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Daley's former compliance chief wins a round in court



Anthony Boswell, formerly in charge of Chicago's Office of Compliance, is suing the city and former Mayor Richard M. Daley.

| Sun-Times file photo

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Calling it “another sordid episode in a long, tangled and distinctly Chicago saga,” the Illinois Appellate Court has kept alive a breach-of-contract lawsuit filed by the Denver attorney hired by former Mayor Richard M. Daley to oversee city hiring, only to be stripped of that power.

In a sharply-worded ruling issued this week, the Appellate Court concluded that the ordinance creating the now-defunct Office of Compliance was an “intent by the City Council to create a contract” with Anthony Boswell that set the \$161,856-a-year executive director apart from every other city employee.

The court noted that proceedings in the long-running Shakman case provide a “backdrop supporting Boswell’s argument” that the ordinance “formed a contract.” Boswell’s claim of a breach of contract is “yet another sordid episode” in that “long, tangled and distinctly Chicago saga,” the ruling states.

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“The ordinance was written so that the federal judge overseeing Shakman would sign off on disposing of the hiring monitor in favor of Boswell performing those duties as executive director of an independent compliance office,” the opinion states.

“If the executive director did not have an ironclad contract on which to rely—if he or she were merely an at-will employee—then his or her independence, discretion and latitude in performing the job would be but a mirage defeating the purpose for an executive director of compliance who would be able to make sure that the mayor and the rest of city government hiring and personnel practices accorded with the consent decree.”

Without ruling on the merits of Boswell’s claim for back pay and damages, the Appellate Court concluded the trial court “erred in dismissing” the claim and sent it back to the lower court to decide.



Then-Mayor Richard M. Daley brought Anthony Boswell to Chicago to run a new Office of Compliance Daley created in 2007. | Sun-Times file photo

The Appellate Court noted that Boswell’s complaint details “numerous specific statements by government officials regarding his employment.”

“The city promised that his office would be independent from political pressures and that he could institute a full compliance plan, including authority over hiring. That it would have the support of the mayor’s office and that Boswell would have full control over his own office,” the ruling states.

“As a result of these representations, Boswell left his previous job and moved his family to Chicago, only to be stonewalled in his attempts to perform his job duties. These allegations are sufficient to state a claim.”

Boswell could not be reached, and his attorney, Jamie Wareham, had no immediate comment on the ruling.

Law Department spokesman Bill McCaffrey said the city is “disappointed” by the ruling, but the final chapter of Boswell’s case has not been written.

“We continue to believe that the case is without merit and will continue to vigorously defend it,” McCaffrey wrote in an email.

Daley created the Office of Compliance in 2007 — and hired Boswell to run it — because he didn’t trust then-Inspector General David Hoffman, who had repeatedly embarrassed Daley.



Anthony Boswell’s suspension was recommended by Inspector General Joe Ferguson | Sun-Times file photo

At the time, Daley was trying to get out from under the costly constraints of a federal monitor appointed by a federal judge to oversee city hiring after Daley’s patronage chief and others were convicted of rigging city hiring to benefit the Hispanic Democratic Organization and other pro-Daley political armies.

It turned out to be a political mistake that could cost Chicago taxpayers \$4 million-a-year and now threatens to cost them even more money.

In February 2011, Daley suspended Boswell for 30 days for allegedly mishandling an intern's sexual harassment complaint against a 911 center deputy.

The suspension, recommended by Inspector General Joe Ferguson, set the stage for Daley to transfer control over city hiring from the Office of Compliance to the inspector general.

Boswell served the suspension and returned to work, even after filing a lawsuit that sought to overturn the punishment.

It contained the explosive allegation that then-Corporation Counsel Mara Georges led a "retaliation campaign" that culminated in the "illegal" suspension after Boswell blew the whistle on Georges' efforts to manipulate hiring and promote her predecessor's unqualified daughter.

Boswell was subsequently accused of quashing a second, more explosive sexual harassment investigation — involving Chicago Fire Commissioner John Brooks.

Boswell's name also turned up on a list of clout-heavy Chicagoans seeking to get their kids into elite Chicago Public Schools. His son and daughter went from the waiting list to being admitted to Mark Sheridan Elementary Math and Science Academy in time for the 2008-09 school year.

One month after returning from suspension, Boswell resigned, joining the long list of outsiders chewed up by Chicago's unique brand of politics.

Boswell left before Daley could act on another Ferguson recommendation — that Boswell be fired for accepting Spanish lessons at taxpayers' expense several times a week for nearly two years from a consultant over whom he had contracting authority. He also was accused of "deliberately mischaracterizing the lessons to city investigators as culture and diversity lessons."

The Office of Compliance was subsequently eliminated by Mayor Rahm Emanuel. In 2014, Emanuel accomplished what Daley could not — by convincing a federal judge to release Chicago from the 42-year-old Shakman decree and dismiss the monitor after a hiring scandal with a \$22.9 million price tag.

Contributing: Tim Novak