordinances § 2-285(a) (amended Oct. 2, 2012). Cossio argues that section 2-285 does not define "to cooperate" to include false and misleading statements, or even require him to answer the OIIG's questions.

¶ 41 Cossio fails to acknowledge that prior to the start of the OIIG interview he signed the "Warning of Rights and Duties to Employee – Compulsory Interview" form. This form stated, "[y]ou have a duty as a government employee to answer all questions truthfully. If you refuse to cooperate by answering truthfully, you can be subject to discipline up to and including discharge." By signing this statement, Cossio acknowledged his duty to answer truthfully. Even if he had not already acknowledged his duty to be truthful, we could not accept his argument.

¶ 42 In assessing the validity of a local ordinance, courts apply the same standards that govern the construction of statutes. *Napleton v. Village of Hinsdale*, 229 Ill. 2d 296, 306 (2008). "The primary rule of statutory construction is to give effect to the intent of the legislature. The best evidence of legislative intent is the statutory language itself, which must be given its plain and ordinary meaning." *Ultsch v. Illinois Mun. Retirement Fund*, 226 Ill. 2d 169, 181 (2007). Important for our consideration here, in construing a statute we presume the legislature did not intend to create absurd, inconvenient, or unjust results. *In re B.L.S.*, 202 Ill. 2d 510, 514-15 (2002).

¶ 43 Cossio is correct that "cooperate" is not defined by the section, however, to accept his definition would eviscerate the entire purpose of the section and create an absurd result. Even though "cooperate" is not defined, we still give it its "plain and ordinary meaning." *Ultsch*, 226 Ill. 2d at 181. Merriam-Webster's Dictionary defines "cooperate" to mean "(1) to act or work with another or others: act together or in compliance; (2) to associate with another or others for mutual benefit." Merriam-Webster's Dictionary, <http://www.merriam-webster.com/dictionary/cooperate> (last visited February 2, 2017). In our view, "cooperate" does include speaking truthfully to investigators. If a person is providing false and misleading information then that person is not "acting together or in compliance" or "for mutual benefit." Accordingly, providing false and misleading statements to OIG inspectors constitutes a "refus[al] to cooperate with the Independent Inspector General" in violation of section 2-285.

¶ 44 Lastly, Cossio argues that Cook County failed to conduct the hearing within 60 days as required by Cook County Ordinance and that the County was the cause of the delay. He argues this delay by the County means he is entitled to a certain amount of back pay. Cook County Ordinance 44-50(b)(2) states as follows:

"Either party may request a continuance for good cause shown, but the hearing must be completed within 60 calendar days of the initial hearing date, unless further delay is caused by the employee. * * * If the time limitations provided for herein are not met due to delay requested by or caused by the County, the employee shall be entitled prospectively to the pay and benefits of the position held before the imposition of suspension or discharge...beginning with the first day after the failure to meet the time limit, pending decision of the Employee Appeals Board, but the employee shall have no right to be reinstated except by order of the Employee Appeals Board." Cook County Code of Ordinances § 44-50(b)(2) (amended April 5, 2000).

The initial hearing triggering the 60 day limitation occurred on October 29, 2014. Sixty calendar days from that day would be December 27, 2014, so Cossio would be entitled to back pay if the hearing occurred after that day and the delay was caused by the County.

¶ 45 A review of the record does not support Cossio's contention that the delay in the administrative proceedings was caused by the County. The order from October 29, 2014, states, "[t]his matter is continued for status hearing on January 7, 2015 at 10:00 a.m." The order further notes both parties were present. Based on this order, both parties agreed to go past the 60 day date. Accordingly, the delay is not attributable to the County and Cossio is not entitled to back pay.

¶ 46 **CONCLUSION**

¶ 47 Based on the above, the order of the circuit court affirming the order of the Cook County Employee Appeals Board is affirmed.

¶ 48 Affirmed.