

FLORIDA FISH AND WILDLIFE CONSERVATION  
COMMISSION

OFFICE OF INSPECTOR GENERAL

ANNUAL REPORT 2016-2017





September 15, 2017

**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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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. The annual report details the audit and investigative activities of the OIG for the fiscal year ending June 30, 2016.

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.

We appreciate all your support and look forward to continuing our excellent relationship.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Troelstrup".

Mike Troelstrup  
FWC Inspector General

# TABLE OF CONTENTS

General Information.....2

Office Organization Chart.....5

Review of Audit  
Activities.....7

Review of Investigations  
Activities.....17



## 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:

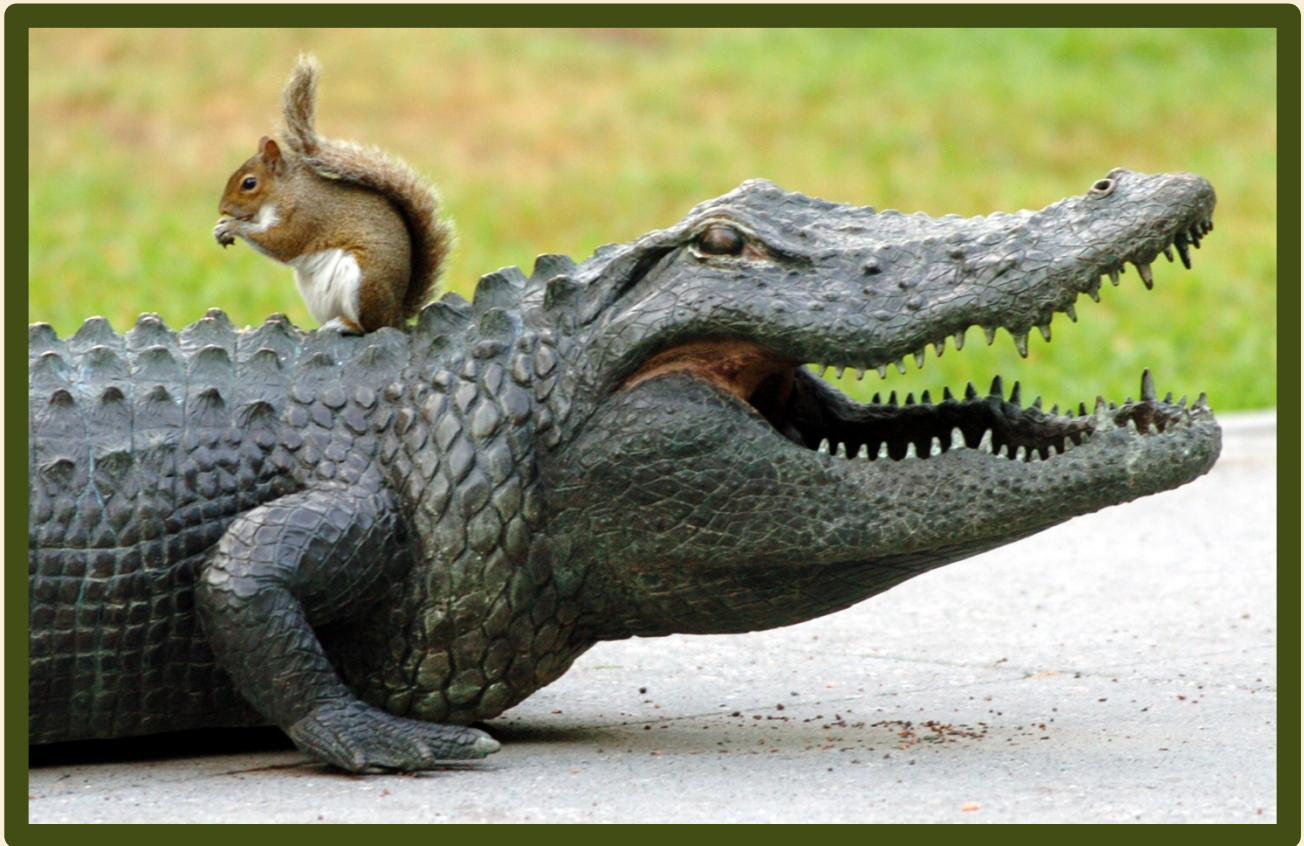
- A description of significant abuses and deficiencies relating to the administration of programs and operations of the agency disclosed by investigations, audits, reviews, or other activities during the reporting period.
- A description of recommendations for corrective action made by the Inspector 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 three of those possess post-graduate degrees as well.

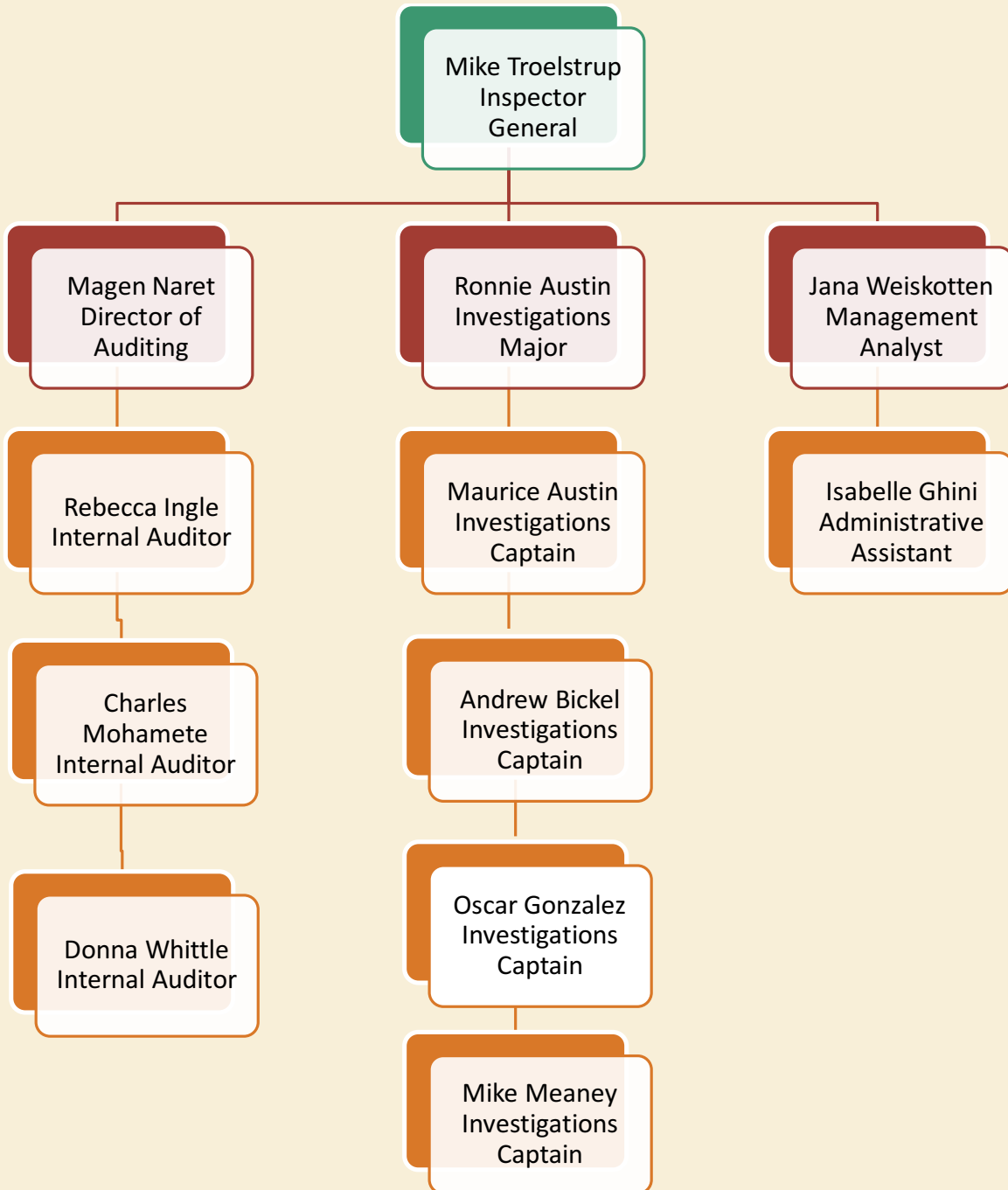


The staff members of the OIG are active in professional organizations including:

- ❖ 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:

- ❖ **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 2016-2017, the OIG staff completed 664 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 Florida Fish and Wildlife Conservation Commission (FWC) Office of Inspector General (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. The Audit Section provides assurances to senior management that all reviewed operations are working in a manner that is consistent with established organizational objectives, policies, and procedures.

This section's 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, and two half-time Internal Auditor II OPS positions. A full-time OPS Administrative Assistant is shared with the Investigations Section.

In the Fiscal Year (FY) 2016/2017, the Internal Audit Section completed two audits, four audit advisory or management reviews, two information technology resource compliance reviews, and provided audit assistance in internal investigations. At the close of the fiscal year, one audit and one review remained open. A brief summary of each completed project is as follows:

## **IA-1614 – Purchasing Card Audit**

The purpose of the P-Card audit was to determine whether the FWC P-Card Program is in accordance with applicable state laws, rules and guidelines, FWC policies and procedures, and best practices.

Overall, the P-Card transactions reviewed appeared to be in compliance with applicable state laws, rules, and guidelines; however, most transactions reviewed had instances of non-compliance with FWC policies and procedures, indicating a need for increased oversight through reconciliations and post-audits.

Note: In January of 2017, the FWC Finance and Budget Office (FBO) began testing new criteria and methods for post-audits. The audit also identified areas that could be improved, including FWC P-Card policies, procedures, and internal controls. Our audit provided numerous recommendations to improve the P-Card program.

### **IA-1603 – CMS Contract Audit**

OIG conducted an audit of FWC Contractual Agreement Number 13011 – Content Management Mobility System (CMS) as part of the OIG Fiscal Year 2015/2016 annual work plan. The total contract price for the CMS was \$118,600; however, only \$82,000 was expensed.

Our overall observation was that the contract was not awarded in compliance with state laws and rules. Specifically, the awarded vendor, was provided an unfair advantage, in violation of Section 287.057, Florida Statutes (F.S.). This is evidenced by the fact that the awarded vendor exclusively attended meetings with FWC Office of Information Technology (OIT) staff prior to the competitive solicitation and provided information which FWC OIT staff in turn used to write the scope of work for the RFP. Additionally, although we were unable to find evidence of corrupt intent, the appearance of bid rigging by FWC OIT staff exists. Based on these facts, we do not feel that FWC Contract Number 13011 is a valid contract. In regards to a possible server breach, it is our opinion that the awarded vendor did not breach the FWC server located at the Southwood Shared Resource Center (SSRC). The audit provided numerous recommendations for strengthening controls in these areas.

Corrective actions were taken by management. A follow-up review was completed in January of 2017.

### **IA-1702 – Information Technology Resource Compliance (ITR) Review**

The Audit Section reviewed an infected hard drive and determined it contained Cryptxxx ransomware. The user obtained the ransomware by clicking on a malicious link. Once the ransomware was installed, it began encrypting files located on a network share. Approximately 19,000 files were encrypted as a result. The Audit Section released an advisory memorandum that recommended the following in an effort to reduce our risk of ransomware attacks:

- Individuals infected with ransomware should be educated on how they contracted it and should be required to re-take security awareness training.

- Ensure application patches for the operating system, software, and firmware are up to date, including Adobe Flash, Java, Web browsers, etc.
- Disable macro scripts from files transmitted via e-mail.
- Consider using Office Viewer software to open Microsoft Office files transmitted via e-mail instead of full Office Suite applications.
- Periodic auditing of access controls.
- Categorize data based on organizational value, and implement physical/logical separation of networks and data for different organizational units.
- Implement the e-mail blocking system Whitelisting. Only allow systems to execute programs known and permitted by security policy.
- Audit internal applications using Flash; if no applications using Flash exist, consider disabling Flash.

#### **IA-1704 – Check Handling Process Review**

OIG reviewed a proposed check handling revenue process map, prepared by the FWC Improvement and Planning Section. The purpose of this review was to determine whether the proposed check revenue handling process had sufficient internal controls. Based on our review, it did not appear that the proposed check handling process contained adequate segregation of duties. An advisory memorandum was issued and ideal segregation of duties, a typical cash receipts process, and typical control activities for cash receipts was provided.

#### **IA-1706 – Information Technology Resource Compliance (ITR) Review**

A review was conducted at the request of the Information Security Manager in the Office of Information Technology (OIT). This was in response to a reported technical support scam in which an FWC employee allowed an external party to gain access to his computer. OIT requested a forensic assessment of the computer to determine if it had been compromised. After an assessment utilizing forensic tools, there did not appear to be a compromise of the computer's security.

#### **IA-1707 – Division of Law Enforcement Follow-up Review**

The purpose of the review was to report the progress and status of the FWC efforts to complete action items established to address issues identified in the FWC OIG Division of Law Enforcement (DLE) Off-Duty (OD), Extra-Duty (ED), and Hireback (HB) Employment Audit Report Number IA-1502.

In our previous follow-up memorandum, IA-1612 (issued April 15th, 2016), corrective actions involving revisions to General Order (GO) 06, and related forms were pending a committee review. These corrective actions were associated with four OIG recommendations and were considered “open” and subject to an additional follow-up review.

At the time of our second follow-up review, GO 06 and related forms were in draft form and were under legal review. The OIG reviewed the drafts and determined that the drafts incorporated the necessary changes to address three of the OIG’s recommendations. One recommendation, which involved a quarterly review process, did not appear to be incorporated in the draft GO. According to management, the DLE was still considering whether to implement a quarterly review process.

No further follow-ups will be conducted. The engagement is considered closed.

### **IA-1708 Fish and Wildlife Research Institute (FWRI)/Department of Highway Safety and Motor Vehicles (HSMV) Memorandum of Understanding (MOU) Review**

The purpose of our review was to determine whether internal controls over HSMV provided personal data are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. Our review determined that FWRI had implemented adequate controls to limit access to and protect the information provided by HSMV.

### **IA-1709 - MarineQuest 2016 T-Shirt Sales Review**

At the request of FWRI, we reviewed the invoices submitted by the t-shirt vendor for accuracy. In addition, we reviewed and recalculated the number of t-shirts ordered and the number of shirts sold based on the information from the order invoice and sales records provided by FWRI. All revenues collected at the event were to be deposited in the MarineQuest Fund administered by the Wildlife Foundation of Florida (WFF).

Based on the results of our review, we determined invoices, order detail, and sales figures were accurately recorded. In addition, we determined that sales revenues were accurately and timely turned over to the WFF MarineQuest fund.

## **IA-1711 – Content Management Mobility System (CMS) Audit Follow-up**

The purpose of the review was to report the progress and status of the FWC efforts to complete action items established to address issues identified in the FWC OIG CMS Contract Audit Report Number IA-1603. Based on the results of the follow-up review, the OIG determined that management took adequate actions in response to the OIG's findings.

## **IA-1712 Performance Measures Review**

The OIG reviewed Agency Performance Measures pursuant to Section 20.055(2), Florida Statutes (F.S.). Assessment of performance measure information is a component of the OIG's annual work plan. Our review consisted of assessing the validity and reliability of eight performance measures included in the Agency's Long-Range Program Plan for 2017-2018 through 2021- 2022.

Five of the eight performance measures reviewed pertained to the Division of Law Enforcement and appeared valid and reliable. The Audit Section included the following recommendations:

- Number of Vessel Safety Inspections
  - Management should ensure that the supportive narrative to the performance measure is reviewed annually and portrays a current explanation of variances and methodology. At present, explanations presented for the variance to standard are partially based on outdated factors. An expired data collection method is also provided as performance measure methodology.
- Response Time to Emergency Calls
  - No recommendations
- Total Number of Hours Spent in Preventive Patrol and Investigations
  - Management should include a statement in Exhibit III clarifying that while attempts are made to present actual hours whenever possible, due to the nature of operations, time recorded may present occasional estimated hours.
- Number of Equipment Repairs
  - Management should ensure that the supportive narrative to the performance measure is reviewed annually and portrays a current explanation of methodology. Present Data Sources and Methodology narratives in Exhibit IV do not reference the Manager Plus system and refer to a form that is no longer used.
- Compliance with Specified Commission Rules and State Law

- Management should ensure that supportive narrative to the performance measure is reviewed annually and updated where required. Exhibit IV narratives for Data Sources and Methodology and Reliability need to be updated to explain current processes.

The Marine Fisheries Management's performance measure appeared valid and reliable with the following recommendation:

- Percent of Fisheries Stocks that are Increasing or Stable
  - While the measure is both valid and reliable in presenting fisheries that are increasing or stable, it is noted that the standard has been 80% for a number of years. We also note that there have been continuous improvements in research and data collection for marine fisheries species that may relate, at least partially, to a 99% actual performance result. The Agency should consider reviewing the standard to determine whether or not it should be raised to reflect improvements in research and data collection.

The reviewed FWRI performance measures are as follows:

- The Number of Requests for Status of Endangered and Threatened Species and Wildlife Completed appeared partially valid and partially reliable.
  - The scope of this performance measure should be expanded to reflect that this section also reports on threats from non-endangered and non-threatened species and wildlife. Additionally, the wording in Exhibit IV appears obsolete with respect to the current processes of the section. It appears that this section could benefit from a uniform process to track requests for information about endangered and threatened species and wildlife.
- The Number of technical and analytical GIS Remote Sensing Requests Completed and GIS Oil Spill Training Assistance Provided appeared reliable and partially valid.
  - The Audit Section recommended that Management should ensure the requests for information, web activity, and social media accounts are specific to GIS related content when being reported for this performance measure.

#### **IA-1714 Office of Licensing and Permitting (OLP) HSMV Attestation**

The purpose of our review was to determine whether internal controls over DHSMV provided personal data are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. Our review determined that

OLP had implemented adequate controls to limit access to and protect the information provided by HSMV.

### **IA-1717 FSAA**

The OIG began reviewing financial packages for Single Audit eligibility in May 2017. To date, none of city and county financial packages that we received indicated that the eligibility threshold for a Single Audit was met.

### **Notes:**

In July of 2016, the Audit Section prepared a risk assessment and audit plan (IA-1715) for Fiscal Year 2017/2018, and a long-term audit plan for fiscal years 2018/2019 and 2019/2020. The main purpose and benefit of conducting this assessment 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.

The following audit projects were ongoing and incomplete as of June 30, 2017: IA-1705 and IA-1710.



## 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 and was re-accredited in 2016.

## 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. Under the direction of OIG, 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

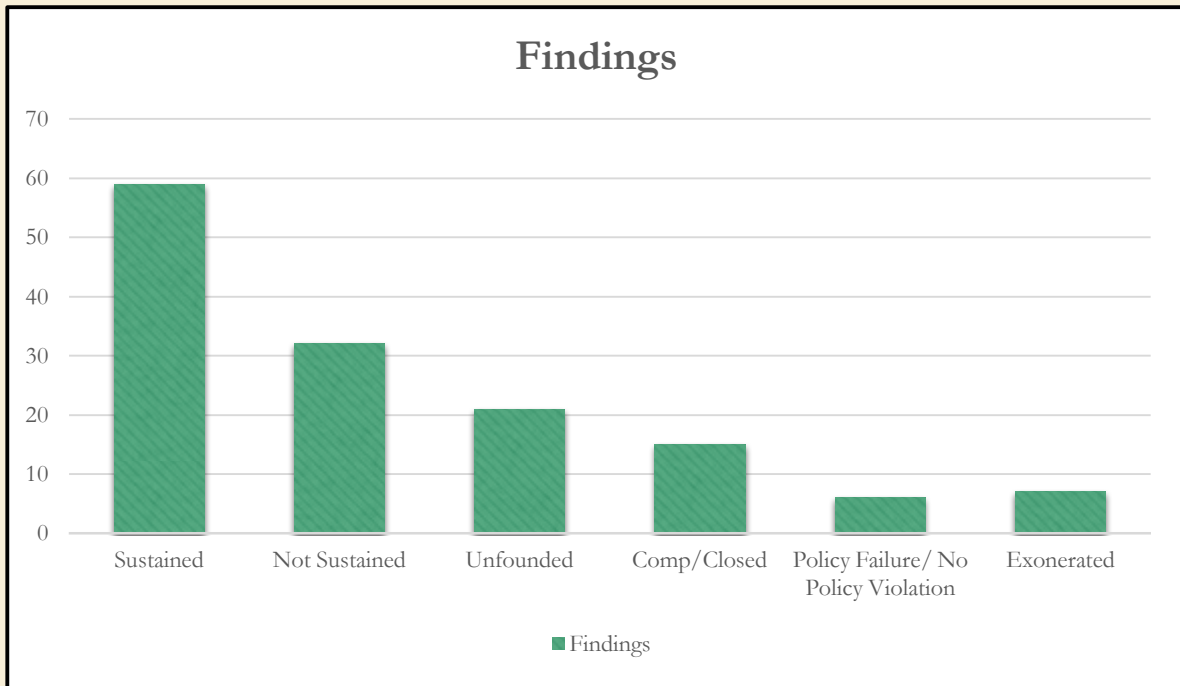
The OIG Investigations Section will conduct investigations of all major complaints. Major complaints are allegations of criminal misconduct by an employee, misconduct that will result in suspension or dismissal, violation of Florida's Whistle-Blower Act, misconduct that crosses DO lines, Sexual Harassment, or when the 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

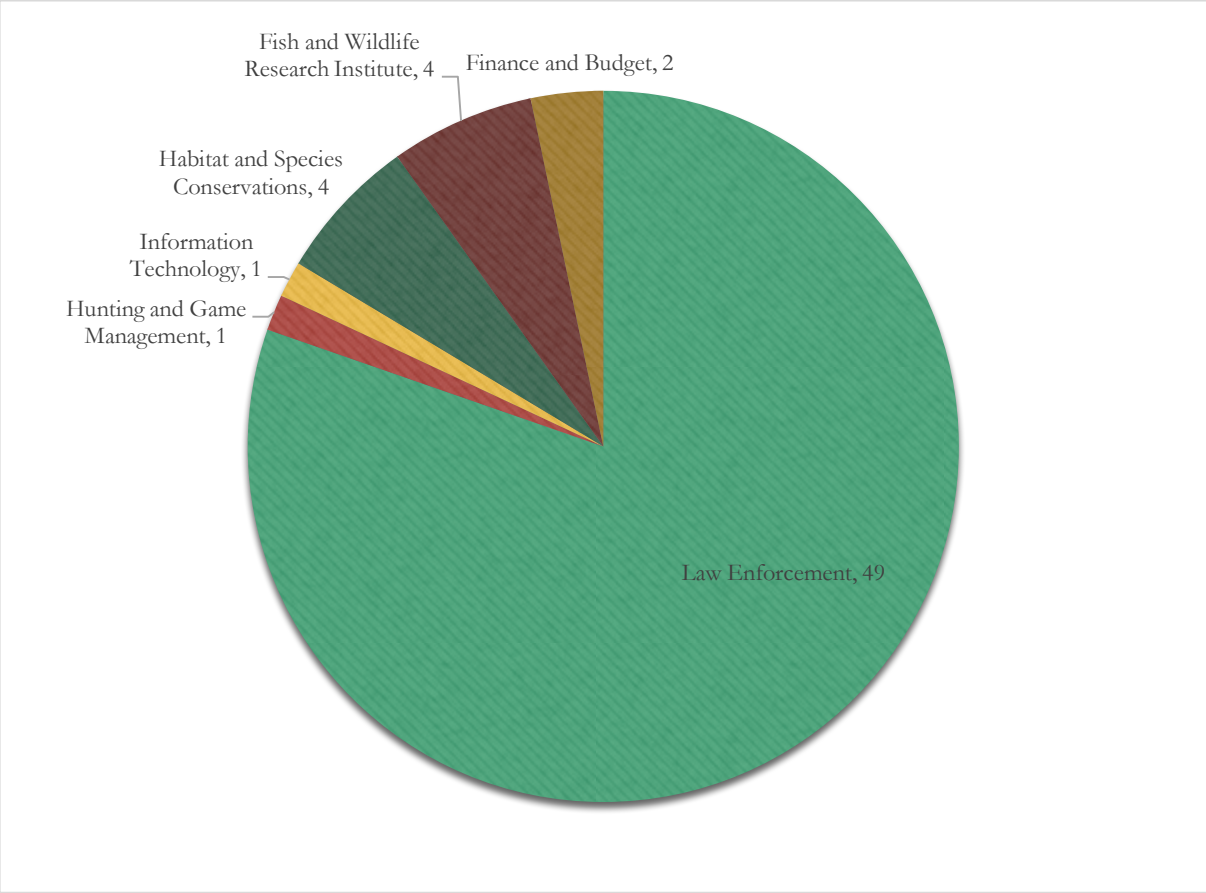


Note: Several cases had multiple findings for various policies. Multiple policies with a single finding are counted once.

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

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

# INVESTIGATIONS BY DIVISION/OFFICE



## INVESTIGATIVE SUMMARIES

<b>15-17</b>	Alleged laundering of money and property related to environmental violations was jointly investigated with the Department of Environmental Protection.
<b>16-05</b>	An investigation was conducted into allegations of several FWC policy violations and inappropriate work behavior.
<b>16-07</b>	Based on the results of an FWC OIG audit, an investigation was conducted into alleged improper bid and contract processes.
<b>16-11</b>	An investigation into an allegation that two officers were adjusting their shifts and working off-duty employment while on-duty was conducted.
<b>16-13</b>	An allegation that an officer left the scene of a vehicle crash and provided inconsistent reports of the incident was investigated.
<b>16-14</b>	An investigation into an employee's arrest by an outside agency was conducted.
<b>16-19</b>	An allegation that an employee failed to follow direction from a supervisor and violated FCIC/NCIC policy was investigated.
<b>16-20</b>	An investigation was conducted into allegations that an officer failed to comply with orders from the chain of command.
<b>16-22</b>	It is alleged that an employee harassed and intimidated another FWC employee.
<b>16-23</b>	Alleged unprofessional conduct by an employee was investigated.
<b>16-25Q</b>	An inquiry was conducted into alleged misuse of authority and threatening by an agency employee.
<b>16-27</b>	An investigation was conducted into allegations that a supervisor violated agency policies.
<b>16-28</b>	An allegation of conduct unbecoming an agency employee was investigated.

<b>16-29</b>	An investigation was conducted into allegations of insubordination and poor performance.
<b>16-30</b>	Allegation that an officer took law enforcement action while on leave and did not inform supervisors and that the officer then filed a report with inaccurate information was investigated.
<b>16-31</b>	An investigation was conducted into allegations of improper timesheet documentation, workplace disruptions, and improper conduct.
<b>16-33</b>	An investigation was conducted into alleged bid-rigging of contracts.
<b>16-34</b>	An allegation that an employee recorded a conversation with his supervisor without the supervisor's knowledge or permission is investigated.
<b>16-35</b>	Allegation of unsafe transport of an arrestee and potential coercion of a breath test is investigated.
<b>16-36</b>	An allegation of poor work performance was conducted.
<b>16-37Q</b>	Investigation was conducted into alleged misuse of agency MCT mapping system.
<b>16-38</b>	An allegation of repeated incidences of untruthfulness was investigated.
<b>16-39Q</b>	An inquiry of an allegation of potential harassment of employees was conducted.
<b>16-40</b>	An investigation was conducted into the allegation of conduct unbecoming and misuse of agency cellphone.
<b>16-41</b>	Allegation that an officer was involved in illegally hunting alligators was investigated.
<b>16-42</b>	An allegation that an officer gave untruthful testimony during a PERC hearing was investigated.
<b>16-44</b>	An allegation that an employee was jeopardizing land management funding, not completing work projects by their legislatively mandated deadlines, and was failing to perform all job duties was investigated.

<b>16-45</b>	An investigation was conducted into the allegations that an employee was disrupting hunting activities.
<b>16-46</b>	Allegation that an officer did not maintain professional conduct during a vessel stop was investigated.
<b>16-47Q</b>	Alleged policy violation regarding reimbursements for chartered vessels is investigated.
<b>16-48</b>	Investigation into an allegation that an officer was rude during a vessel stop then later was dishonest with her supervisor regarding the reason for the stop.
<b>16-49</b>	Alleged dishonesty by an officer was investigated.
<b>16-50</b>	Allegation that an employee lied about receiving products for personal use from an agency vendor.
<b>16-51</b>	An investigation into an allegation that an employee was creating an unsafe work environment was conducted.
<b>16-53</b>	Alleged threatening and unprofessional conduct of an agency employee was investigated.
<b>16-54</b>	Investigation into the allegation that an employee used state equipment without proper authorization.
<b>16-55</b>	An altercation between a bar patron and an off-duty officer was investigated.
<b>16-56Q</b>	An inquiry was conducted into alleged sexual harassment by an employee.
<b>17-01</b>	An allegation of an employee discriminating based on handicap was investigated.
<b>17-01Q</b>	Allegation of criminal violation of homestead exemption laws was investigated.
<b>17-02Q</b>	In inquiry was conducted into an allegation of public corruption and falsification of records.
<b>17-03</b>	Allegation of criminal violation of homestead exemption laws was investigated.

<b>17-03Q</b>	An inquiry was performed into alleged abuse of power and conduct unbecoming an agency employee.
<b>17-04</b>	An investigation was conducted into alleged conduct unbecoming of an agency employee.
<b>17-04Q</b>	An inquiry into alleged racial profiling was conducted.
<b>17-05</b>	Allegation of conduct unbecoming an agency employee was investigated.
<b>17-05Q</b>	Inquiry into an alleged improper use of DAVID.
<b>17-06</b>	An investigation was conducted regarding an allegation that an officer failed to complete Incident and Use of Force Reports as required.
<b>17-07</b>	Conduct unbecoming and agency employee and abuse of power were investigated.
<b>17-08</b>	Inappropriate social media posts were investigated.
<b>17-09</b>	An investigation into racial profiling was conducted.
<b>17-10</b>	An investigation was conducted into alleged officer untruthfulness.
<b>17-11</b>	Allegation that an officer was rude, loud, and insulting during a traffic stop.
<b>17-13</b>	Investigation into an officer allegedly interfering with an investigation.
<b>17-14</b>	An officer was investigated for improperly threatening citizens with arrest.
<b>17-16</b>	An officer was investigated for possession and use of steroids.
<b>17-17</b>	Allegation that an employee was improperly keeping property records.
<b>17-20</b>	An investigation into alleged sexual harassment was conducted.

<b>17-25 Q</b>	An inquiry into an allegation that an officer lied about facts of an arrest on arrest documentation.
<b>17-27Q</b>	An allegation of employee misconduct was investigated.





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