

**OFFICE OF INSPECTOR
GENERAL
ANNUAL REPORT 2014-2015**

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**





September 29, 2015

**Florida Fish
and Wildlife
Conservation
Commission**

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*Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.*

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Nick E. Wiley
Executive Director
Florida Fish and Wildlife Conservation Commission
620 S. Meridian Street
Tallahassee, Florida 32399

Dear Mr. Wiley,

In compliance with section 20.055(7)(a) Florida Statutes, I am pleased to submit for your review the Office of Inspector General (OIG) Annual Report. Our annual report details the audit and investigative activities for the fiscal year ending June 30, 2015.

The OIG prides itself on our commitment to providing the Florida Fish and Wildlife Conservation Commission along with the involved citizens of the State of Florida, the most thorough, accurate, and timely audits and investigations possible.

I appreciate all of your support and look forward to continuing our excellent relationship over the coming years.

Respectfully,

Mike Troelstrup
FWC Inspector General

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GENERAL INFORMATION

The Florida Fish and Wildlife Conservation Commission (FWC), Office of Inspector General (OIG), is located in the Farris Bryant Building in Tallahassee, Florida. The Inspector General Act of 1994 created an Office of Inspector General in each state agency. The purpose of the OIG is to act as a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. Section 20.055, Florida Statutes, defines the duties and responsibilities of each Inspector General.

MISSION STATEMENT

The mission of the FWC Office of Inspector General (OIG) is to provide leadership in the promotion of accountability and integrity in state government.

VISION STATEMENT

The vision of the FWC OIG is to enhance public trust in government.

STATUTORY REQUIREMENT

Section 20.055, F.S., requires that each state agency Office of Inspector General submit an annual report of significant activities during the preceding state fiscal year to the agency head. The report must include, but is not limited to, the following:

- A description of significant abuses and deficiencies relating to the administration of programs and operations of the agency disclosed by investigations, audits, reviews, or other activities during the reporting period.
- A description of recommendations for corrective action made by the Inspector General during the reporting period with respect to problems, abuses, or deficiencies identified.
- The identification of each significant recommendation described in previous annual reports on which corrective action has not been completed.
- A summary of each audit and investigation completed during the reporting period

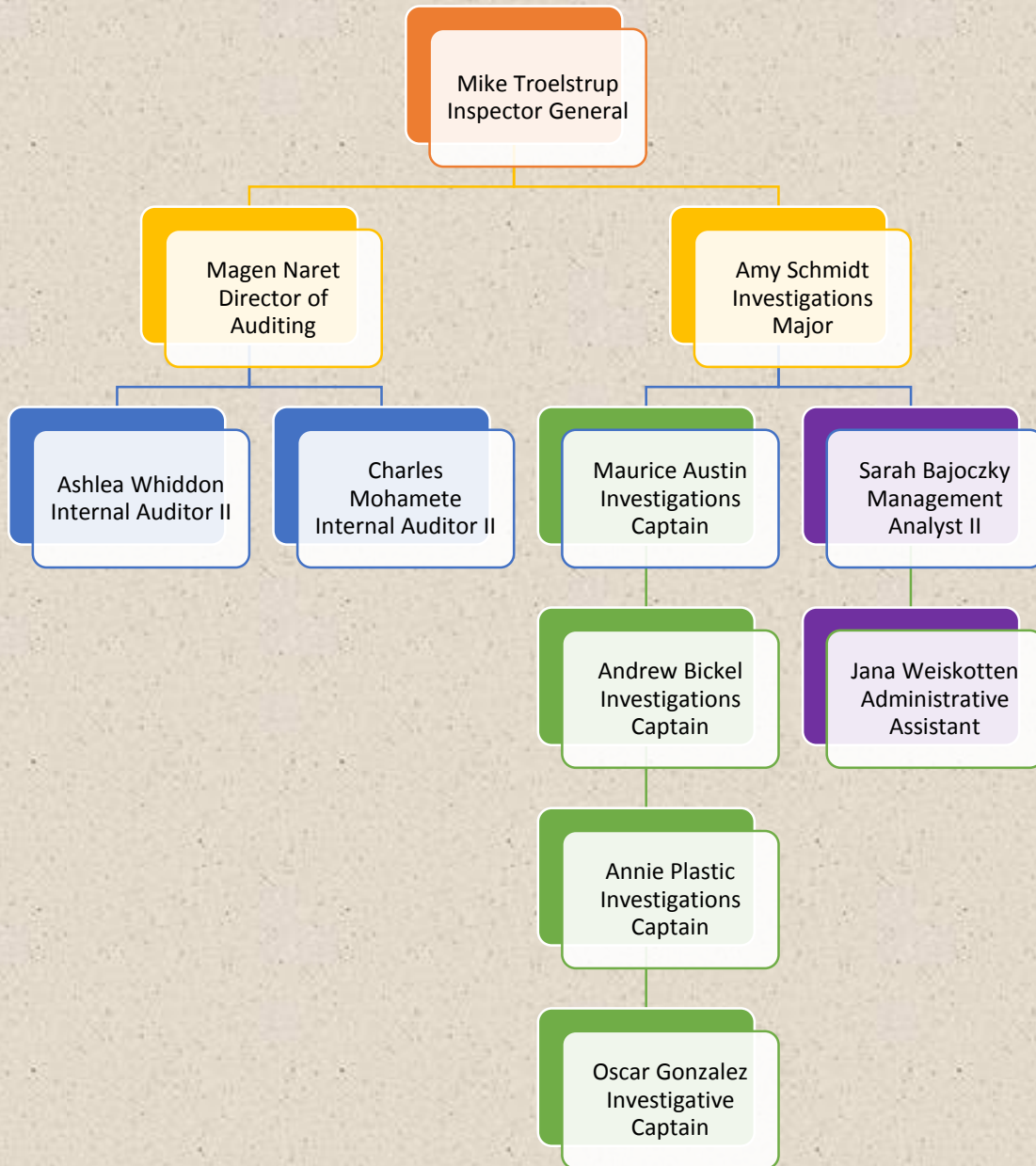
The FWC OIG prides itself on maintaining a highly trained and motivated staff. The professional staff of the OIG includes the Inspector General, Director of Investigations (Law Enforcement Major), four investigative law enforcement Captains, a Management Analyst, the Director of Auditing, an Internal Auditor II, 1 half-time Internal Auditor II and an Administrative Assistant. One hundred percent of the ten full-time positions in the OIG possess college degrees from an accredited college or university, and two of those possess post-graduate degrees as well.

The staff members of the OIG are active in professional organizations including:

- ❖ *Florida Association of Inspectors General*
- ❖ *The National Association of Inspectors General*
- ❖ *The Institute of Internal Auditors*
- ❖ *The American Institute of Certified Public Accountants*
- ❖ *The Tallahassee Association of Certified Fraud Examiners*
- ❖ *The Commission for Florida Law Enforcement Accreditation*



OIG STAFF



Staff members also possess the following professional certifications:

- ❖ **Certified Inspector General**
- ❖ **State of Florida Sworn Law Enforcement Officer**
- ❖ **Certified Inspector General Investigator**
- ❖ **Certified Inspector General Auditor**
- ❖ **Certified Accreditation Professional**
- ❖ **Certified Fraud Examiner**
- ❖ **Certified Internal Auditor**
- ❖ **Notary Public**

Some of these certifications are mandated by Florida law in order to be employed in the OIG. Virtually all certifications require regular mandatory training courses, such as annual in-service training for law enforcement officers. For the fiscal year 2014-2015, the OIG staff completed 287 hours of training.

Our internal audit staff have years of accounting and auditing experience, as well as Information Technology experience. They possess extensive training accomplishments in the fields of accounting, auditing, fraud, risk assessment, and financial management.



REVIEW OF AUDIT ACTIVITIES

The role of internal auditing is to provide an independent, objective assurance and consulting activity designed to add value and improve the organization's operations. The FWC OIG Internal Audit Section assists the Agency in accomplishing its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. We provide assurances to senior management that all reviewed operations are working in a manner that is consistent with established organizational objectives, policies, and procedures.

Our internal audits and reviews are conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* and the *Principles and Standards for Offices of Inspector General* and are generally carried out in accordance with an annual work plan approved by the Executive Director.

The FWC OIG Internal Audit Section consists of two full-time employees, the Director of Auditing and an Internal Auditor II, as well as a half-time Internal Auditor II employee. A part-time OPS Administrative Assistant is shared with the Investigations Section.

In Fiscal Year 2014-15, the Internal Audit Section completed two audits, one consulting service, five advisory or management reviews, three information technology resource compliance reviews, and provided audit assistance in two internal investigations and one external investigation. In addition, the Internal Audit Section provided fraud training to the FWC and the Florida State University. A brief summary of each completed project is as follows:

IA-1404 – FWRI Operational Audit

An operational audit of the Fish and Wildlife Research Institute (FWRI) was conducted at the request of the FWC Executive Director. The audit consisted of a follow-up of prior OIG audit and investigative findings as well as a review of the FWRI Facilities Management section and other selected administrative activities. Our overall observation was that the FWRI had not provided the level of control necessary to safeguard its assets or the level of control

necessary to ensure proper oversight of its facilities management operations. The audit provided numerous recommendations for strengthening controls over these areas.

Corrective actions are currently underway. A follow-up review is scheduled for December of 2015.



IA-1405 – Aquatics Audit

At the request of the former FWC Aquatic Habitat Conservation and Restoration (AHCR) Section Leader, the OIG conducted an audit of AHCR operations and herbicide contracts. The audit consisted of a review of five projects within the 2013/2014 fiscal year as well as performance measures associated with the Aquatics program. Additionally, during the course of our audit, the OIG received multiple complaints alleging a contractor was receiving preferential treatment. The complaints were reviewed and included as part of our audit.

Our audit determined that the projects sampled were selected for funding in accordance with AHCR processes and project activities and expenditures were in accordance with AHCR's mission and goals. Additionally, performance measures appeared to be valid and reliable. We were unable to locate evidence suggesting contractors were receiving preferential treatment.

Several instances of non-compliance were identified as a result of our audit. This included the use of an alternative source contract as opposed to competitive solicitation for projects that fell outside the boundaries of the alternative source contract; awarding a project to a contractor without verifying the contractor had a valid license; approving and issuing payment for an inaccurate invoice; allowing a contractor who violated Agency specifications and guidelines, which resulted in unnecessary expenditures, to continue to conduct business with the Agency; revealing sealed bid information prior to 30 days after opening the bids and prior to the notice of intended decision; and allowing changes to a project scope of work without documenting approval.

We also identified areas where controls could be strengthened. These areas included safeguarding of assets, site visit documentation, and policies governing employee-contractor relationships.

The OIG is in the process of completing a follow-up review for this audit. To date, management has implemented or is in the process of implementing corrective actions to address our findings.

IA-1414 – Fisheating Creek Concessionaire Review

At the request of the FWC, Office of Public Access and Wildlife Viewing, the FWC OIG conducted a financial review of Concessionaire Contract No 09242 (Fisheating Creek). The purpose of our review was to identify cost reduction and revenue improvement opportunities.

Our review determined the financial information provided by the Concessionaire was not reliable in portraying the true financial status of the Concessionaire. Specifically, the Concessionaire had been underreporting gross sales to the Agency, which are the basis for payment to the FWC. Additionally, the Concessionaire had missed six payments in their entirety, submitted 25 late payments without paying late fees, and ignored payment

thresholds on five occasions which resulted in underpayments. Similarly, from a financial perspective, the Concessionaire had breached its contract on multiple occasions. Based on the results of our review, we recommended immediate termination of the contract. Additionally, we recommended the Agency seek back payments and late fees owed by the Concessionaire in the amount of \$26,225.

Due to the unreliability of the Concessionaire's financial information, the OIG was unable to make recommendations for cost reductions and revenue improvements. However, the OIG did perform research for consideration.

In April of 2015, the FWC notified the Concessionaire of its intent to cancel the contract and requested payment in the amount of \$26,225. The Concessionaire issued a check to the FWC in the amount of \$14,586 and requested that the FWC waive the late fees. The FWC accepted the check and subsequently closed out the contract.

IA-1421 – Tenoroc Shooting Center Advisory Memorandum

This review was initiated as a result of OIG investigation 14-39 into alleged misconduct by the Tenoroc Shooting Center Manager. This review was to ensure the Tenoroc Shooting Center was operating in compliance with Florida Statutes (F.S.), Florida Administrative Rules and the Memorandum of Understanding (MOU) with the Wildlife Foundation of Florida.

Our review identified numerous issues that required management attention including inaccurate recordkeeping of daily activities, inconsistent pricing for ammunition; inadequate documentation of procurement activities, inadequate separation of duties, and employee conflict of interest.

On July 30, 2014, the Tenoroc Shooting Center Manager was terminated by the FWC. The termination was based on the Tenoroc Manager's failure, or his failure to require those under his direct supervision, to properly record sales transactions in the point of sales register at Tenoroc.

The OIG is currently in the process of completing an audit of the Tenoroc Shooting Center operations and administration.



IA-1501 – Uplands Audit Follow-up Review

The purpose of this review was to report on the progress and status of FWC efforts to complete action items established to address issues identified in the OIG's Upland Invasive Plant Management Audit (Report Number IA-1304).

Based on the results of our follow-up review, we determined that management took adequate actions to address the issues identified in OIG report IA-1304.

IA-1503 – Investigations Assist

The FWC OIG Internal Audit section provided assistance to an internal agency investigation.

IA-1504 – Investigations Assist

The FWC OIG Internal Audit section provided assistance to an external agency investigation.

IA-1505 – DAVID Attestation Statement Follow-up Review

The purpose of this review was to document the progress and status of FWC efforts to complete action items established to address issues identified in the OIG's DAVID Attestation Statement Review (Report Number IA-1409).

Based on the results of our follow-up review, we determined that management took adequate, effective and timely actions to address the issues identified in OIG report IA-1409.

IA-1507 - Fuel Card Follow-up Review

The purpose of this review was to document the progress and status of FWC efforts to complete action items established to address issues identified in the OIG's Fuel Card Audit (Report Number IA-1216).

Based on the results of our follow-up review, we determined that management took adequate, effective and timely actions to address the issues identified in OIG report IA-1216.



IA-1510 – Information Technology Resource Compliance Review

In coordination with an investigation, we performed a forensic examination of an employee's FWC computer based on an allegation that the employee was using an FWC computer to develop games for a personal business. The analysis of the employee's computer revealed the employee stored approximately 40 gigabytes worth of personal data, including gaming files and programs. A copy of our report was provided to Investigations.

IA-1511 – Information Technology Resource Compliance Review

In coordination with an investigation, we performed a forensic examination of an employee's FWC computer based on an allegation that the employee was using an FWC computer to conduct excessive personal business. The analysis of the employee's computer revealed the employee stored approximately 39 personal documents. One of these documents was a contractual agreement for catering services provided by the employee. Additionally, a keyword search for the catering business was conducted on the employee's FWC email. One email containing a menu and price list was discovered. A copy of our report was provided to Investigations.

IA-1512 – Information Technology Resource Compliance Review

At the request of the Inspector General, we performed a forensic examination of an employee's FWC issued cell phone based on an allegation that the employee was using the FWC phone to conduct excessive personal business. The analysis of the employee's phone revealed the employee stored approximately 2,940 images, 43 videos, and 781 Short Message Service (SMS) text messages, the majority of which were personal in nature. Additionally, over 11,000 internet artifacts (web history, cookies, etc.) were recovered from the phone. The majority of the websites visited were personal in nature. A copy of our report was provided to the Inspector General.

IA-1514 – FY 15/16 Audit Plan and Risk Assessment

The Audit Section prepared an audit plan and risk assessment for Fiscal Year 2015/2016, and a long term audit plan for fiscal years 2016/2017 and 2017/2018. The main purpose and benefit of conducting this report was to plan audit activities (through a risk-based process) to provide the most effective audit coverage of the Commission's programs given the resources allocated.

Note:

The following audit projects were ongoing and incomplete as of June 30, 2015: IA-1319, IA-1420, IA-1502, IA-1506, IA-1508, IA-1509, and IA-1513. A review of Agency Performance Measures and Standards was included in IA-1405. Assistance to one internal investigation (OIG Case# 15-17) was not assigned an audit project number.



INVESTIGATIONS

The Investigations Section of the Office of Inspector General (OIG) investigates allegations of misconduct by Commission employees, monitors field investigations, and reviews the Division of Law Enforcement's Use of Force Reports. The OIG also investigates alleged violations of Florida's Whistle-Blower Act and serves as the Commission's Ombudsman to address concerns of employees that cannot be resolved through the normal chain of command.

The OIG Investigations Section received Accreditation from the Commission for Florida Law Enforcement Accreditation, Inc. (CFA) in 2013.

MINOR COMPLAINTS

The OIG will decide the appropriate level of investigation based on established criteria. Minor misconduct complaints include allegations of rudeness, use of obscene or profane language, personal appearance, improper operation of a state vehicle or vessel; a citizen complaint that can be resolved in the initial contact; and routine disciplinary action by a supervisor which results in an oral or written reprimand. The originating Division/Office (DO) can conduct the field investigation of a minor complaint after notifying the OIG of the complaint. The OIG will provide supervisory investigative assistance to the DO throughout the investigation and completion of the investigative report.

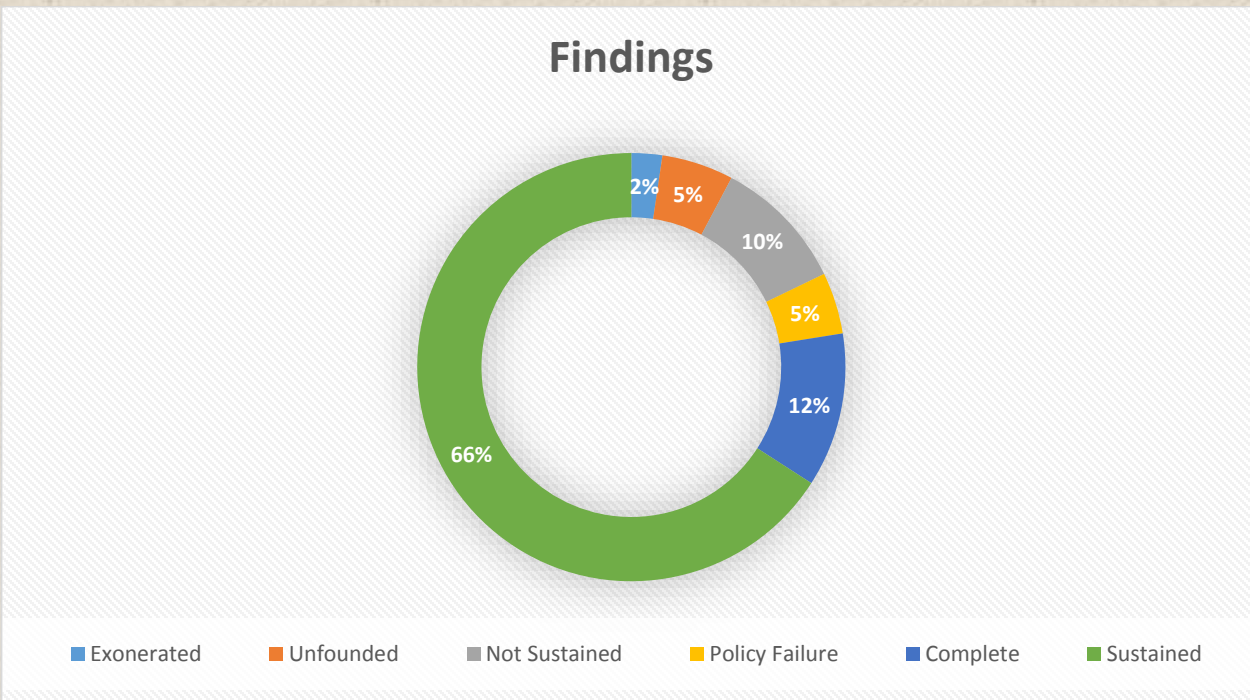
MAJOR COMPLAINTS

The OIG Investigations Section will conduct investigations of all major complaints. Major complaints are allegations of criminal misconduct by an employee, misconduct that will result in suspension or dismissal, violation of Florida's Whistle-Blower Act, misconduct that crosses DO lines, Sexual Harassment; or the Commission's Executive Director or Inspector General determines that an investigation is warranted.

INQUIRIES

Inquiry case numbers are designated with a "Q". These complaints are reviewed when there is not enough information provided to determine if an investigation is warranted. The inquiry is limited to obtaining enough information to make an informed decision as to how to designate the complaint.

REVIEW OF INVESTIGATIVE FINDINGS

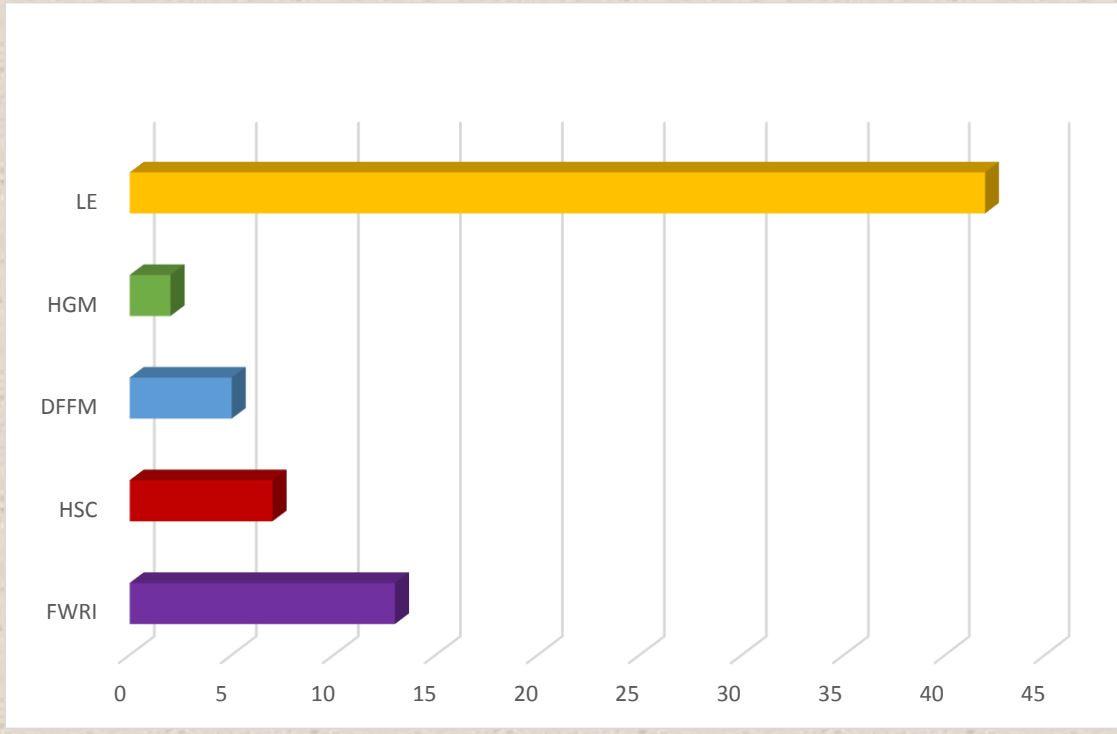


Note: Several cases had multiple findings for various policies. Multiple policies with a single finding are counted once.

Classifications of Closed Cases: Investigative findings about the allegations based upon investigative activities.

1. **Exonerated** - The alleged conduct occurred, but was lawful and proper.
2. **Unfounded** - There was no evidence identified in the Investigation to support the allegation in the complaint.
3. **Not Sustained** - There was insufficient evidence to prove or disprove the allegation.
4. **Sustained** - The allegation was supported by proper and sufficient evidence.
5. **Policy Failure** - The alleged actions occurred, but were not addressed by agency policy.
6. **Complete** - Used for instances where no specific wrongdoing was alleged.

INVESTIGATIONS BY DIVISION/OFFICE



List of Divisions/Offices (DO):

- LE - Division of Law Enforcement
- HGM - Division of Hunting and Game Management
- DFFM - Division of Freshwater Fisheries Management
- HSC - Division of Habitat and Species Conservation
- FWRI - Fish and Wildlife Research Institute

INVESTIGATIVE SUMMARIES

14-14	An employee alleged an associate failed to perform his job duties as outlined in his performance expectations.
14-15	An employee alleged a co-worker had been negligent in mandatory duties.
14-22	The Chief Inspector General requested the assistance of FWC OIG in an investigation regarding another agency.
14-23	An employee referred to FWC in a derogatory manner to his supervisor.
14-24	An employee allegedly violated general orders by working more hours than allowed and submitted inaccurate time sheets.
14-27	An employee and witness in an investigation made an obscene gesture on camera.
14-31	An employee may have provided false information during OIG investigation.
14-35	An employee allegedly abused sick leave, was tardy for work by hours, and had someone log in when she was late.
14-36	An officer allegedly filmed a hunt and posted in on a website which included individuals in the party that were cited for hunting license violations.
14-37	An officer was allegedly selective in the enforcement of boating regulations.
14-38	An employee allegedly failed to disclose a prior incident on the original application for employment.
14-39	Two employees allegedly failed to use reasonable caution, care, attention, diligence or discretion when purchasing supplies for a shooting center.
14-40	An officer allegedly responded to a call in emergency mode and drove through a red light in a bridge construction zone. In an attempt to avoid a head-on collision, the officer backed up into another vehicle.
14-41	An officer responded to a scene where a man and woman were allegedly witnessed having sex on the bank of the river.

14-42	An investigator allegedly displayed a negative and antagonistic attitude about FWC toward his trainee during the Field Training Officer (FTO) program.
14-44	An OPS senior clerk alleged a lieutenant grabbed papers from her hands and pushed his arm into her arms during a verbal altercation.
14-45	An officer allegedly failed to attend scheduled firearms qualification, after being notified, scheduled and reminded by his supervisor.
14-46	A lieutenant allegedly made derogatory and inappropriate statements about an officer to an officer in another region.
14-47Q	An inquiry into the shooting of an escaped wolf from the Seacrest Preserve.
14-50	Employees were overheard describing another co-worker as being "dumb as dirt".
14-51	A civilian alleged an officer stopped him for an improper tag on a motorcycle, handcuffed him and put him in the patrol vehicle for no reason while his child was wandering freely and he was not allowed to secure his motorcycle or child.
14-52	An officer allegedly texted and sent flowers to the girlfriend of someone he arrested for battery.
14-53	A civilian alleged an employee would not release his saltwater products license until he paid a civil penalty. Also had erroneous gill net cases made against him.
14-55	A civilian alleged an officer targeted bass fishermen and was rude and disrespectful when issuing citations. Additionally, the officer allegedly illegally changed citations from state violations to federal violations.
14-56	Two employees were commercial fishing while allegedly wearing their FWC logo shirts and posting pictures on Facebook.
14-59Q	An officer allegedly violated a civilian's civil rights when he was illegally detained.
14-60	An employee allegedly inappropriately claimed workers' compensation on her timesheet on three separate dates.
14-61	Complainants alleged their safety was endangered when FWC officers conducted a vessel stop during inclement weather.

14-62	An employee allegedly distributed an email that violated FWC computer use policy and was forwarded by co-workers.
14-63	An employee allegedly violated FWC dual employment, outside employment guidelines, and the Code of Ethics.
14-64	A duty officer allegedly impaired the operations of the Commission when the duty officer made statements of a disruptive nature.
14-65	An employee allegedly misappropriated state property and resources.
14-66	An employee allegedly took FWC property from a storage area and another employee had photographic evidence of the act.
14-67Q	An individual that was arrested by an officer alleged that they were stalked by FWC officers.
14-68Q	A lieutenant allegedly was aware of an inappropriate relationship between two FWC employees.
14-69	A review of photographs previously unknown to FWC during a previous investigation.
14-71	An employee's Pcard purchases allegedly contained erroneous charges and dates, appearance of split purchases, and attempts to purchase gas by the cardholder.
14-72	An officer allegedly failed to maintain his equipment as instructed by his lieutenant.
14-73Q	An employee allegedly violated agency policy when he discussed an OIG case with other agency employees.
14-75	A citizen was arrested and her cell phone was returned from FWC evidence following the court process. The citizen alleged that all information was removed from her phone and destroyed. The phone had been sent to FDLE for forensic processing and returned to FWC.
14-76Q	An officer allegedly uses his used his state fuel card to purchase gas for personal use.
14-77	It was alleged that FWC personnel provided confidential information to contractors.
14-78	A conversation between two employees was allegedly illegally recorded.
14-79Q	An officer allegedly pointed a rifle at a civilian in pursuit of a reckless driver.

14-80	An officer allegedly issued a Certification of Inspection for a homemade vessel without physically inspecting the vessel and did not inform his lieutenant of the inspection.
14-82	A duty officer alleged inconsistent treatment from a supervisor.
14-83	A lieutenant allegedly sent a character letter to a U.S. District Court on behalf of a defendant in his official capacity as a FWC law enforcement officer.
14-84	An allegation of computer policy violation was investigated.
15-01Q	An allegation of nepotism was investigated.
15-02	An employee acting as a witness in an investigation allegedly failed to provide information.
15-03Q	An officer allegedly issued an unlawful citation.
15-04	Two employees allegedly failed to pay utilities for their agency provided housing as required by contract.
15-05Q	A duty officer made an allegation of employee misconduct.
15-06Q	A supervisor was allegedly aware of an employee loafing during working hours and logging onto social media for extended periods of time while working.
15-07Q	An employee allegedly posted a picture of himself wearing an FWC shirt on social media advertising his side business.
15-08Q	An employee's work computer allegedly contained hundreds of photographs referencing a personal business.
15-09Q	Several employees were allegedly identified as having side businesses that were not disclosed to FWC.
15-10Q	FWC resources were allegedly used to plan an employee's wedding.
15-11	An employee was arrested for aggravated assault.
15-12	An allegation of loafing, insubordination, violation of policies/general orders, falsification of records and inability/inefficiency to perform job duties was investigated.
15-14	An employee was allegedly in violation of section 279.401 F.S., and conduct unbecoming a public employee.
15-15	Racially driven language was allegedly used by an employee to coworkers.
15-18Q	A Pcard was allegedly used without the employee being present at the time of the purchase.

15-19	An alleged past drug use was not disclosed by an employee on a background check.
15-21	An FWC computer was allegedly used by an employee to create games for his personal business.
15-24Q	An employee allegedly used an agency assigned vehicle for personal use.
15-25Q	Amid allegations of sexual harassment, an employee felt they were wrongly forced to resign.
15-27Q	An anonymous complaint alleged an employee a submitted fraudulent travel voucher.
15-29	An allegation of falsified off duty report was investigated.
15-29Q	An employee notified their supervisor of an arrest, but allegedly with inaccurate information regarding the reason for the arrest.
15-31	An allegation of confusing guidelines for contractors was investigated.
15-33Q	Issues with bidding processes for contracts surrounding alleged preferential treatment.
15-39Q	A complaint concerning alleged unfair hiring practices was reviewed.
15-40Q	An employee alleged a hostile work environment.
15-44Q	A retired FWC employee was denied entry into the reserve program.
15-47Q	An anonymous complaint that a co-worker allegedly referred to another employee using inappropriate nicknames.
15-49	An officer allegedly used profanity and sent belligerent texts.

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