



**Nicole "Nikki" Fried
Commissioner of Agriculture**

**Office of Inspector General
Annual Report
Fiscal Year 2019-2020**

**Angela H. Roddenberry
Inspector General**





FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

September 21, 2020

The Honorable Nicole Fried
Commissioner of Agriculture
Florida Department of Agriculture and Consumer Services
The Capitol, Plaza Level 10
Tallahassee, Florida 32399-0810

Dear Commissioner Fried:

In accordance with Section 20.055(8), Florida Statutes, I am pleased to present the Office of Inspector General's Annual Report for Fiscal Year 2019-2020. This report summarizes our audit and investigative responsibilities, activities, and accomplishments for the 12-month period ending June 30, 2020.

The Office of Inspector General is committed to promoting accountability, integrity and efficiency in state government by preventing and detecting fraud, waste, abuse and mismanagement within the department.

On behalf of my staff, I would like to thank you for your support and leadership, and department management and staff for their ongoing assistance and cooperation.

Sincerely,

Angela H. Roddenberry
Inspector General

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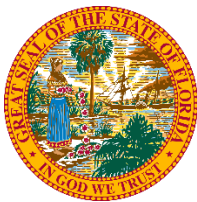
EXECUTIVE SUMMARY

The Office of Inspector General (OIG) has prepared this annual report, which covers the period from July 1, 2019, to June 30, 2020, pursuant to the provisions of Section 20.055, Florida Statutes, (F.S.) commonly referred to as the Inspector General Act. The report is organized to reflect the responsibilities, activities, and accomplishments of the OIG. During this reporting period, we completed audit and investigative work as well as special engagements.

The Audit Section conducted **20** internal assurance and consulting engagements, and external audit and review coordination and follow-up. The engagements provided department leadership with an objective assessment of the issues, while offering specific recommendations to correct deficiencies and improve program effectiveness.

The Investigative Section completed **237** cases, including formal investigations, preliminary inquiries, background investigations, and referrals.

INTRODUCTION



In Section 20.055, F.S., “An office of inspector general is established within each state agency to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government.” In addition, the statute requires the Inspector General to prepare an annual report by September 30 of each year summarizing OIG activities during the preceding fiscal year.

RESPONSIBILITIES

Section 20.055, F.S., requires the OIG to:

- Assess the reliability and validity of the information provided by the department on performance measures and standards and make recommendations for improvement, if necessary.
- Provide direction for, supervise, and coordinate audits and management reviews relating to the programs and operations of the department.
- Keep the Commissioner of Agriculture informed, recommend corrective action, and report on progress of corrective action concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the department.
- Conduct, supervise, or coordinate other activities carried out or financed by the department for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, department programs and operations.
- Receive complaints and coordinate all activities of the department as required by the Whistle-blower's Act, Sections 112.3187-112.31895, F.S.

Additionally, Section 570.092, F.S., requires the OIG to conduct criminal and administrative investigations relating to the department.

MISSION, VISION AND VALUE

The OIG promotes the effective, efficient, and economical operation of department programs, provides the highest quality work product and services that facilitate positive change. The OIG values making a positive difference through the work we do. We are committed to constantly improving how we operate and embracing innovation to produce the highest work quality.

STAFF QUALIFICATIONS

Employees within the OIG possess a wide variety of expertise in areas such as auditing, accounting, investigations, and information technology. Employees continually seek to further enhance their abilities and contributions to the OIG and the department. Additionally, employees within the OIG participate in a number of professional organizations to maintain proficiency in their areas of expertise and certification. These accomplishments represent significant time and effort, reflecting positively on the employee as well as the department.

Professional certifications maintained by OIG employees:

Certified Field Training Officer (4)	Certified Internal Control Auditors (2)
Certified Fraud Examiners (2)	Certified Law Enforcement Instructors (2)
Certified Information Systems Auditor (1)	Certified Law Enforcement Officers (6)
Certified Inspector General (1)	Certified Public Accountant (1)
Certified Inspector General Auditor (1)	Certified Public Manager (1)
Certified Inspector General Investigator (4)	Florida Certified Contract Manager (1)
Certified Internal Auditor (1)	

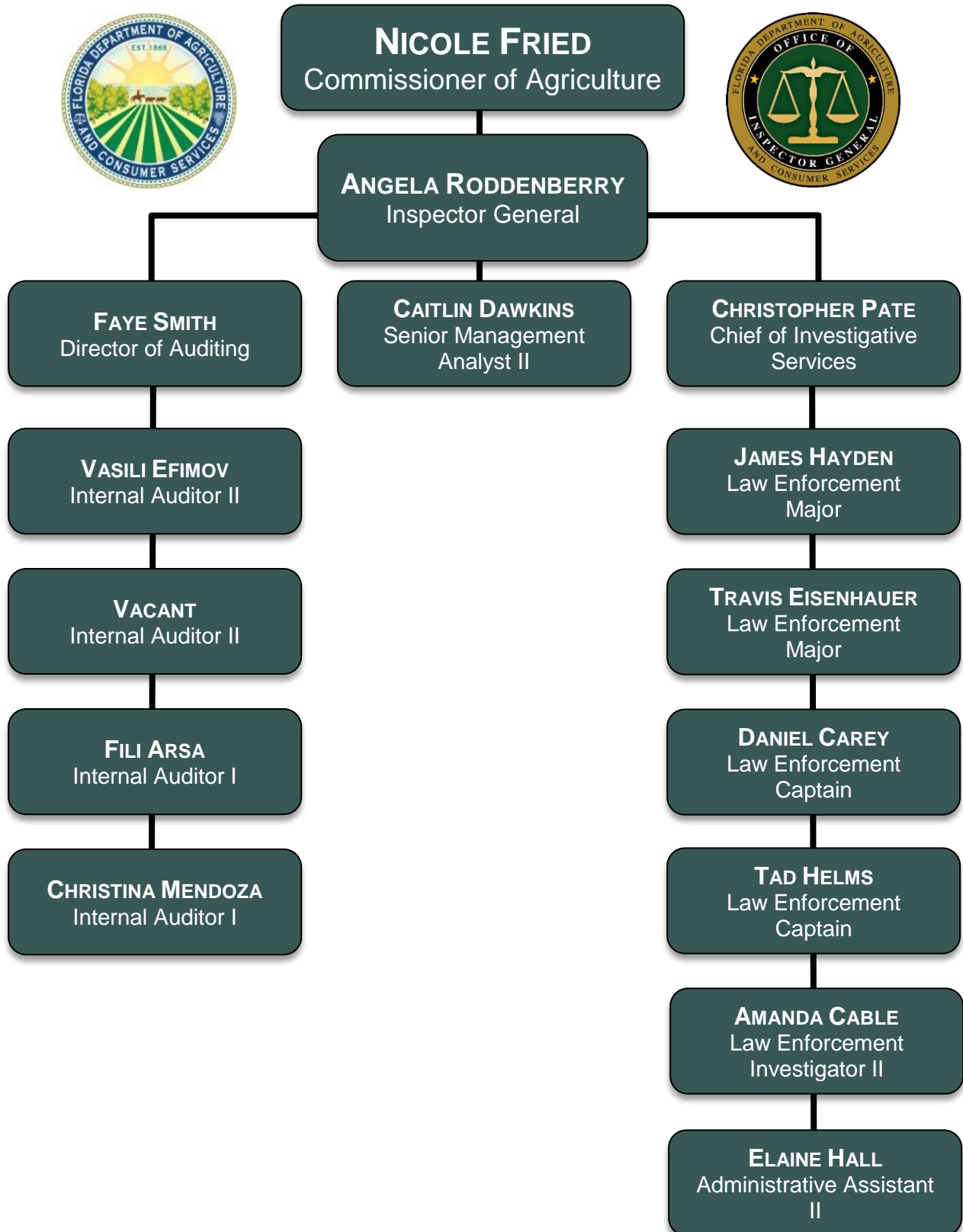
Professional association memberships held by OIG employees:

Association of Certified Fraud Examiners	Institute of Internal Auditors
Association of Inspectors General	Information Systems Audit and Control Association

TRAINING ACCOMPLISHMENTS

The OIG has outlined a training assessment plan in OIG Policy and Procedure 2-01 that provides for training for new and existing OIG staff members. This continuing staff development helps ensure the highest quality audits and investigations. Staff members utilize training resources from various organizations. In accordance with the *International Standards for the Professional Practice of Internal Auditing*, internal auditors are responsible for continuing education to maintain proficiency and satisfy requirements related to professional certifications held by completing 80 hours of training every two years. In accordance with Section 943.135, F.S., and law enforcement accreditation standards, sworn law enforcement officers are required to complete 40 hours of law enforcement-related continuing education training every two years. Also, officers are required to qualify annually with assigned firearms and encouraged to complete a minimum of 12 hours of firearms training.

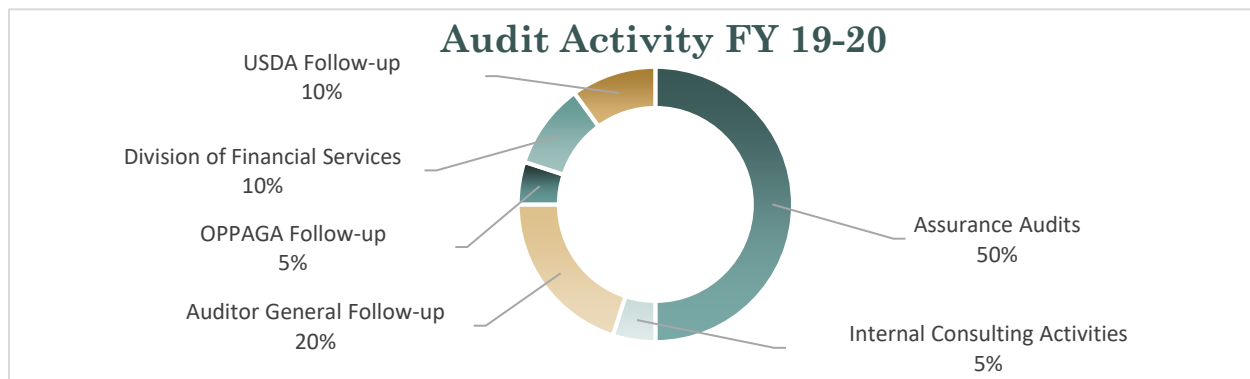
ORGANIZATIONAL CHART



AUDIT SECTION

The Audit Section adds value and improves department operations through independent, objective assurance and consulting engagements. The Audit Section has assisted the department in accomplishing its goals by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, controls, and governance processes. In addition to assurance and consulting engagements, the Audit Section also coordinates with external auditors, tracks audit findings for follow-up, reviews department performance measures, and conducts a risk assessment of the department.

The activities of the Audit Section can be seen in the accompanying chart.



PROFESSIONAL STANDARDS AND QUALITY ASSESSMENT REVIEW

Pursuant to Sections 20.055(2)(j) and 20.055(6)(a), F.S., internal audit activities are performed in accordance with the current *General Principles and Standards for Offices of Inspector General* and *International Standards for the Professional Practice of Internal Auditing*, as published and revised by the Association of Inspectors General and the Institute of Internal Auditors, Inc. respectively. Audit engagements involving information technology (IT) are also conducted in accordance with *Information Systems Auditing Standards*, as published by the Information Systems Audit and Control Association. Additionally, pursuant to Section 20.055, F.S., the Audit Section is evaluated every three years in a Quality Assessment Review conducted by the State of Florida Auditor General.

QUALITY ASSURANCE PROGRAM

The Audit Section continues to implement and employ a number of internal audit best management practices. These include partnering with management, increasing staff performance through the use of computer-assisted auditing techniques, developing staff professionally, maintaining IT audit staff, and providing a balanced combination of assurance and consulting services. A high level of proficiency has been achieved for the Audit Section through education, professional certifications, and other continuing professional development activities.

As part of the Quality Assurance Program, the Audit Section:

- Reviews professional standards and internal policies and procedures;
- Participates in various training and development activities; and,
- Continues to improve audit techniques, tools, and technology.

INTERNAL ASSURANCE AND CONSULTING ENGAGEMENTS

The OIG initiated or completed **ten** assurance engagements and **one** consulting engagement during Fiscal Year (FY) 2019-2020. The OIG also completed other consulting activities that did not result in reports, such as participation in ongoing governance activities and various department committees and workgroups. The Audit Plan lists assurance engagements that are based on the OIG’s annual risk assessment and/or special request by department management. Consulting engagements are based on requests from department management, as well as through joint engagements with department personnel and are designed to enhance internal controls or organizational governance. The Audit Section completes follow-up on engagements every six months until corrective action has been taken or the risk of not taking corrective action has been assumed by the entity. The following table enumerates all engagements for the FY 2019-2020 and is followed by a summary of each engagement.

ASSURANCE AND CONSULTING ENGAGEMENTS FOR FY 2019-2020			
REPORT	TITLE	TYPE	PAGE
IA 1617-09	Follow-Up to the Audit of the Department’s Personnel Records Management	Assurance	6
IA 1819-03	18 Month Follow-Up to the Audit of the Office of Agricultural Law Enforcement’s Evidence Handling	Assurance	6
IA 1819-05	Audit of the Purchasing Card Process	Assurance	6
IA 1920-01	2019 Audit of Florida State Fair Attendance and Gate Admission Revenue	Assurance	6
IA 1920-02	Audit of Contract Monitoring	Assurance	6-7
IA 1920-03	User Account Review Audit of the Department’s Mission Critical Applications	Assurance	7
No Report Issued	WEX Card Transactions for Division of Plant Industry Audit	Assurance	7
IA 1920-04	Florida Department of Highway Safety and Motor Vehicles Data Exchange Memorandum of Understanding Audit (In Progress)	Assurance	7
In Progress	2020 Audit of Florida State Fair Attendance and Gate Admission Revenue	Assurance	8
In Progress	Audit of Revenue Collection Process of the Bronson Diagnostic Lab	Assurance	8
No Report Issued	Department’s Performance Measures – Review of Validity and Reliability Statements	Consulting	8

Assurance Engagements

IA 1617-09: Follow-Up to the Audit of the Department's Personnel Records Management

The follow-up evaluated the adequacy of physical and logical access controls established to safeguard confidential information contained in employee personnel records. Personnel records are employee files, records and documents that the department collects while processing personnel actions. All corrective actions were completed.

IA 1819-03: 18 Month Follow-Up to the Audit of the Office of Agricultural Law Enforcement's Evidence Handling

The follow-up evaluated whether the Office of Agricultural Law Enforcement's (OALE) procedures for evidence handling are in compliance with Florida Statutes and OALE standard operating procedures. All corrective actions had been completed except for one which was partially completed. A 24-month follow-up will be performed to ensure OALE is recording complete chains of custody for all evidence items.

IA 1819-05: Audit of the Purchasing Card Process

The audit assessed whether select purchasing card processes, including the approval of charges and associated reconciliations, complied with state laws, state policies and procedures, and the department's Administrative Policies and Procedures (AP&Ps).

IA 1920-01: 2019 Audit of Florida State Fair Attendance and Gate Admission Revenue

The audit determined if the reported attendance and gate admission revenue were fairly stated and assessed the efficiency of the Fair's fiscal activities.

IA 1920-02: Audit of Contract Monitoring

The audit assessed the adequacy of monitoring activities performed by the department's contract managers. The three significant findings are listed below.

Finding Summary: Section 287.057 (14)(a), Florida Statutes (F.S.), requires contract managers who are responsible for contracts in excess of \$35,000 to receive contract management training provided by the Department of Financial Services. Contract managers responsible for contracts in excess of \$100,000 annually must complete contract management training conducted by the Department of Management Services to become a Florida Certified Contract Manager (FCCM). These training requirements became effective January 1, 2015, and training is required at least once every four years based on the date of last attendance.

The OIG's review disclosed that some contract managers and designated delegates responsible for contracts in excess of \$35,000 to \$100,000 and contracts in excess of \$100,000 annually were not receiving training as required by Section 287.057 (14)(a), F.S.

Recommendation: The divisions should ensure that employees who are assigned contracts or receive responsibility for contracts through the delegation of authority process (FDACS-01021) are provided contract training as required by Section 287.057 (14)(a), F.S.

Finding Summary: The FCCM training material states, “Each agency will identify the criteria and evaluation method for conducting a risk assessment for their contracts and grants.” Additionally, department AP&P 4-9, Federal Financial Assistance Subrecipient and Monitoring, requires the completion of a risk assessment on each applicant for federal financial assistance prior to making an award to determine the applicant’s ability and experience in managing federal funds. The department has not issued guidance as to whether risk assessments should be conducted for contracts other than federal financial assistance agreements. A risk assessment was not conducted for all 36 contracts reviewed, two of which were funded by federal financial assistance.

Recommendation: Contract managers who are assigned to monitor federal financial assistance agreements should complete a risk assessment as required. In addition, the department should provide guidance for the performance of a risk assessment for contracts funded by state funds.

Finding Summary: Contracts for federal or state financial assistance frequently require that a separate account be maintained to account for the funds and may require the account to be interest-bearing. Of the 36 contracts reviewed, six required separate accounts. Three of the six contract files contained evidence that a separate account was maintained for the contract funds. The Office of Agricultural Water Policy was unable to provide evidence that a separate account was used for three contracts. In relation to one of the three contracts in which a separate account was maintained, the OIG determined the separate account was not interest-bearing, as required by the contract, until the end of the contract when the advance payment was being settled.

Recommendation: When contracts require a separate account to manage funds, the contract manager should require documentation to verify that a separate account is maintained and accounted for in compliance with the terms of the contract.

IA 1920-03: User Account Review Audit of the Department’s Mission Critical Applications

The audit determined whether user account reviews for mission critical applications were performed in accordance with the department’s AP&Ps.

WEX Card Transactions of the Division of Plant Industry Audit (No Report Issued)

The audit assessed compliance with the department’s AP&Ps for recording, reconciling, and maintaining statewide vehicle fuel and maintenance WEX card transaction information.

IA 1920-04: DHSMV Data Exchange MOU HSMV-0035-20 Audit (In Progress)

The audit is to evaluate the department’s internal controls governing the use and dissemination of personal data, obtained under this Department of Highway Safety and Motor Vehicles (DHSMV) Memorandum of Understanding (MOU). Audit processes will be performed to determine if the use of the DHSMV MOU data is in compliance with the requirements of the MOU and applicable laws. In addition, audit processes will be performed to determine whether the internal controls in place are adequate to protect the MOU personal data from unauthorized access, distribution, use, modification, or disclosure.

2020 Audit of Florida State Fair Attendance and Gate Admission Revenue (In Progress)

The audit is to determine if the reported attendance and gate admission revenue are fairly stated, and to assess the efficiency of the Fair's fiscal activities.

Audit of Revenue Collection Process of the Bronson Diagnostic Lab (In Progress)

The audit is to evaluate the effectiveness of reconciliation controls, staff training, staff separation of duties, and background checks in relation to the revenue collection processes.

Consulting Engagements

Performance Measures – Review of Validity and Reliability Statements (No Report Issued)

The Audit Section conducts an annual review of the addition, deletion, or modification of the Long Range Program Plan Exhibit IV: Performance Measure Validity and Reliability statements (Exhibit), to assess the validity and reliability of the information contained in the Exhibit, and to make recommendations for improvement, if necessary.

EXTERNAL AUDIT AND REVIEWS

The Audit Section is the coordinator for external audits and reviews conducted by the State of Florida Auditor General (AG), the Office of Program Policy Analysis and Government Accountability (OPPAGA), federal auditors, and other governmental entities. The Audit Section also performs follow-up activities to determine the status of corrective action for findings contained in reports issued by the AG or the OPPAGA. The Audit Section coordinated **nine** external audits/reviews conducted by state or federal agencies during Fiscal Year 2019-2020 as reflected in table below.

EXTERNAL AUDITS AND REVIEWS FOR FY 2019-2020			
AGENCY	REPORT	TITLE	PAGE
AG	2020-170	Financial Statements for FY Ending 6/30/2019	9
AG	2020-170	Federal Awards for FY 2018-2019 Child Nutrition	9
AG	In Progress	Operational Audit of the Department's Information Technology General Controls for FY 2019-2020	9
AG	In Progress	2020 Operational Audit of the Administration of Mosquito Control Programs, Licensing, and Research	9
OPPAGA	N/A	2020 Florida Government Program Summaries	9
DFS	In Progress	Contract Deliverables Monitoring Processes and Selected Contracts and Grants	9
USDA	Complete	Florida's Control Over Summer Food Service Program	10
USDA	In Progress	Management Evaluation of Contract Compliance - Division of Plant Industry	10

OFFICE OF THE AUDITOR GENERAL

Report No. AG 2020-170: Financial Statements for FY Ending 06/30/19 (Florida's Comprehensive Annual Financial Report for Fiscal Year Ending 06/30/19)

The audit was on the state of Florida's Basic Financial Statements and included an annual fraud inquiry, financial noncompliance disclosure, legal representation letter, management representation letter, and a reconciliation of the State Expenditures for Federal Awards. There were no findings noted in relation to the department's financial statements.

Report No. AG 2020-170: Federal Awards for FY 2018-2019 Child Nutrition

The audit was to express an opinion on the department's compliance with requirements applicable to federal programs for funds awarded for fiscal year ending June 30, 2019. There were no findings noted for the department's Division of Food, Nutrition, and Wellness.

Operational Audit of the Department's Information Technology General Controls for FY 2019-2020 (In Progress)

The audit is focused on evaluating the effectiveness of selected IT controls in achieving management's control objectives in the categories of compliance with controlling laws, administrative rules, and other guidelines; the confidentiality, integrity, availability, relevance, and reliability of data; and the safeguarding of department IT resources.

2020 Operational Audit of the Administration of Mosquito Control Programs, Licensing, and Research (In Progress)

The audit is focused on the operational controls during the period of July 1, 2018 through January 31, 2020 in relation to the administration of mosquito control programs, licensing, and research and includes a follow-up of the department's corrective actions to AG Report No. 2019-064.

OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY (OPPAGA)

2020 Florida Government Program Summaries

This was an annual update of the department's information contained electronically on OPPAGA's website.

DEPARTMENT OF FINANCIAL SERVICES

Contract Deliverables Monitoring Processes and Selected Contracts and Grants (In Progress - Draft Report Issued)

The audit was conducted by the Department of Financial Services' Division of Accounting and Auditing, Bureau of Auditing, and focused on active selected contract and grant agreements between the period of July 1, 2018 through September 30, 2019.

UNITED STATES DEPARTMENT OF AGRICULTURE

Florida's Controls Over Summer Food Service Program

The audit determined whether Florida has adequate controls in place to reasonably ensure the Summer Food Service Program (SFSP) was operating within program requirements. Specifically, the objectives of this audit were to (1) evaluate the adequacy of the State agency's controls over SFSP sponsors, and (2) determine if selected sponsors and distribution sites complied with program requirements. A report was issued on July 11, 2019. According to the division, corrective actions for all recommendations have been completed and submitted for approval.

Management Evaluation of Contract Compliance - Division of Plant Industry

(In Progress)

The United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), Financial Management Divisions, Review and Analysis Branch is conducting a review of the agreement, AP17PPQFO000C001, for the period of December 1, 2016, through November 30, 2017. The purpose of this review is to ensure federal funds were used as intended and in accordance with applicable laws and federal regulations, and to enhance the USDA APHIS's management and oversight of the agreement life cycle to achieve program goals.

OPEN AUDIT FINDINGS FROM PRIOR ANNUAL REPORTS

Timely analysis and appropriate corrective actions should result from any significant findings and recommendations made in conjunction with internal or external assurance services. Many of the significant audit findings previously reported through the FY 2018-2019 Annual Report have been resolved. Internal Audit 1819-03 has one open significant finding that will be re-assessed during FY 2020-2021 follow-up activities. Follow-up is conducted on any open findings every six months until corrective action has been taken or the risk of not taking corrective action has been assumed by the department. Additionally, the Auditor General (AG) is conducting an audit that includes follow-up of significant findings disclosed in the previously reported AG Report No. 2019-064.

INVESTIGATIVE SECTION

The Investigative Section conducts statewide investigations and has offices in Tallahassee and Tampa. The daily operations are the responsibility of the Chief of Investigative Services, who supervises a team of two majors, two captains, one investigator and one administrative assistant. The Investigative Section possesses extensive law enforcement experience, which provides a broad range of knowledge and professionalism.

The Investigative Section is comprised of sworn law enforcement professionals who conduct investigations of alleged criminal and administrative misconduct relating to the department. Investigators routinely conduct sworn interviews, collect items of evidence, implement technological investigative measures, and produce comprehensive investigative reports. Investigations may be broad in nature, requiring coordination with federal, state or local law enforcement partners, or may concern narrow issues associated with the alleged actions of a single department employee. The Investigative Section works with federal and state prosecutors, when necessary, to prepare an investigation for trial, or communicates with division and personnel management in cases of administrative misconduct. Complaints can be received from any source, including department employees, whistle-blowers as defined by Section 112.3187, F.S., business entities regulated by or doing business with the department, or private citizens.

PROFESSIONAL STANDARDS AND ACCREDITATION

The Investigative Section conducts investigations in accordance with standards set by the Commission for Florida Law Enforcement Accreditation (CFA) to ensure the highest standards of professionalism are maintained. The OIG was initially accredited in 2010, and continues to maintain full accreditation status, with the most recent reaccreditation in 2019. The accreditation process is voluntary, with benchmarks consisting of compliance with 46 mandatory standards, a detailed on-site review by the CFA assessment team, and inspection of the OIG facilities. Proof of compliance is submitted annually with re-accreditation occurring every three years.



BACKGROUND REVIEW

The OIG conducts pre-employment criminal history background reviews for the department. The OIG receives and reviews criminal history reports of applicants selected to fill positions of special trust. Criminal convictions which prohibit employment in a position of special trust are brought to the attention of the division for review and any action deemed appropriate. Pre-employment reviews conserve administrative and investigative time, money, and staff resources. During FY 2019-2020, the OIG conducted **546** background reviews

THE INVESTIGATIVE PROCESS

Complaints

The OIG receives complaints and correspondence by letter, telephone, facsimile, email, online or in person. All complaints, questions, and requests, whether received from a complainant or a division, are systematically reviewed and evaluated. In the event the issue is outside the purview of the OIG or does not pertain to the department, the OIG works with the complainant in directing the issue to the appropriate venue.

Investigative Activity

OIG cases may fall into one of the following six categories, depending on the nature of the allegations and the evidence contained in the complaints.

Formal Investigation: Investigation in which a systematic collection and evaluation of evidence results in a conclusion or finding. Such investigations are conducted in accordance with law, Administrative Policies and Procedures, Principles and Standards for Offices of Inspector General and/or CFA standards, and include violations of law, sexual harassment, discrimination, and whistle-blower investigations.

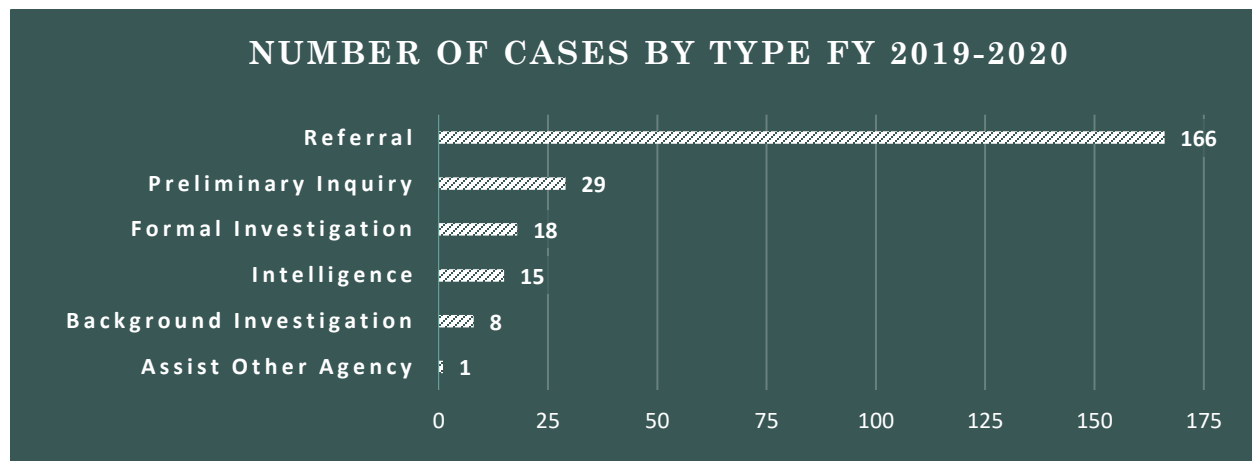
Referral: Documented complaint or allegation which does not initially warrant an investigation. These complaints are referred to the appropriate division director for resolution, often with a request the division inform our office of any action taken. The referral is a valuable tool which enables the OIG to ensure divisions are accountable and responsive to the complainant's concerns.

Preliminary Inquiry: Investigation conducted when it is necessary to determine the validity of a complaint and to expand upon initial information to determine if a formal investigation is warranted.

Intelligence: Information which does not meet the requirements to open a preliminary inquiry but has potential future investigatory or reference value.

Background Investigation: Investigation of the criminal history of an applicant or employee when the criminal history appears to conflict with the requirements of the position.

Assist Other Agency: Case which involves significant investigative activity in support of another state, federal or local agency.



FORMAL INVESTIGATIONS

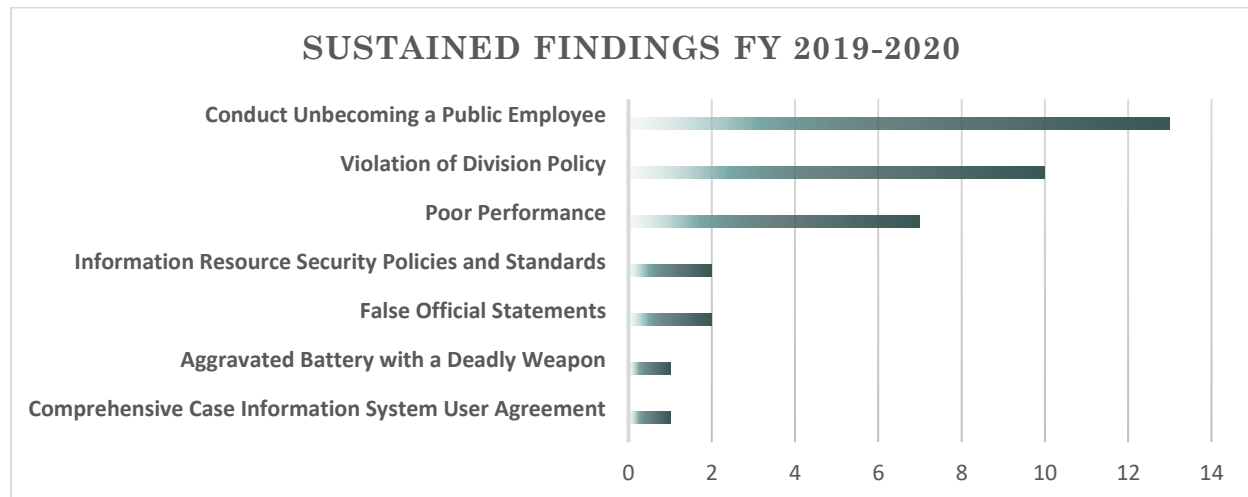
Once a formal investigation is complete, an investigative report is issued. The report gives an overview of the investigation conducted: the initial allegation(s), all individuals involved, a summary of the interviews conducted, and an overview of all evidentiary support.

If, during the course of a formal investigation, a violation of criminal statutes or federal laws is identified, the OIG will coordinate with state and federal prosecutors and other law enforcement agencies, when necessary, to appropriately address the violation and pursue formal charges, if applicable.

Based on an evaluation of the case in its totality, one of the following findings are reported for each allegation.

- **Sustained:** Evidence is sufficient to prove the allegation.
- **Not Sustained:** Insufficient evidence available to prove or disprove the allegation.
- **Exonerated:** Alleged actions occurred but were lawful and proper.
- **Unfounded:** The allegation was false or not supported by fact.
- **Policy Failure:** The alleged action occurred and could have caused harm; however, the actions taken were not inconsistent with department policy.

The following table illustrates the sustained findings during FY 2019-2020.



Investigative Case Summaries

The following is a summary of the **18** formal investigations completed during the reported fiscal year.

IG 2018-0067 was conducted concerning allegations that a Florida Forest Service (FFS) employee made discourteous comments and discriminated against another employee based on religion. The allegation of Discrimination and Sexual Harassment was **NOT SUSTAINED**, and the allegation of Conduct Unbecoming a Public Employee was **SUSTAINED**.

Personnel Action: The employee received verbal counseling.

IG 2019-0005 was conducted concerning an allegation that Office of Agricultural Law Enforcement (OALE) officers removed money from a private citizen's wallet during an apprehension. The allegation of Violation of Law or Agency Rules, to wit: Section 812.014 (2)(c)(1), F.S., Grand Theft, was **NOT SUSTAINED**.

IG 2019-0006 was conducted concerning an allegation that an FFS employee made discourteous, disrespectful, and inflammatory comments in the presence of the employee's coworkers. The allegation of Conduct Unbecoming a Public Employee (three counts) was **NOT SUSTAINED**.

IG 2019-0007 was conducted to investigate missing revenue from the Withlacoochee Forestry Center. The allegations of Violation of Law or Agency Rules, to wit: Section 812.014, F.S., Theft, against three FFS employees, were **NOT SUSTAINED**. The allegation of violation of FFS Revenue Policy No. 120.000 against one FFS employee was **SUSTAINED**. The allegations of Poor Performance against two FFS employees (one with two counts) were **SUSTAINED**.

Personnel Action: Two employees received written reprimands, one employee received verbal counseling, and one employee was terminated.

IG 2019-0018 was conducted concerning an allegation that a Division of Food Safety (DFS) employee demonstrated discourteous and inappropriate conduct. The allegations of Conduct Unbecoming a Public Employee (six counts) were **SUSTAINED**.

Personnel Action: The employee was terminated.

IG 2019-0019 was conducted concerning an allegation that an OALE officer conducted a traffic stop based solely on the race of the driver and/or passenger. The allegation of Violation of OALE Policy 2.10, Bias-Based Profiling, was **NOT SUSTAINED**.

IG 2019-0023 was conducted concerning an allegation that a DFS employee struck a private citizen with his personal vehicle while on duty. The allegations of Violation of Law or Agency Rules, to wit: Section 784.045(1)(a)2, F.S., Aggravated Battery with a Deadly Weapon, and Conduct Unbecoming a Public Employee, were **SUSTAINED**.

Personnel Action: The employee was terminated.

IG 2019-0027 was conducted concerning an allegation that an OALE officer submitted false information regarding the accidental discharge of their issued Taser. The allegations of violation of OALE Policies 1.02, Conduct, and 2.01, Use of Force, and Section 837.06, F.S., False Official Statements, were **SUSTAINED**.

Personnel Action: The employee resigned.

IG 2019-0030 was conducted concerning allegation that two Division of Licensing (DOL) employees engaged in a workplace altercation. The allegation of Workplace Violence against one employee was **NOT SUSTAINED**, and the allegations of Conduct Unbecoming a Public Employee against both employees were **SUSTAINED**.

Personnel Action: One employee received a written reprimand.

IG 2019-0033 was conducted concerning an allegation that an OALE officer was named in a temporary injunction for protection against domestic violence. The allegations of Violation of Law or Agency Rules, to wit: Section 784.021(1)(a), F.S., Aggravated Assault with a Deadly Weapon (two counts), and Section 784.03, F.S., Battery, were **NOT SUSTAINED**, and the additional allegation of violation of OALE Policy 1.02, Conduct, was **SUSTAINED**.

Personnel Action: The officer received a two-day suspension without pay.

IG 2019-0038 was conducted concerning conflicting statements and reports made by three OALE officers. The allegations against two officers of Violation of Law and/or Agency Rules, to wit: Section 837.06, F.S., False Official Statements, were **NOT SUSTAINED**, while the allegation against one officer was **SUSTAINED**. The allegations against one officer of violation of OALE Policy 1.02, Supervisory Responsibilities, and OALE Policy 1.02, Reports, were **SUSTAINED**. Additional allegations against two officers of Poor Performance were **SUSTAINED**, and an allegation one officer of violation OALE Policy 2.04, Section 5.1, Female and Male Transportation, was **SUSTAINED**.

Personnel Action: One officer was terminated, and two officers received a written reprimand.

IG 2019-0042 was conducted concerning an allegation that a DFS employee made inappropriate sexual comments, and that second DFS employee exercised poor judgement as a supervisor. The allegation against one employee of Conduct Unbecoming a Public Employee was **SUSTAINED**, and the allegation the second employee of Poor Performance, was **SUSTAINED**.

Personnel Action: One employee received a five-day suspension without pay.

IG 2019-0044 was conducted concerning an allegation that a Division of Agricultural Environmental Services (AES) employee engaged in electronic communication containing an offensive symbol and the discourteous use and display of such symbol. The investigation also concluded that a second AES employee acted in a discourteous manner. The allegations of Conduct Unbecoming a Public Employee against both employees were **SUSTAINED**, and the allegation of violation of Information Technology Resource Security Policies and Standards against one employee was **SUSTAINED**.

Personnel Action: Both employees were terminated.

IG 2019-0054 was conducted concerning an allegation that an OALE officer made a discriminatory comment toward a coworker. The allegations of Discrimination and Conduct Unbecoming a Public Employee were **NOT SUSTAINED**.

IG 2019-0060 was conducted concerning an allegation of an improper vehicle pursuit by two OALE officers. The allegations of violation of OALE Policy 2.03, Vehicle Interception and Pursuit, against both officers were **SUSTAINED**. The allegation of violation of OALE Policy 1.02, Conduct, 3.10 Supervisory Responsibilities, against one officer was **SUSTAINED**.

Personnel Action: Both employees received a written reprimand and were required to complete a mandatory safety training for pursuits.

IG 2019-0062 was conducted concerning an allegation that a DFS employee made discourteous comments related to age. The allegations of Discrimination and Conduct Unbecoming a Public Employee were **NOT SUSTAINED**.

IG 2019-0064 was conducted concerning an allegation that an FFS employee displayed a firearm in a careless manner in the office. The allegation of Violation of Law or Agency Rules, to wit: Section 790.10, F.S., Improper exhibition of dangerous weapons or firearms, was **NOT SUSTAINED**.

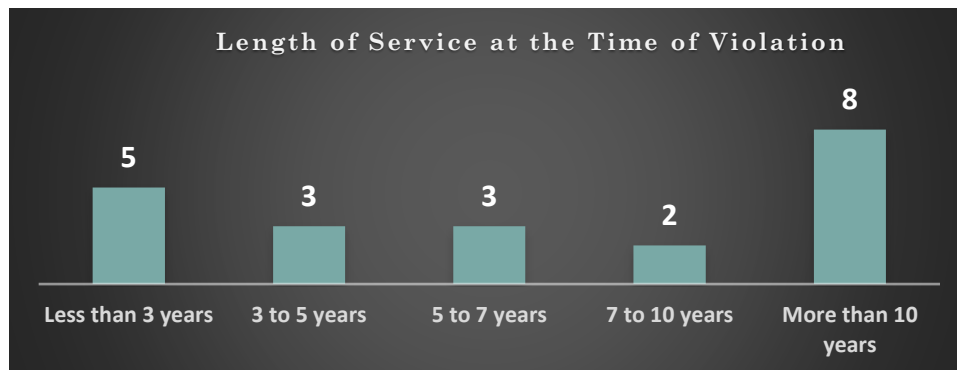
IG 2020-0011 was conducted concerning an allegation that a DOL employee inappropriately accessed information in the Comprehensive Case Information System (CCIS). The allegations of violation of CCIS User Agreement and the Department Information Resource Security Program–Personal Security and Acceptable Use were **SUSTAINED**.

Personnel Action: The employee was terminated.

Disciplinary Actions

Upon completion of an investigation, the results are forwarded to the Commissioner of Agriculture, appropriate managers, and the Bureau of Personnel Management for review and a determination of disciplinary action.

Employees found in violation of law or agency rule have been employed by the department for varying lengths of time. For FY 2019-2020, the number of employees and their time in service with a sustained violation during the fiscal year can be found in the following table.¹



¹ This data is provided to the department's Professional Development Section in an effort to more effectively target training.



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