



**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF INSPECTOR GENERAL**

**ANNUAL REPORT
FISCAL YEAR 2004-2005**

Pinky G. Hall, CIG
Inspector General

Colleen M. Castille
Secretary

September 30, 2005



Department of Environmental Protection

Memorandum

September 30, 2005

TO: Colleen Castille
Secretary

FROM: Pinky G. Hall, CIG
Inspector General

SUBJECT: Office of Inspector General's (OIG)
Annual Report FY 2004-2005

I am pleased to submit to you this annual report outlining OIG's major accomplishments for the 2004-05 fiscal year in accordance with Florida Statutes, Chapter 20.055. This has been a busy, fast-paced year; the result has been numerous opportunities for growth and improvement in the Department. OIG has worked closely with agency managers and staff to enhance program performance; we applaud their cooperation during this reporting period.

I would like to take this moment to thank the OIG team (see inside back cover of report for names of staff) for their hard work and dedication during the past year. We will continue our charge to *Promote Integrity, Accountability and Efficiency* within the Department. I appreciate your leadership, support and the confidence you have shown in our work.

cc: Derry Harper
Chief Inspector General

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EXECUTIVE SUMMARY

Agency Background

The Florida Department of Environmental Protection (DEP) is one of the more diverse agencies in state government. More than 4,500 DEP employees serve the people of Florida. In addition to protecting the state’s air and water quality and ensuring proper waste management, DEP is also responsible for managing state parks, recreational trails, and other areas for outdoor activities. DEP also administers the Florida Forever land-buying program. Through this program, sensitive land is purchased for conservation and recreational purposes; these lands are preserved from future development. Florida's land conservation program is one of the largest and most progressive in the nation.

Purpose of Annual Report

This report, required by the Inspector General Act of 1994, summarizes the activities and accomplishments of the Florida Department of Environmental Protection (Department), Office of Inspector General (OIG) during fiscal year 2004-2005.

Chapter 20.055, Florida Statutes (F. S.) defines the duties and responsibilities of each Inspector General, with respect to the state agency in which the office exists. The statute requires that the Inspector General submit an annual report of activities during the preceding fiscal year to the agency head. This report shall include but need not be limited to: (a) a description of activities relating to the development, assessment and validation of performance measures; (b) a description of significant abuse 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; (c) a description of recommendations for corrective action made by

the Inspector General during the reporting period with respect to significant problems, abuses, or deficiencies identified; (d) the identification of each significant recommendation described in previous annual reports on which corrective actions has not been completed; and (e) a summary of each audit and investigation completed during the reporting period.

This document is presented to the Secretary to comply with statutory requirements, and to provide departmental staff and interested parties information on how OIG accomplishes its mission as defined by Florida law.

INTRODUCTION

Mission Statement and Objectives

The mission of the Office of Inspector General is to promote integrity, accountability, and efficiency in the Department. The OIG also conducts independent and objective audits, investigations and reviews of agency issues and programs in order to assist the Department in protecting, conserving and managing Florida’s environment and natural resources.

These investigations, reviews and audits will be informed, logical, supportable and timely about issues and matters of importance to the Department.

The duties and responsibilities of the Inspector General include:

- advising in the development of performance measures
- standards and procedures for evaluating agency programs
- reviewing actions taken by the agency to improve performance and meet standards

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- conducting, supervising or coordinating other activities to promote economy and efficiency
- preventing and detecting fraud and abuse in agency programs
- keeping the agency head informed concerning fraud, abuse and deficiencies in programs and operations
- ensuring effective coordination and cooperation between the Auditor General, federal auditors and other government bodies reviewing the rules of the agency and ensuring that an appropriate balance is maintained between audits
- investigative and other accountability activities

The OIG consists of three major units: Audit, Investigations, Program Review, and Improvement. The Director of Auditing has been delegated the authority and responsibility to direct, supervise and coordinate financial, compliance, electronic data processing (EDP), performance audits and management reviews of department programs and activities in accordance with Chapters 20.055(1)(d) and 20.055(5), F.S. The Director of Investigations is responsible for the management and operation of the agency’s Internal Investigations Unit. This includes planning, developing and implementing an internal review system to examine and investigate allegations of misconduct on the part of the agency’s law enforcement and civilian employees. OIG also conducts Whistle-blower investigations under the authority of the Whistle-blower Act, Sections 112.3187 through 112.31895, and 20.055, F.S. Investigations are designed to deter, prevent and eradicate fraud, waste, mismanagement, misconduct and other abuses. The Director of Program Review and Improvement provides leadership to the Section that provides management-consulting services to

agency managers. These services are designed to provide management with information and tools necessary to improve program performance. This unit provides objective, third-party observation, examination and analysis designed to enhance program effectiveness and efficiency. The Directors of Auditing and Program Review and Improvement may be requested to provide assistance for internal investigations. The investigative duties and responsibilities of the Inspector General (Section 20.055(6), F.S.) include:

- Receiving complaints and coordinating all activities of the agency as required by the Whistle blower’s Act pursuant to Sections 112.3187 –112.31895, F.S.
- Receiving and reviewing complaints that do not meet the criteria for an investigation under the Whistle blower’s Act, and conducting, supervising, or coordinating such inquiries, investigations or reviews, as the Inspector General deems appropriate.
- Reporting expeditiously to the Florida Department of Law Enforcement (FDLE) or other law enforcement agencies, as appropriate, whenever the Inspector General has reasonable grounds to believe there has been a violation of criminal law.
- Conducting investigations and other inquiries free of actual or perceived impairment to the independence of the Inspector General or the OIG. This shall include freedom from any interference with investigations and timely access to records and other sources of information.
- Submitting in a timely fashion final reports on investigations conducted by the Inspector General to the agency Secretary, except for Whistle-blower investigations, which are conducted and

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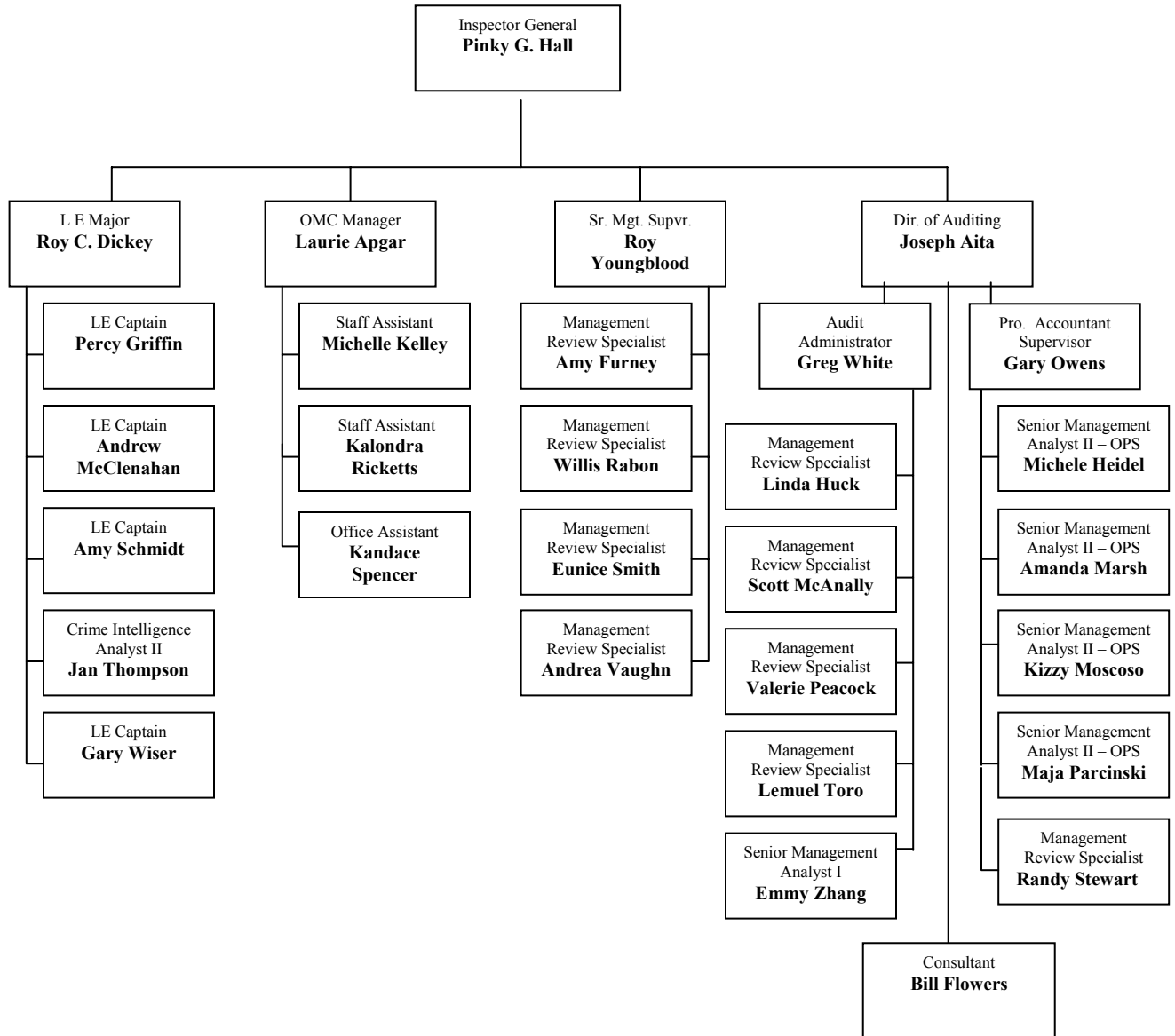
reported pursuant to Section 112.3189, F.S.

The OIG consults with management and provides technical assistance upon request. Such assistance may include providing information, conducting research or addressing various management concerns.

The staff of the OIG has full, free and unrestricted access to all Department activities, records, data, property and other information it deems necessary to carry out audit assignments or investigations and request special reports or data as needed.



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Professional Affiliations



Staff assigned to the OIG brings to the Department various backgrounds in the public and private sectors, which enhance their expertise. Staff has experience in auditing, accounting, law enforcement (LE), insurance, program evaluation, personnel management, computer science, organizational development, banking, health care, engineering, quality management, public administration, communications, various areas of military services, as well as work experience in federal, local and state agencies.

Professional certifications of staff are outlined below:

Twenty-six members of the National and Tallahassee Chapters of the Association of Inspectors General

One Certified Florida Sterling Examiner

Two Certified Public Accountants (CPA)

Four Certified Fraud Examiners (CFE)

Three Certified Internal Auditors (CIA)

Two Certified Government Auditing Professionals (CGAP)

OIG affiliates with the following professional organizations.

- American Institute of Certified Public Accountants
- Association of Certified Fraud Examiners
- Institute of Internal Auditors (IIA)
- International Association of LE Intelligence Analysts
- Southeastern Evaluation Association
- American Evaluation Association
- National Association of State and Local Inspectors General
- Florida Sterling Council
- Tallahassee Chapter of the Association of Inspectors General (AIG)
- Toastmasters International
- America Society of Military of Comptrollers (ASMC)
- International Union of Pure and Applied Chemistry (IUPAC)
- American Chemical Society (ACS)

Staff Training



The Program Review and Improvement Section members attended Moderator Training and a Get Motivated Seminar. Staff also attended the Southeast Evaluation Association (SEA) Pre-

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Conference and Essential Skills Training, and the American Evaluation Association (AEA) Annual Conference.

The SEA Pre-Conference was a one-day workshop where the keynote speaker facilitated and interacted with conference attendees on the topic of Empowerment Evaluation. The SEA Essential Skills Training was designed to enhance program evaluation knowledge and skills. The specific objectives of the series was to increase knowledge of program evaluation concepts, procedures, and standards of professional practice; to have trainees apply this knowledge in practical hands-on program evaluation activities and to reflect on the role of program evaluation in program planning and development. The SEA Annual Conference welcomed evaluation practitioners, academicians, and students from across the United States and around the world to learn from each other in a supportive atmosphere. The theme of this year's conference was Fundamental Issues in Evaluation.

Auditors received a variety of accounting, auditing, technical and behavioral training. The primary benefit derived from training is the improvement of job-related knowledge and skills. Increasing professional knowledge and skills improves job performance and productivity. Staff received training in emerging audit issues and trends such as fraud detection, improvements in risk assessment techniques, and fundamentals of auditing including work paper preparation, interviewing and report writing. The staff attended numerous lectures and workshops through attendance at IIA, AIG, CFE, and internally sponsored workshops. Topics included IT Auditing, Contract Auditing, Fraud Detection, and updates on Accounting and Auditing Standards and Operational Auditing. Staff attending these seminars provided presentations to the Office to impart training information to other staff members. Staff attended courses in management and supervision, effective

communications and use of various software applications, as well as specialized training designed to improve productivity and assist in preparation for the Certified Internal Auditor examination.

In-service training allows the members of the Internal Investigations Section to maintain their professional certification as sworn law enforcement officers while serving to help the members of the unit remain current on the most recent and important changes in the law, as well as best management practices. During the 2004-05 fiscal year members of the unit attended an average of 70 hours of training per individual for a total of 420.5 hours for the unit as a whole. One investigator received training in responding to and resolving computer-related concerns. He attended Computer Investigations and Forensics, Basic Data and Recovery, and Intermediate Analysis and Recovery. Additionally two members attended the Basic Data and Recovery training. Two investigators also attended an Introduction to Internet Violations course. Two members received 10 hours of a Pursuit Driving refresher course. Two members attended a weeklong course on Developing Law Enforcement Managers. Two investigators also attended the Certified Inspector General Investigator Institute. One member of the unit attended a specialized Glock Armorer course. Members of the unit also attended workshops or short seminars on Fraud; Honesty, Integrity & Ethics in Government; an Introduction to Archaeology Enforcement, Juvenile Sex Offenders, and an Overview of the Florida Commission on Human Relations. The unit frequently shares their training and experience with other program areas. This ranges from assisting specialized units with training on Courtroom Demeanor, Law Enforcement Recruit Orientation and some management training. The unit routinely assists the Bureau of Personnel Services with presentations relating to the Department's policies and procedures regarding sexual harassment and other disciplinary matters.

INTERNAL AUDIT

The Audit Section performs independent audits, reviews, and examinations to identify report and recommend corrective action for control deficiencies or non-compliance with laws, policies and procedures. The Director of Auditing coordinates the development of an annual audit plan that identifies the areas within the Department scheduled for review using risk assessment tools. Both a long range or strategic and a one-year plan are included in the Audit Plan Report.

Audits are conducted in accordance with the current Standards for Professional Practice of Internal Auditing published by the Institute of Internal Auditors, Inc. (IIA). Where appropriate,

the Audit Section adheres to the standards developed by the Comptroller General of the United States and codified in the Government Auditing Standards or “yellow book.” Financial related audits may be subject to the standards promulgated by the American Institute of Certified Public Accountants (AICPA), which are referred to as generally accept auditing principles (GAAP) and generally accepted standards (GAAS). All audit reports issued by the Audit Section contain a statement that the audit was conducted pursuant to the appropriate standards. These reports of findings are prepared and distributed to the Secretary of the Department, Office of the Auditor General, Office of the Chief Inspector General and applicable departmental management.



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Audit Section Summary

The Audit Section provides a variety of services in addition to traditional audits. These include investigative assistance, reviews, research, management advisory services, performance measure assessments, policy rule reviews and other activities. Services provided are tracked with a project number and culminate in a written product, which is disseminated to the program area and other appropriate parties.

SIGNIFICANT INTERNAL AUDIT PROJECTS COMPLETED FOR FY 2004-2005				
NO.	PROJECT TYPE	DIVISION	PROJECT TITLE	NUMBER
1.	Review	Administrative Services	Motor Vehicle Fleet Study	IA-3-2-2004-96
2.	Review	Air Resource Management	Asbestos Program Review	IA-3-13-2004-93
3	Review	CAMA	State Spending for Ocean Protection	IA-11-26-2004-124
4.	Management Advisory Services	Law Enforcement	Clean Vessel Act Marketing	IA-11-8-2004-123
5	Review	Multiple	Regulatory Compliance and Enforcement Activities	IA-3-23-2004-129
6.	Review	Multiple	Analysis of Delegated Regulatory Programs	IA-11-23-2004-112
7.	Review	Multiple	Review Federal Grants to Regulatory Programs	IA-11-1-2004-12
8.	Audit	Northwest District	Ecosystem Restoration Support Organization Inc. (ERSO)	IA-2-15-2004-58
9.	Audit	Recreation and Parks	Ichetucknee Springs State Park Cash Handling and Compliance	IA-2-7-2005-44
10.	Audit	Recreation and Parks	Kelly Seahorse Ranch Contracted Visitor Service Provider at Amelia Island State Park	IA-2-7-2004-131
11.	Audit	Recreation and Parks	Kayak Amelia, Inc. Contracted Visitor Services Provider at Big Talbot Island State Park	IA-2-4-2005-16
12.	Review	Recreation and Parks	Contract With Reserve America, Follow-Up On Status of Corrective Action	IA-3-7-2004-110
13.	Review	Recreation and Parks	Certified Public Accountant Audits of State Park Contracted Visitor Services Providers	IA-11-7-2005-9

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NO.	PROJECT TYPE	DIVISION	PROJECT TITLE	NUMBER
14.	Audit	Resource Assessment and Management	Hydrology Program Contracting	IA-2-24-2005-42
15.	Management Advisory Services	State Lands	Advisory Assistance Related to Land Data System Integrity	IA-11-3-2005-58
16.	Review	State Lands	Review Management of Florida Forever Funds	IA-3-3-2004-130
17.	Review	State Lands	Regulations Regarding Removal of Organic Material	IA-3-3-2005-27
18.	Audit	Waste Management	Operational Audit of Contract GC617 Petroleum Remediation Equipment Management Services Provided by WRS Infrastructure and Environment, Inc.(WRS) to the Bureau of Petroleum Storage Systems (BPSS).	IA-2-12-2005-2
19.	Audit	Waste Management	Alachua County Compliance Verification Program Contract GC524	IA-2-12-2005-40
20.	Audit	Waste Management	Palm Beach County Compliance Verification Program Contract GC510	IA-2-12-2004-59
21.	Audit	Waste Management	Broward County Petroleum Contamination Cleanup Services Contract GC622	IA-2-12-2004-88
22.	Audit	Waste Management	Miami-Dade County Tanks Compliance Verification Program Contract GC508	IA-2-12-2004-120
23.	Audit	Waste Management	Miami-Dade County, Petroleum Contamination Clean-up Services Contract GC64	IA-2-12-2004-121
24.	Audit	Waste Management	Remediation Contract Actual Costs for Imperial Testing Laboratories Petroleum Contamination Pre-Approval Program	IA-2-12-2004-134
25.	Audit	Waste Management	Sarasota County Tanks Compliance Verification Program Contract GC541	IA-2-12-2004-119
26.	Management Advisory Services	Waste Management	Certified Public Accountant (CPA) Firms Agreed-Upon Procedures (AUP) Attestations for Selected Tanks/Compliance Contracts Fund Balance	IA-22-12-2004-20

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NO	PROJECT TYPE	DIVISION	PROJECT TITLE	NUMBER
27.	Review	Waste Management	Voluntary Cleanup Tax Credit (VCTC)	IA-3-12-2005-24
28.	Audit	Water Resource Management	Sebastian Inlet Management	IA-2-14-2004-54



INTERNAL AUDIT PROJECT SUMMARIES



Division of Administrative Services

IA-3-2-2004-96 Motor Vehicle Fleet Study.

The scope of the project was a review of the status of the DEP’s motor vehicle fleet. The objectives were to: provide an overview of the age, mileage, fuel type, maintenance, and assignment of the motor vehicle fleet and compare the number of vehicles to the number of personnel. Vehicle data is categorized based on statewide classification codes; this does not allow for a valid comparison of vehicles assigned to the number of positions authorized. Due to system limitations related to the Equipment Management Information System (EMIS) System, it was difficult to provide an overall status report on the condition of the motor vehicle fleet. The Division of Administrative Services’ Bureau of General Services has made efforts to improve accountability by assisting EMIS coordinators by entering basic vehicle information into EMIS and ensuring consistency with FLAIR and providing monthly EMIS delinquency reports to senior management. OIG recommended that the Division of Administrative Services continue to coordinate with the Department of Management Services’ Bureau of Motor Vehicles and Watercraft to establish a more efficient and reliable vehicle data recording function. OIG recommended that division/district directors enforce DEP Directive 620 by holding appropriate program level managers and EMIS coordinators accountable for timely and accurate reporting.

Division of Air Resource Management

IA-3-13-2004-93 Asbestos Program Review.

This report describes the status of the Asbestos Program in Florida and identifies the delegated responsibilities of the Asbestos Program from the U.S. Environmental Protection Agency to the Division of Air Resource Management (DARM). The objective of the review was to help DARM clarify its responsibilities concerning a strong and systematic statewide Asbestos Program. DARM faces challenges in managing the Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) Program as a delegated state agent. Currently, the management responsibilities with respect to the asbestos programs are fragmented among various agencies and offices in the state. Seemingly, correlated activities in managing the Asbestos Program may be regulated by different rules and administered by separate organizations. This environment may lead to some administrative constraints for DARM in managing the Asbestos NESHAP Program. The conditions also make it important for DARM to clearly identify and define its managing role in relation to the local programs. The establishment of a proper management role by DARM in relation to the local programs can be reached between centralizing and de-centralizing the management authority. The guidance, review, and oversight responsibilities must be centralized at DARM to ensure the Asbestos NESHAP Program is consistent and compliant with federal regulations statewide.

The implementation and daily operating responsibilities should be de-centralized to empower the local programs to perform routine program activities.

Coastal and Aquatic Managed Areas

IA-11-26-2004-124 State Spending for Ocean Protection.

The OIG conducted a review of state funding sources for ocean protection activities. Since ocean protection is a broad area that is supported by several state agencies as well as the State University System, OIG worked with legislative staff and representatives from the Department of Education. For the purpose of this review, OIG identified ocean protection activities as referenced in the preliminary report from the U.S. Commission on Ocean Policy. For fiscal year 2003/2004, a total of \$426,188,984 was appropriated in areas related to ocean protection activities. Of this amount, \$419,657,807 was appropriated to state agencies for activities including resource management, research, and education. The remaining \$6,531,175 was appropriated through the State University System to various centers for research and education. OIG also provided data for other fiscal years and reported amounts specifically related to research activities funded by the State through the Florida Marine Research Institute totaling \$1,212,300. OIG provided additional information to be used in interpreting the financial data.

Division of Law Enforcement

IA-11-8-2004-123 Clean Vessel Act Marketing.

The project objective was to assist the Division of Law Enforcement in developing a marketing strategy to utilize available federal funds for the additional installation of vessel sewage pump-out stations throughout the State of Florida.

Based on OIG's research, the most effective marketing plan would involve a consultant or representative that would travel to the site of the marinas with the greatest need of a pump-out station. The consultant could collaborate and coordinate with some high quality pump-out machine manufacturers to provide demonstrator machines onsite. This would provide more exposure to the program and the opportunity to present to prospective operators the details of the pump-out machines and the Clean Vessel Act Program (CVA). This would open up a venue for positive communications with marinas and further the partnership plan that the Division of Law Enforcement has created. Based on input from marinas equipped with pump-out stations and other industry experts, the OIG found that the Division of Law Enforcement has created a valuable and synergetic program to protect the boating waters in our state. OIG found that the Division has exhausted several marketing ideas and efforts. In addition, the marina personnel stated that a presence in the field might be the only viable means to accomplish the goals set forth by the Florida CVA.

Department-Wide

IA-3-23-2004-129 Regulatory Compliance and Enforcement Activities.

The scope of this review addressed the status of the Department compliance and enforcement efforts as well as a review of published measurements concerning compliance and enforcement activities. The objectives were to review the status of regulatory enforcement in the Department as well as measurements and communications related to compliance and enforcement activities. The Department is committed to enforcing both civil and criminal environmental laws. When regulated parties make no effort to comply with the law or the Department's efforts to work with responsible parties are not progressing in a timely fashion,

formal enforcement is aggressively pursued. The health of Florida’s environment is not solely measured by enforcement activity levels. The Department also has a broad set of compliance assistance options available to address violations. Department guidelines combined with sound judgment is used by regulatory staff to resolve violations on a case-by-case basis. OIG concluded that the Department is complying with the Enforcement Manual and is adequately enforcing environmental regulations, but is not fully interpreting, explaining, or publishing compliance and enforcement activity data. This lack of interpretation, explanation, and publication may have resulted in erroneous conclusions about the quality of the Department’s work and Florida’s environmental health. Through interviews in three regulatory districts, OIG found there is a need for additional compliance measurements and methods to publicize the innovative programs, which are being used in addition to traditional enforcement.

IA-11-23-2004-112 Analysis of Delegated Regulatory Programs.

The scope of the review focused on the Department’s delegated programs with the objective to provide an overview of their status and condition. The OIG researched the issues concerning the Department’s delegated programs, focusing on air monitoring, drinking water, solid waste, industrial wastewater and domestic wastewater. OIG evaluated management processes, reviewed rules and regulations, and surveyed program managers to determine the delegation history, performance, and monitoring activities. Based on research, OIG concluded that delegations are effectively monitored by the respective Department programs and are essential to the agency’s mission. OIG recommends Department management continue to emphasize accountability in permitting, compliance, and enforcement activities and work closely with local programs to ensure accountability for activities and reliability of information reported.

IA-11-1-2004-12 Review Federal Grants to Regulatory Programs.

OIG researched issues concerning the federal grant process. Specifically, OIG evaluated the advantages and disadvantages of cluster or non-restrictive grant funding such as Performance Partnership Agreements and whether or not the Department is taking advantage of the funding. The OIG was also requested to provide an overview of the grant programs utilized by the Department and information regarding how allocations are determined. OIG focused its research on federal funds awarded to the Department’s regulatory programs. According to DEP records, a total of \$584,701,935 has been awarded as of March 9, 2004 (the award plus the state match equals the total grant funds available of \$899,721,908) in 303 federal, state, local, and non-profit entity grants. Of this total, 49 grants were from EPA. Based on research, OIG concludes that EPA’s Performance Partnership application and grants is a potential avenue of cluster funding. One grant application for several program issues can be accomplished and one general (non-program specific) financial reporting is required. Programs would still be required to report the status of specific work plans. Performance Partnership Grants emphasize a cross-media, priority-setting process that allows media-specific funds to be moved to other higher priority projects within the identified area. One state involved with a Performance Partnership in Region 4 reorganized its environmental agency from an activity-based function to a multi-media function and changed its measures from activity-based to outcome-based. A centralized budget function with media specific programs was successful for another state.

Northwest District

IA-2-15-2004-58 Ecosystem Restoration Support Organization, Inc. (ERSO).

The scope of this audit focused on a financial and operational audit of ERSO during the period

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December 1, 1999, through October 31, 2003. The objectives were to determine: whether financial records comply with accepted accounting requirements, revenues and expenditures for the audit period and whether grant monitoring is consistent with Department directives and rules. Based on examination of the files and other research, OIG concluded that ERSO and the District have provided a successful project that has had a positive impact on Pensacola Bay. ERSO tracks revenue after it reaches the accounting records. However, accountability for receipt of funds, grant monitoring, and record keeping are areas needing improvement. Specifically, OIG found that; receipt of cash and non-cash donations prior to reaching the accounting records was not always sufficiently documented; expenditure documentation was not sufficient to accurately identify items purchased and funding source; project management was not documented according to Department directives; project records did not meet the minimum requirements for state and federal funds; selection of contractors and agreements to perform work were not documented; certificates of insurance and release of liens were not maintained by the project manager; and asset management, travel documentation, and time recording needed improvement.

Division of Recreation and Parks

IA-2-7-2005-44 Ichetucknee Springs State Park Cash Handling and Compliance.

The audit objectives were to determine the accuracy of reported revenue for the audit period, July 1, 2003 through June 30, 2004. OIG also examined whether the park complied with applicable guidelines and internal procedures in the areas of cash collection and control, use of the state purchasing card and use of state property. Based on OIG's examination of financial records, Ichetucknee Springs State Park accurately reported park revenues during the

audit period. The park complied with applicable guidelines and internal procedures in the areas of cash collection and control, use of the state purchasing card, and use of state property.

IA-2-7-2004-131 Kelly Seahorse Ranch Contracted Visitor Services Provider at Amelia Island State Park.

A financial and compliance audit was conducted of Kelly Seahorse Ranch, Inc. for the period of January 1, 2003, through December 31, 2003. The audit objectives were to determine compliance with provisions of the contract, and to determine the accuracy of reported gross sales. Based on our examination, during the audit period, gross sales were accurately reported. Tests of source documents supported gross sales reported to the Department. The visitor services provider was found to comply with the minimum accounting requirements with the minor exception of the requirement that ledger/journal entries must equal amounts deposited by period. OIG considered the exception immaterial. OIG found that Kelly Seahorse Ranch, Inc. provides a valuable service to the park through a high quality operation.

IA-2-7-2005-16 Kayak Amelia, Inc. Contracted Visitor Service Provider at Big Talbot Island State Park.

Kayak Amelia, Inc. was awarded a special use permit to provide kayak/canoe rental and related services to visitors of Big Talbot Island State Park. The audit objectives are to determine if Kayak Amelia, Inc. complied with provisions of the permit contract, and to determine the accuracy of reported gross sales for the period January 1, 2003, through December 31, 2003. Based on OIG's examination gross sales have been accurately reported. Tests of source documents supported gross sales reported to the Department with these minor exceptions: daily sales could not be traced to supporting cash register tapes for one of three months tested; and gross sales recorded in Kayak Amelia's sales

journal exceeded gross sales reported to the Department by \$600 (less than 1%). These exceptions could be easily corrected with additional attention to detail when collecting source documents and verifying monthly sales totals with daily sales. The accounting system was sound. Other than the minor exceptions noted, the operation was in compliance with the terms of the contract.

IA-3-7-2004-110 Contract With Reserve America, Follow-Up on Status of Corrective Action.

This was a follow-up of OIG’s report #IA-03-07-2003-100, “Review of Reservation Fee Collection and Reporting to the Department by Reserve America, Inc.”(RA) dated May 22, 2003. Based on the review, OIG found that RA continues to provide reservation services meeting contract requirements. RA has collected fees and distributed Department revenues that are supported by RA generated reports. Since the original review, RA has provided the Department with additional access to information contained in the RA Central Reservation System. RA fees can be traced from the detail transaction reports to the monthly Distribution report that provides total fee amounts collected by RA. However, the four open findings related to the potential for contractor abuse have not been adequately addressed. These findings included access to system information, fees reported out of period, fees withheld for incomplete transactions, and transaction definition. The nature of the issues highlighted the need for additional monitoring and risk assessment. In addition to the original findings, OIG identified concerns regarding fee report discrepancies.

IA-11-7-2005-9 Certified Public Accountant Audits of State Park Contracted Visitor Services Providers.

An annual CPA audit report is required by VSP contracts when gross sales exceed \$400,000.

Thirteen VSPs reported annual gross sales exceeding that amount. OIG compared gross sales reported in the audit to gross sales reported by the Bureau of Finance and Accounting. OIG also determined whether the audit report contained a statement regarding compliance with the concession agreement and reviewed audit comments and findings presented in the reports. The annual audit requirement was modified this year to provide financial relief when contracting for professional auditing services with CPA firms. Agreed-upon procedures were developed by OIG in December 2003 and provided to the Division to allow concessionaires to engage CPA firms for a streamlined set of procedures as opposed to a full audit engagement. The purpose of these procedures was to determine the accuracy of reported revenues and provide an opinion on compliance with the concession contract. OIG determined that not all VSPs are complying with the audit requirements.

Division of Resource Assessment and Management

IA-2-24-2005-42 Hydrology Program Contracting.

The OIG completed preliminary fieldwork on a compliance and program audit of the Florida Geological Survey’s Hydrogeology Program outsourcing activities. OIG reviewed fiscal year 2003-04 hydrogeology contracts with the US Geological Survey, the University of West Florida, and Florida State University. OIG found that the contracts complied with the applicable statutes, rules, and Department policies. In addition, the internal control structure in place was determined to be adequate and all deliverables were accounted for in compliance with the contract agreements. Program management is pleased with the performance of the contractors as well as their cooperation. Further audit work in this area was not needed.

Division of State Lands

IA-11-3-2005-58 Advisory Assistance Related to Land Data System Integrity.

OIG conducted research to verify and reconcile Division records consisting of spreadsheets maintained in the Director's office and acquisition data included in the Board of Trustees Land Database System (BTLDS). OIG concluded that data clean up will be a labor-intensive process, but is necessary if the Division expects accurate information and accountability for the various costs involved in a transaction in a consolidated Division-wide data system. Much of the recent acquisition information may not be found in BTLDS due to process bottlenecks preventing final documents from being input in the system in a timely manner. The Division may want to consider a review of the post-closing process to determine where improvements could be made to minimize process hindrances.

IA-3-3-2004-130 Review Management of Florida Forever Funds.

The scope of this review included fund management related to the Florida Forever Program through October 2004 and related activities. The objectives of this review were to determine whether Florida Forever status reports published by the Division of State Lands (Division) accurately reflect Florida Forever acquisition expenditures and cash management activities; and the Division has established controls to evaluate projects for acquisition, optimizing the management and use of Florida Forever trust funds. To manage the nation's largest conservation land buying program, the Division has established an effective and dynamic process for administering the Florida Forever Act, which has included management of land acquisition activities, funds management and bond finance, and interagency coordination. Based on OIG's review of the Division's

management of Florida Forever funds, acquisition expenditures and cash management activities are accurately reflected in the Florida Forever Status Report. The system for reporting funds spent and acres acquired is reliable. The Division has improved cash management practices of Florida Forever funds over practices used in P2000 and established a control system to evaluate projects based on an established ranking system. This system provides the foundation for the aggressive acquisition of conservation lands. The Division faces challenges, however, in meeting the demands of the program in the areas of funding projections, reconciliation of expenditures, and documentation of program goal accomplishments.

IA-3-3-2005-27 Regulations Regarding Removal of Organic Material.

Division management requested that OIG review the enforcement of regulations concerning removal of organic material from rivers and lakes. Recent legislative action provided an exemption to the normal permitting process. Use of the exemption requires department notification through a no-fee application process. The primary obstacle for enforcement is the exemption itself. Without a permitting process and a commencement notice there is no data or baseline on pre-existing conditions. Ideally, a pre and post assessment of water quality, lake condition, aquatic habitat, and fisheries resources in the lakes where the exemption was used would have been conducted. However, this was not possible since it was not known on what lakes the exemption was going to be used until notices were received. OIG contacted the Environmental Resource Permitting staff at some of the district offices to conduct a survey to collect information on any problems the districts were experiencing. The districts reported little experience with the exemption but were skeptical regarding its purpose.

Division of Waste Management

IA-2-12-2005-2: Operational Audit of Contract GC617. Petroleum Remediation Equipment Management Services Provided by WRS Infrastructure and Environment, Inc. (WRS) to the Bureau of Petroleum Storage Systems (BPSS).

This was an operational audit encompassing the control of inventory and use of petroleum remediation equipment owned by the state. The equipment was used in specific petroleum cleanup projects by private vendors under contract with the Department of Environmental Protection (Department). This was a three-year, renewable contract awarded to WRS by the Department and executed on January 12, 2001. The contract provides for task assignments type contract with a \$5,000,000.00 cap. Spending authorization is by means of periodic incremental funding. The period of the audit was from January 12, 2003 through July 7, 2004. OIG concluded that WRS generally complied with the terms of their contract and task assignments. However, it was noted that unsigned time sheets had been approved for payment. These items should have been returned to WRS for signing prior to approval. The Division of Waste Management is in the process of implementing recommended changes.

IA-2-12-2005-40: Alachua County Compliance Verification Program, Contract GC524.

The scope of this audit included an examination of the Contract GC524 (Contract) between the Department of Environmental Protection (DEP) and Alachua County Board of County Commissioners, Environmental Protection Department for Petroleum Storage Tanks Compliance Verification Activities. The period audited was September 30, 1997 through June 30, 2004. The objectives were to determine whether tank inspections were conducted in accordance with contractual requirements, and if

actual costs reported were incurred in conjunction with the contract and were reasonable. Generally, Alachua County was found to be in compliance with contract GC524. The storage tanks were inspected as stipulated. The inspection reports were noted to be quality reports and the owner/operators were being notified of the results as required. The purchases and expenditures appeared to be reasonable and in conjunction with the contractual requirements.

IA-2-12-2004-59: Palm Beach County Compliance Verification Program, Contract GC510

The scope of this audit included an examination of the contract GC510 (Contract) between the Department of Environmental Protection (DEP) and the Palm Beach County Board of County Commissioners Environmental Resources Management for Petroleum Storage Tanks Compliance Verification Activities. The period audited was July 1, 2001 through June 30, 2003. The objectives were to determine if the actual costs reported by the County were incurred in conjunction with the Contract, and if actual costs reported by the County were reasonable, and accurate. Generally, Palm Beach County was found to comply with contract GC524. The storage tanks were inspected as stipulated in Tasks 5 and 6. The inspections reports were noted to be quality reports and the owner/operators were being notified of the results as required. The purchases and expenditures appeared to be reasonable and in conjunction with the contractual requirements. Conditions that warranted management's attention were not reportable conditions for the purpose of the audit; these were addressed in a management memo dated July 9, 2004.

IA-2-12-2004-88: Broward County Petroleum Contamination Cleanup Services, Contract GC622.

This was a financial audit of Contract GC622, Agreement for Petroleum Contamination Site Cleanup related services in Broward County (County). The scope of the financial audit included an examination of the Contract GC622 (Contract) between the Department of Environmental Protection (Department) and the County. The audit covered the period July 1, 2001 through June 30, 2003. The objectives were to determine if the actual costs reported by the County were incurred in conjunction with the Contract, were reasonable, and the fund balances reported by the County were accurate, and the requirements required by Attachment I-1 to the Contract were complied with. The County complied with the financial requirements of the Contract. OIG verified that selected costs reflected in the Counties ledgers were incurred in conjunction with the Contract and the costs were reasonable. The fund balance as reported through June 30, 2003 was materially accurate and the Administrative Performance Criteria required by the Contracts Attachment I-1 had been tracked by the Division of Waste Management, with no noted deviations. The County charged the Contract on a monthly basis for the replacement of vehicles. This was in accordance with the contract, but accumulated reserve amounts should be disclosed to the DEP. OIG recommended that the Department have the County disclose the accumulated reserve of replacement funds for vehicles separately on the annual fund balance report.

IA-2-12-2004-120: Miami-Dade County Tanks Compliance Verification Program, Contract GC508.

The Department entered into Contract GC508 with the Miami-Dade County, Board of County Commissioners (County). The contract required the Department to compensate the County on a

fixed-price basis as described by each executed task assignment for the County compliance verification, which included compliance inspections, closure inspections, installation inspections, discharge inspections and re-inspections. The period audited was July 1, 2001 through June 30, 2003. The Department entered into Contract GC508 with the County for a ten-year period beginning October 1, 1997. Compensation for services was authorized by task assignments. Services provided in these tasks included performance of all reported discharge inspections, installation inspections, closure inspections, re-inspections, and specified enforcement activities. Based on the audit, the County was in general compliance with the provisions of the contract. Inspection activities were well documented and supervised. The OIG identified a high percentage of reported contract costs being devoted to salaries and indirect costs and a high fluctuation of salary costs between tasks 5 and 6. OIG recommended that to fully report on the accuracy of these salary and indirect cost expenditures, a detailed review should be performed. OIG further determined that the County charged Contract GC508 on a monthly basis for the replacement of vehicles. This was in accordance with the contract, but the accumulated reserve amounts should be disclosed to the Department.

IA-2-12-2004-121: Miami-Dade County Petroleum Contamination Cleanup Services Contract GC64.

This was a financial and compliance audit of Contract GC624, agreement for Petroleum Contamination Site Cleanup-related services in Miami-Dade County (County).

The scope of this audit included an examination of the contract GC624 (Contract) between the Department and the County. The Contract was for petroleum contamination site cleanup-related services in the County. Based on the audit, the County complied with the financial requirements of the Contract. OIG verified that selected costs reflected in the County ledgers were incurred in

conjunction with the Contract and these items were reasonable. The OIG further determined that the County’s fund balance report was not accurate due to questioned costs.

However, the questioned costs did not materially change the County’s negative fund balance. OIG found the County to be generally in compliance with the Administrative Performance Criteria required by the Contract’s Attachment I-1, and that they properly accounted for the advance working capital (Category II Funds).

IA-2-12-2004-134 An Audit of Remediation Contract Actual Costs for Imperial Testing Laboratories Petroleum Contamination Pre-approval Program.

This was a financial and compliance audit of ten (10) work orders issued to Imperial Testing Laboratories, Inc. (ITL) under the Petroleum Preapproval Program conducted by the Department’s Division of Waste Management, Bureau of Petroleum Storage Systems(Bureau).The scope of the audit encompassed the cost associated with ten work orders completed by ITL during the period July 1, 2003 through June 30, 2004. The objectives were to determine whether ITL’s invoices to the Department were for actual work performed and amounts agreed with the work order tasks cost categories. The work was performed within the work order beginning date and the delivery due dates and was performed as evidenced by actual subcontractor and vendor invoice descriptions, and payments. Retainages were handled as agreed to in the work orders. OIG concluded that ITL generally completed all ten-work order assignments within the appropriate work order periods and delivery dates. Personnel were found to be qualified and experienced for the tasks assigned. OIG was not however, able to extract ITL’s actual cost for any of the ten work orders to compare to the Bureau’s Template Cost Worksheets. ITL’s accounting system was not coded in such a manner as to capture the individual template cost worksheet categories.

However, using ITL’s summarized labor hours, OIG was able to compare the hours to those allowed by the templates and according to this comparison, actual hours exceeded template hours by eight percent (8%). This information was provided to the Bureau.

IA-2-12-2004-119: Sarasota County Tanks Compliance Verification Program. Contract GC541.

The Department entered into Contract GC541 (Contract), Agreement for Storage Tank System Compliance Verification with the Sarasota County Board of County Commissioners (County) for compliance inspections. The scope of the audit included an examination of the Contract GC541 between the Department and the County for the period of November 1, 1997 through June 30, 2003. Audit objectives were to determine whether the actual costs reported by the County were incurred in conjunction with the contract and were reasonable, that the County complied with the Contracts performance requirement. Based on the OIG audit, the County was in general compliance with the Contract. Specifically, the storage tank facilities were inspected as stipulated in Tasks 5 and 6. In addition, actual costs were generally incurred in conjunction with the contract and were reasonable. However, the OIG identified an incorrect posting, which caused the County’s annual report to be understated. This was corrected during the audit, and the county did not maintain documents in accordance with the terms of the Contract. OIG recommended that the County be directed to adhere to Article 5 of the Contract, which requires retention of documents pertinent to the contract for the term of the Contract plus three years after the expiration of the contract.

IA-22-12-2004-20: Certified Public Accountant (CPA) Firms Agreed-Upon Procedures (AUP) Attestations for Selected Tanks/Compliance Contracts Fund Balance.

The scope of the agreed-upon procedures attestations was a financial compliance engagement of County compliance contracts between the Department and selected County Health Departments for Petroleum Storage Tanks Compliance Verification Activities. The period of the attestations extended to June 30, 2004. The objective of these attestations was to review the County/County Health Departments revenue, expense, and/or any other record(s)/data as applicable for accuracy, completeness, and general consistency with the applicable accounting records to verify the accuracy of the reported contract task assignments Funds Balance. The CPA firms were provided with AUP's, which focused on fund balance verification; they were provided applicable training. The CPA firms, in general, provided funds balance information per the agreed-upon procedure requirements. The CPA individual attestations were conducted on selected County Contracts. The attestation results were stand-alone reports specific to the assigned County. These reports provided no quantifiable data and information provided in the exhibits was limited.

IA-3-12-2005-24 Voluntary Cleanup Tax Credit (VCTC).

The OIG reviewed a sample of Voluntary Cleanup Tax Credit (VCTC) applications. The purpose of the review was to assess whether the tax credits issued were adequately supported with information required to be submitted by the applicants. In cooperation with program staff OIG selected three application files for review, which received relatively higher amounts of the tax credit. OIG found no exceptions resulting from the review. All three files contained completed application forms submitted with required information. The invoice dates were within the tax credit period. The invoice amounts matched the schedule of costs submitted with the application forms. The tax credit

amounts were mathematically accurate. OIG made recommendations for future program improvement including modifying the application form to provide more relevant information, requiring evidence of invoice payment, providing more training to program staff and assigning more resources to the application review function during the time of the year when most applications are received.

**Division of Water Resource
Management**

IA-2-14-2004-54 Sebastian Inlet Management Plan.

This was a compliance audit of the contract between the Department and the Sebastian Inlet Tax District (District) as of February 2004. The objectives of the audit were to determine the effectiveness of internal controls for ensuring compliance with statutory and contracting provisions, compliance with contractual requirements for financial and programmatic reporting, and whether expenditures incurred by the District were consistent with the contract's purpose and limitations. OIG reviewed allegations of questionable contract practices, unexplained contract rate increases, inappropriate rental of storage facilities, and discrepancies between how beach sand was bid and delivered. Based on the examination of available files, OIG determined that the District complied with contracting requirements established by contract number 98IR2. However, OIG questions the reasonableness of the 34% price increase from the 1998 Feeder Beach trucking project to the 2001 Feeder Beach trucking project. In addition, a review of the contract files in the Bureau of Beaches and Coastal Systems found incomplete project documentation and evidence that the District had not complied with the required contract deliverables for financial and progress reporting. OIG found that additional joint planning and cooperation between Indian River County and Sebastian Inlet Tax District is also needed.

INTERNAL INVESTIGATIONS

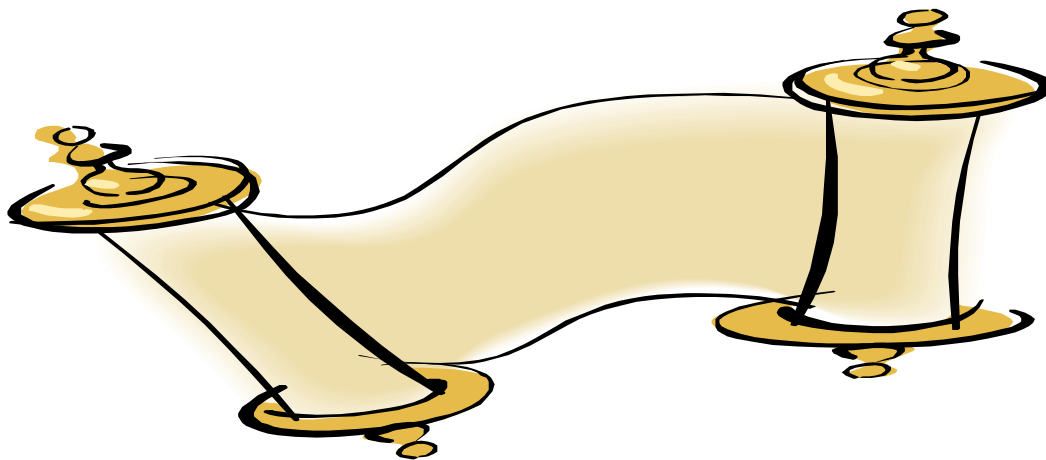
Procedures for Receiving Complaints and Assigning Investigations

The Internal Investigations Section (IIS) receives complaints that address many aspects of departmental activity from a wide variety of sources. The sources of these complaints range from the Governor’s Office through the Chief Inspector General or the Whistle-blower Hotline, the Comptroller’s Get Lean Hotline, from upper management to line personnel throughout the Division or Districts or from concerned members of the general public. Many complaints are broad and may address entire programs while others are very specific and focus on a single action of a departmental employee. The forms in which complaints may be received include a letter or telephone call from a concerned citizen, an inquiry form completed by a director requesting an investigation, referrals from other agencies or information, which is developed internally by an OIG staff member while addressing other issues.

Each complaint or concern is reviewed in order to determine how it should be addressed. Is it criminal or administrative in nature? Who should be responsible for the investigation, department managers or the IIS? The more serious

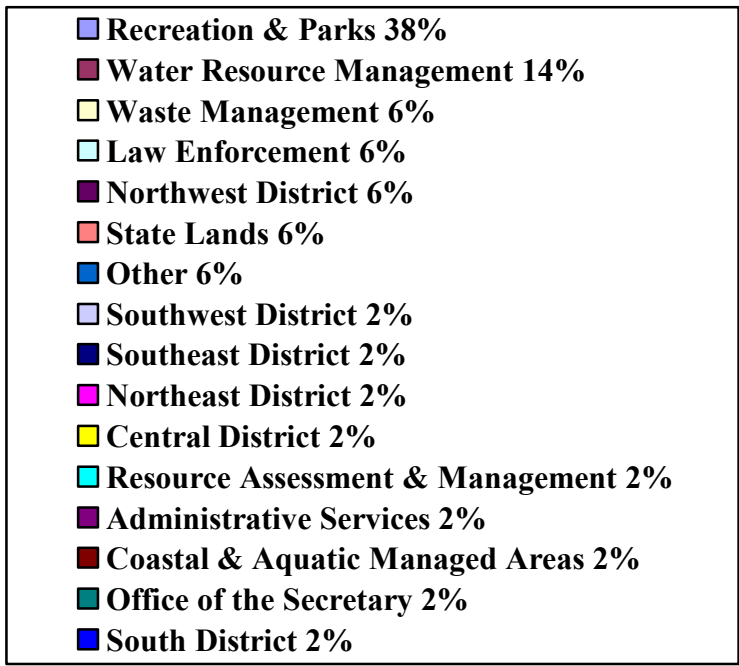
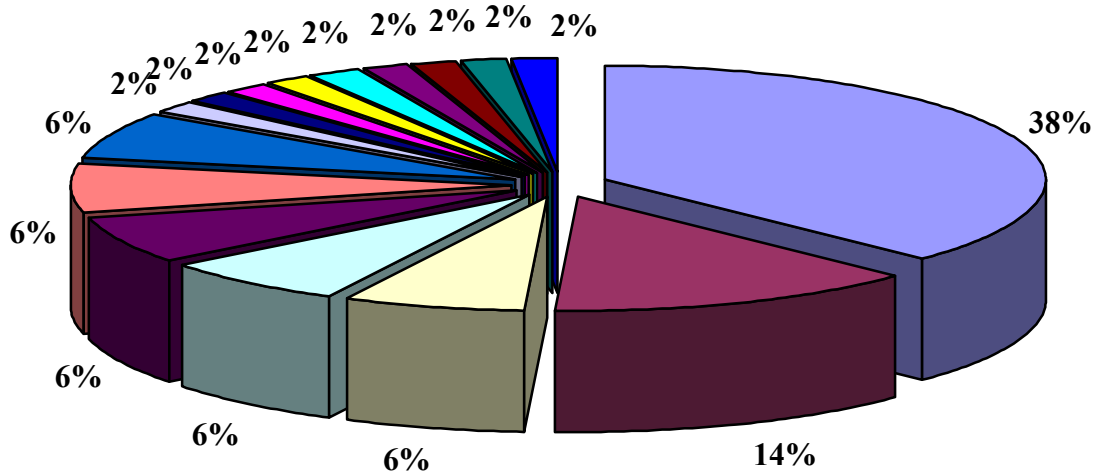
complaints that require greater resources to complete the investigation efficiently are assigned to IIS. All cases are monitored and tracked by the staff of the IIS whether handled by internal staff or referred to district or division managers. Those cases investigated by IIS are assigned to Law Enforcement Captains whose responsibility is to examine the allegations and determine if there is a factual basis to support the allegations. If the case is criminal, it is reviewed by the prosecutor in the appropriate jurisdiction to determine its prosecutorial merit.

Completed investigations are reported in a case summary; the disposition of the case is presented to the appropriate district or division director. If a case is closed with a finding of *Sustained*, which is a validation that the alleged violation of a policy occurred, it is then management’s responsibility to determine the necessary corrective action. The OIG does not participate in recommending disciplinary action. Management consults with the Bureau of Personnel and the Office of General Counsel when effecting disciplinary action. This is important in ensuring that there is consistency in how discipline is applied across the agency.



INVESTIGATIVE ISSUES INITIATED

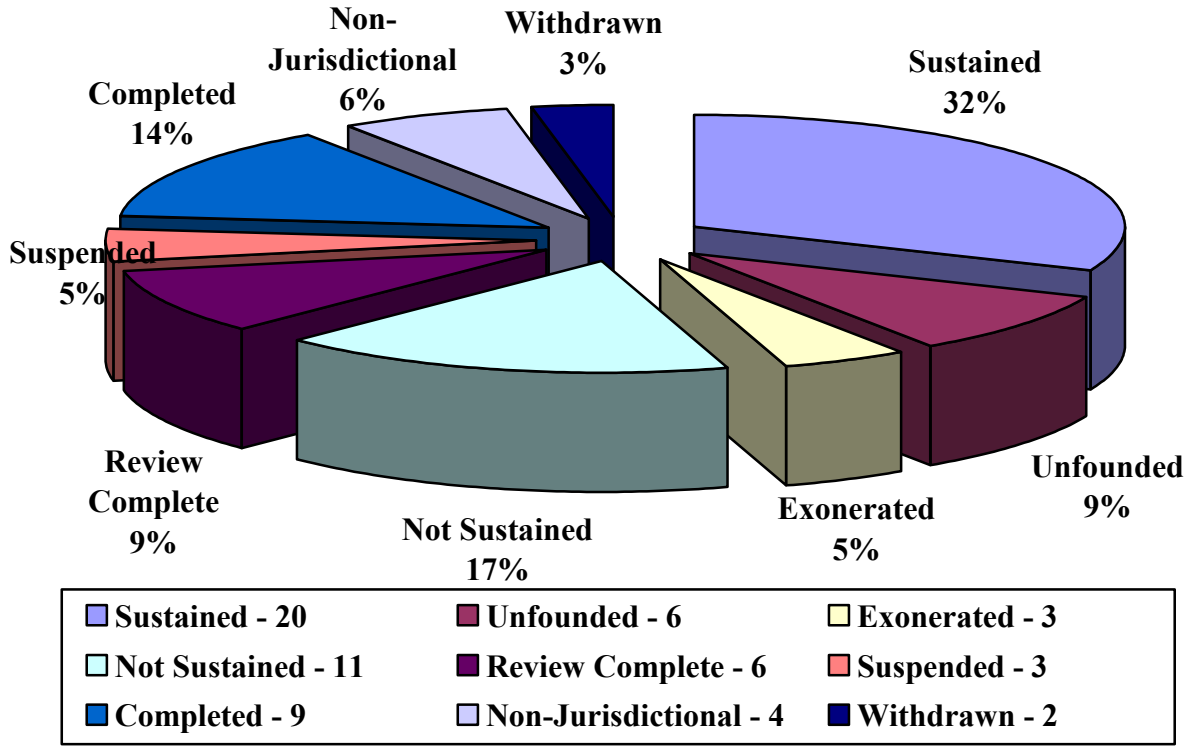
July 1, 2004 – June 30, 2005



*This percentage includes public records requests and special projects.

INVESTIGATIVE FINDINGS

July 1, 2004 – June 30, 2005



Investigations – 51

Total Investigative Findings - 64

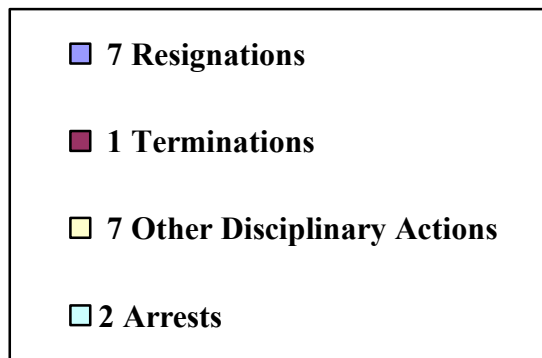
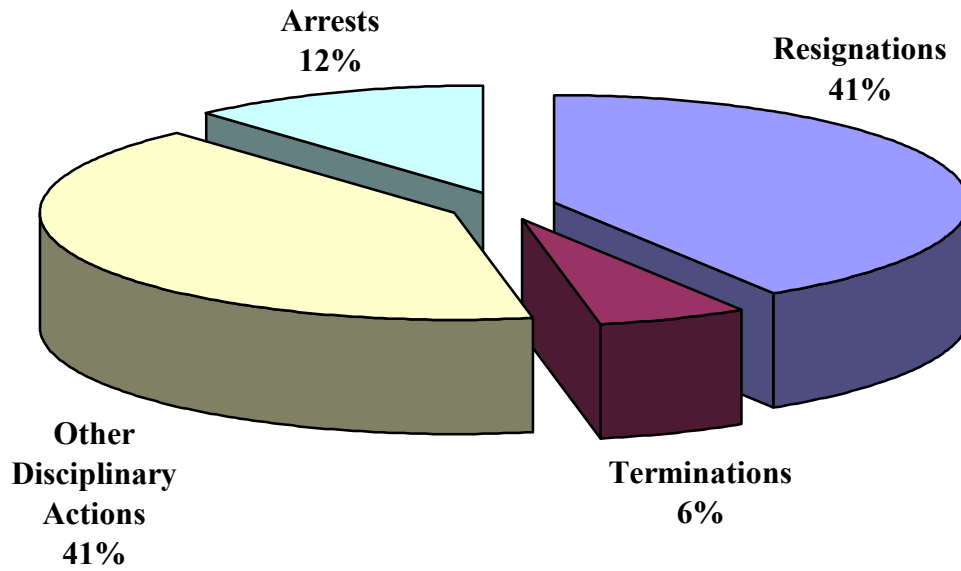
Total

CLASSIFICATIONS OF INVESTIGATIVE FINDINGS

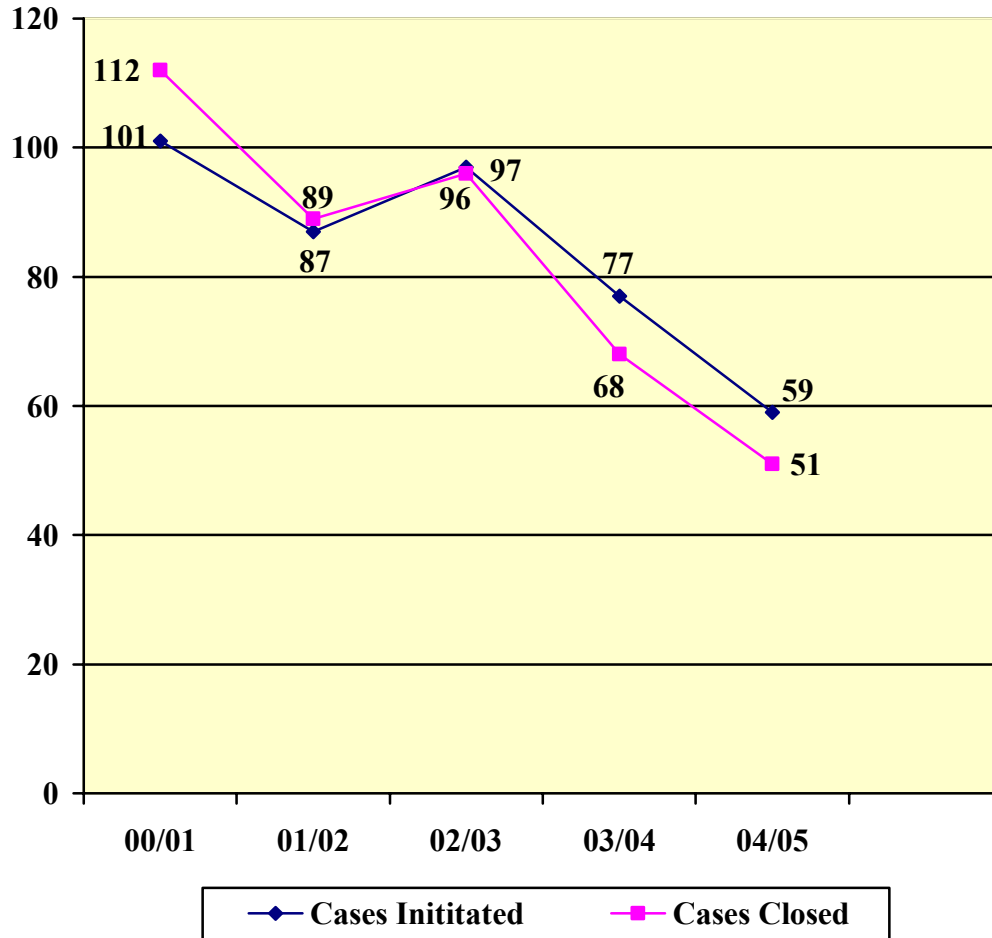
- 1) **Sustained** – Allegation supported by sufficient evidence to justify a reasonable conclusion that the actions occurred and were violations.
- 2) **Completed** – Closure for background checks, public records requests, and miscellaneous complaints that does not warrant an investigation, or cases closed by arrest.
- 3) **Review Complete** – Closure for management review, an investigative review or the review of a management issue.
- 4) **Not Sustained** – Insufficient evidence available to prove or disprove allegation. In some instances, not sustained may reflect that the alleged actions occurred but were not addressed by department policy.
- 5) **Unfounded** – Allegations which are demonstrably false or not supported by facts.
- 6) **Exonerated** - Alleged actions occurred but were lawful and proper.
- 7) **Withdrawn** – Complainant requests to withdraw the complaint or is unresponsive and no further action is required.
- 8) **Non-Jurisdictional** – Not within the jurisdiction of the Department of Environmental Protection.
- 9) **Suspended** – Continuing investigation of allegations set aside, possibly pending action at a later date.

DISCIPLINARY ACTIONS

Fiscal Year 2004-2005



Cases Initiated and Closed Five-Year Trend



Florida Department of Environmental Protection
"More Protection, Less Process"

The table below depicts the number of issues completed by the Internal Investigations Section for the FY 2004-2005 **within each program area** of the Department of Environmental Protection.

DIVISION/DISTRICT	
Recreation and Parks	13
Water Resource Management	10
Law Enforcement	7
Northwest District	6
State Lands	4
Other	3
Waste Management	2
Southwest District	2
Office of the Secretary	2
Northeast District	1
Southeast District	1
Total Number of Cases Closed	51

The table below depicts the **type of issues completed** by the Internal Investigations Section for the FY 2004-2005 of the Department of Environmental Protection.

ACTIVITY	
Investigations	30
Investigative Reviews	11
Miscellaneous Complaints	5
Public Record Requests	3
Theft Notifications	1
Management Reviews	1
Total Number of Issues Completed	51

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Case Number	Allegations	Findings
II-01-15-03-011	DEP 435 8. (7) Conduct Unbecoming a Public Employee.	Not Sustained
II-01-03-03-058	DEP 435 8. (6) Violation of Law or Agency Rules. To Wit: Florida Statute 365.16(b) Obscene or Harassing Telephone Calls (Emails)	Suspended
II-03-01-03-065	Review	Review Complete
II-03-14-03-066	Investigative Review	Non-Jurisdictional
II-01-14-03-075	Florida Statute 784.048 Stalking.	Suspended
II-03-15-03-080	Investigative Review	Unfounded
II-03-08-03-083	Investigative Review	Review Complete
**	Subject 1: DEP 435 8. (7) (a) Conduct Unbecoming a Public Employee. DEP 435 8. (7) (b) Conduct Unbecoming a Public Employee.	Sustained Sustained
II-01-07-04-008	Subject 2: DEP 435 8. (7) (b) Conduct Unbecoming a Public Employee.	Sustained
II-03-08-04-011	Investigative Review	Non-Jurisdictional
II-01-19-04-020	DEP 435 8. (6) Violation of Law or Agency Rules. To Wit: Allegation of Illegal Activity	Non-Jurisdictional
II-03-08-04-021	Investigative Review	Review Complete
**	Subject 1: DEP 435 8. (7) Conduct Unbecoming a Public Employee.	Not Sustained
II-01-07-04-023	Subject 2: DEP 435 8. (7) Conduct Unbecoming a Public Employee.	Not Sustained
II-03-14-04-024	Subject 3: DEP 435 8. (7) Conduct Unbecoming a Public Employee.	Sustained
II-01-07-04-027	Investigative Review	Review Complete
II-01-07-04-027	DEP 435 8. (6) Violation of Law or Agency Rules. To Wit: Sexual Harassment	Not Sustained
II-03-15-04-030	Investigative Review	Review Complete
**	Subject 1: DEP 435 8. (6) Violation of Law or Agency Rules. To Wit: General Order 4-2 Use of Force	Exonerated
II-01-08-04-033	Subject 2: DEP 435 8. (6) Violation of Law or Agency Rules. To Wit: General Order 4-2 Use of Force	Exonerated
II-01-15-04-037	DEP 435 8. (6) Violation of Law or Agency Rules. DEP 435 8. (7) Conduct unbecoming a public employee.	Sustained Not Sustained
II-01-14-04-038	DEP 435 8. (6) Violation of Law or Agency Rules. To Wit: Official Trespass Warning	Completed
II-01-12-04-042	DEP 435 8. (9) Habitual Drug Use.	Sustained
II-08-07-04-044	Public Records Request	Completed

Florida Department of Environmental Protection
“More Protection, Less Process”

Case Number	Allegations	Findings
II-13-14-04-045	Theft Notifications	Not Sustained
II-01-07-04-046	DEP 435 8. (6) Violation of Law or Agency Rules.	Unfounded
II-13-21-04-047	Miscellaneous Complaint (CIG Assistance)	Completed
II-13-21-04-048	Miscellaneous Complaint (CIG Assistance)	Unfounded
	DEP 435 8. (2) Negligence.	Sustained
II-01-07-04-049	DEP 435 8. (6) Violation of law or agency rules. To Wit: Florida Statute 812.014 Theft	Not Sustained
II-01-15-04-050	DEP 435 8. (6) Violation of Law or Agency Rules. To Wit: Florida Statute 837.06 False Official Statement (2 Counts)	Sustained
II-08-07-04-051	Public Records Request	Completed
	DEP 435 8. (6) Violation of Law or Agency Rules.	
II-01-08-04-052	To Wit: Battery DEP 435 8. (7) Conduct Unbecoming a Public Employee.	Not Sustained Not Sustained
II-01-14-04-053	DEP 435 8. (10) Conviction of any Crime, including a Plea of Nolo Contendere and a Plea of Guilty with Adjudication Withheld.	Sustained
II-01-14-04-054	DEP 435 8. (9) Habitual Drug Use.	Sustained
II-03-14-04-055	DEP 435 8. (6) Violation of Law or Agency Rules.	Sustained
II-03-12-04-056	Investigative Review	Withdrawn
II-13-07-04-057	Miscellaneous Complaint	Completed
	DEP 435 8. (6) Violation of Law or Agency Rules.	
II-01-03-04-058	To Wit: Theft	Suspended
	DEP 435 8. (6) Violation of Law or Agency Rules.	
II-01-01-04-059	To Wit: DEP 202 & DEP 390 Use and control of computers. DEP 435 8. (8) Misconduct.	Sustained Sustained
	DEP 435 8. (6) Violation of Law or Agency Rules.	
II-01-07-04-060	To Wit: Sexual Harassment	Not Sustained
	Count 1 – DEP 435 8. (7) (a) Conduct Unbecoming a Public Employee.	Sustained
II-01-16-04-062	Count 2 – DEP 435 8. (7) (c) Conduct Unbecoming a Public Employee.	Sustained
	DEP Directive 202 Code of Ethics	Sustained
	DEP 435 8. (7) (c) Conduct Unbecoming a Public Employee.	Sustained
II-01-18-04-064	DEP 435 8. (7) (c) Conduct Unbecoming a Public Employee. To Wit: 390.6 (Use of Non Department-Owned Software on Department-Owned Systems)	Sustained
II-03-03-04-065	Investigative Review	Review Complete
	DEP 435 8. (6) Violation of Law or Agency Rules.	
II-01-19-04-067	To Wit: Falsification of Records	Sustained
II-13-07-04-068	Miscellaneous Complaint	Completed
II-03-15-05-001	Investigative Review	Non- Jurisdictional

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Case Number	Allegations	Findings
II-01-08-05-002	Count 1 – DEP 435 8. (7) Conduct Unbecoming a Public Employee. To Wit: General Order 2-1 Code of Conduct, Code of Ethics and The Oath of Office Count 2 – DEP 435 8. (7) Conduct Unbecoming a Public Employee. To Wit: General Order 2-1 Code of Conduct, Code of Ethics and The Oath of Office	Exonerated Not Sustained
II-03-07-05-006	Management Review	Withdrawn
II-01-08-05-007	DEP 435 8. (7) Conduct Unbecoming a Public Employee.	Unfounded
II-01-14-05-009	Florida Statute 796.07 Soliciting For Prostitution.	Completed
II-01-07-05-010	DEP 435 8. (7) Conduct Unbecoming a Public Employee.	Unfounded
II-08-21-05-016	Public Records Request	Completed
II-01-14-05-017	DEP 390 Information Resource Security Standards Guidelines	Unfounded
II-01-07-05-020	DEP 435 8. (7) Conduct Unbecoming a Public Employee.	Sustained
II-13-03-05-024	Miscellaneous Complaint	Completed

**Indicates More Than One Subject



Significant Case Summaries



The following summaries illustrate the variety and type of issues investigated as well as the case dispositions addressed during the previous year.

II-01-15-03-011. This allegation was initiated by a citizen from an asbestos abatement company. The complainant alleged that an inspector was unprofessional in his approach to inspections and overly critical in his inspection reports. The investigation revealed insufficient evidence to prove or disprove the allegations against the employee resulting in a **not sustained** finding regarding the alleged conduct.

II-01-03-03-058. This investigation resulted from a Division receiving e-mails from an unknown source alleging improprieties against members of the Division and the State Board of Trustees relating to the State's land purchasing practices. After obtaining subpoenas for records it was determined that, the subject sending the anonymous e-mails was a former DEP employee who was trying to discredit his former chain of command. The subject was found to be using an anonymous Yahoo account to hide his identity. There was insufficient evidence to prosecute the case in court. The case was closed as **suspended**. There have been no recent e-mails of this type received by the Division.

II-03-01-03-065. This review was initiated in response to health concerns in a local community over the safety of their drinking water supply. There were concerns regarding pollution from an old phosphate factory that was now processing plant for animal feed supplements. This review studied the history of the plant, its permitting, and the Department's involvement in regulatory

activity directed at the facility. It was determined that the parent company of the facility was not fully reporting the hazards of its materials and the plant's processes. The facility owners failed to accurately report some chemical spills and the presence of some hazardous by-products from some of their processes. The review was closed as **review complete**; there were no violations committed by any DEP regulatory personnel.

II-03-14-2003-066. A citizen complained that the Board of Trustees of the Internal Improvement Trust Fund is not assessing and collecting the just compensation due the State of Florida. The complaint was referred to the appropriate DEP Divisions. The determination of legally binding riparian rights for private property will be determined by staff in either the Division of State Lands or the Division of Water Resource Management. The resolution of the issues in this case is under the purview of one of these entities. This matter was closed as **non-jurisdictional**.

II-01-14-03-075. This allegation related to an employee receiving unwanted mail at the Department from a former co-worker. The suspect in the case was contacted and warned of the consequences of a stalking charge and notified that these charges would be filed on behalf of the recipient of the unwanted correspondence and the state of Florida if the action continued. The case was closed with a **suspended**. The complainant has not received additional mail from this individual.

II-03-15-03-080. This was a review of a citizen's concerns over how the Department is handled a lease of sovereign submerged land for a dock in his condominium community. OIG brought the complainant and the regulatory staff together to resolve their understanding of what it will take to bring the lease into compliance. There was no evidence of impropriety on the part of any DEP employees.

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The issues are between the complainant and his condominium community, not the Department and its employees. The complaint was **unfounded** and the case was closed.

II-03-08-03-083. This review was initiated in response to a duty-related discharge of a firearm by a law enforcement officer. The officer, a law enforcement captain, was in the process of trying to apprehend a subject who was fleeing from a double vehicle homicide.

II-01-07-04-008. This case was in response to complaints that a park manager and an assistant park manager were alleged to be abusive and creating a hostile work environment for their staff. The allegations were that the two did not treat staff with courtesy or respect and tried to manage by fear and intimidation. The allegations were **sustained** against both parties. There were two sustained findings in the case of the manager. The manager received a demotion and the assistant manager was transferred into a non-supervisory position.

II-03-08-04-011. This was a review of the maintenance and safekeeping of state-issued computer equipment that was stolen from an in-house storage location. Initially, it appeared that the theft might involve a departmental employee. There was very little evidence identified to indicate how or when the laptops were removed. The case was ultimately suspended with the implementation of better security procedures. The review is complete.

II-01-19-2004-020. A citizen complained alleging that District staff was illegally holding up a building permit on her private property. The District had made numerous trips to evaluate the property for wetland issues and that recommendations had been offered as to how the complainant could best accomplish her objectives on her property. The citizen was dissatisfied and denied District staff access to her property. After determining that there was no

violation by Departmental staff and it was up to the complainant to grant access for future permitting issues, the case was closed as **non-judicial** and referred to the District for proper handling.

II-03-08-04-021. This allegation was initiated by a private citizen who alleged that a law enforcement officer had abused his authority by restricting the complainant’s rights as a citizen to go where he wanted to go during a public event. The event in question was the maiden voyage of the ship, the Queen Mary 2 to the United States. The officer was part of a multi-agency, multi-judicial task force with very specific instructions to keep the general public a specified distance away from the vessel and its security vessels. The heightened security was in response to specific threats of terrorism against the ship. The officer’s actions were determined to have been consistent with the instruction of the task force coordinators and the case was closed with a finding of **review complete**; there was no violation on the part of any DEP employee.

II-01-07-04-023. This complaint was the result of a group of campers filing a complaint against park staff and a volunteer camp host after the family was asked to leave a park where they had reservations. The camp host had requested park staff give the guest a warning because their children were throwing rocks at trailers in the park; the children did not stop. There was also a dispute about the campers’ insistence that they be allowed to bring their dog into the park. The allegations against the two park employees were **not sustained**. Allegations against the camp host volunteer were **sustained**.

II-03-14-04-024. This was a review of the permitting process for construction of new high-rise structures on the beach in Bay County. The review demonstrated that most of the concerned parties’ issues are with their local county government and their (the local county’s) level of compliance with their local comprehensive

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plan. The report will include recommendations for program improvements.

II-01-07-04-027. This case stemmed from allegations of sexual harassment. The allegations dealt mostly with inappropriate comments. The information provided by the complainant seemed plausible, but there was no independent information to prove or disproving the allegations. The case is closed with a finding of **not sustained**.

II-03-15-04-030. This investigative review resulted from a complainant stating that the Department had failed to take appropriate action against the complainant’s neighbor while work was being completed on a pond they shared. It was determined that the turbidity problem was the result of runoff from a county-maintained right of way for a public road rather than the project of the neighbor. The neighbor was making every effort to remain in compliance and cooperating with the inspector’s recommendation. Ultimately, the complainant in this case was found to be in violation. The review was closed as **review complete** with no violations by Departmental employees.

II-01-08-04-033. This investigation resulted from the fatal shooting of a private citizen by two on-duty law enforcement officers. The citizen had just been in a conflict with park personnel and was acting irrationally and confrontational when they tried to inquire into his reasoning for having a crossbow and an air rifle in the park. They asked the citizen to turn over the weapons or he would have to leave the park, which happened to be on an island. After a confrontation, the subject left in his boat. His actions were reported to park patrol officers who advised they would respond to ensure he did not return and to check the individual out. The Officers encountered the subject and his father in two separate boats in the pass between the island and the mainland. When they approached the pair, the subject produced a handgun and began

to fire on the officers before they could tell him what their intentions were. The subject’s attempt to shoot the officers resulted in five rounds striking the hull or windshield of their boat. One of the officers killed the citizen in self-defense. The shooting was determined to be necessary to defend the lives of the officers; and both were **exonerated** of any wrongdoing. The citizen’s father who was in the second boat also supported this. He provided a statement that his son had emotional problems and that the officers did what they had to do.

II-01-15-04-037. This review was requested by a District Director to determine what events led up to an employee’s arrest in the workplace. Preliminary investigation revealed that the arrest of the employee was by bondsmen who were picking him up on an out-of-state charge. Before the employee was finally transported out-of-state, it was determined that the case had already been resolved by the employee’s private attorney. The action was over a civil dispute rather than a criminal action on the part of the employee. The case resulted in a **sustained** violation. The employee failed to notify his supervisor of the reason for his absence. He had reported his absence as sick leave. The violation of conduct unbecoming a public employee was **not sustained** because there was no duty-related nexus to the action for which the employee was originally arrested.

II-01-14-04-038. This case resulted from a management request for OIG assistance in the dismissal of an employee. This included removing the employee from the building and warning the employee not to return. The dismissed employee was informed that they were not allowed on departmental property unless they were on official business or they would be prosecuted for trespass after warning. They were given an official trespass warning notice. The case was closed as **completed**.

II-01-12-04-042. This complaint originated from management concerns that an employee was experiencing a decline in her performance that may be related to chemical abuse. The OIG was contacted by the Bureau of Personnel Services to assist with a blood alcohol test by an approved testing facility. By the time, this was arranged it was 1:12 p.m. before the test could be administered. The results of the test showed the employee still had a blood alcohol level of .053; the subject’s blood alcohol would have been at .13 when she reported to work at 8:00 a.m. that morning. The allegation was **sustained**; the employee violated the Department’s drug use policy. The employee was allowed to resign from her position.

II-13-14-04-045. This allegation began as an accusation of theft with a former employee named as the suspect in the taking of an application of computer software. The former employee was contacted and there was no evidence, testimonial or physical to indicate that he had taken the software. There was evidence, however, that the software had not been properly tracked and controlled while in the possession of the program. This continued after the suspect employee’s departure from the agency with the replacement software that was purchased. The case was closed as **not sustained**.

II-01-07-04-046. This investigation resulted from an allegation that a park manager had taken an active role in assisting an under-age girl who ran away from her mother. It was alleged that he assisted her in hiding from her parents and the local police. The investigation revealed that the park manager had attempted to assist the parents to no avail. Local authorities also revealed that the park manager had worked to assist them in their efforts and that the young girl was a frequent runaway whose mother blames others for her daughter’s actions. The case was resolved as **unfounded** with no improper action on the part of the DEP personnel.

II-13-21-04-047. This was a case where two OIG investigators and the supervisor of the unit provided technical and investigatory assistance to the Office of Inspector General for the Department of State. This assistance once was requested to resolve concerns over that Department’s management of the statewide central voter database and its tracking of convicted felons. The case was closed as **completed**.

II-13-21-04-048. This allegation originated in the Office of the Chief Inspector General in the Executive Office of the Governor. They received a series of allegations that a vendor who was doing business with a number of state agencies may have been providing state employees with unauthorized gifts and meals. Documented records of his business purchases were examined and showed that he had bought lunch for a DEP employee. A review of the records and an interview of the subject employee showed that the employee had an appointment with the vendor for a meeting, but lunch was not planned and the meeting was cancelled. The receipts from the restaurant were also examined and determined to have been for a take-out meal for the vendor. The allegation was **unfounded** with no wrongdoing on the part of any DEP employee. The violation on the part of the vendor was to be addressed by FDLE and his employer.

II-01-07-04-049. This stemmed from the fact that money was missing from the deposits for a state park. The subject of the investigation was the party with the responsibility for documenting receipts and deposits from the park’s revenue sources. There was insufficient evidence to determine how the money became missing. In regard to the theft of the money the allegation was **not sustained**. The case was closed with a **sustained** violation for the subject’s neglect for not fulfilling her responsibilities as the custodian of the fund.

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II-01-15-04-050. This investigation was resulted a requested by District management. A District employee could not being accounted for after Hurricane Ivan struck the District. The employee had not responded to numerous inquiries and attempts to locate her. When the officers finally located her, she was very confrontational. When contacted by OIG the employee continued to be uncooperative. At the District's request, OIG completed a background check and found that she had a previously undisclosed criminal history. The employee's irrational behavior resulted in **sustained** violations for conduct unbecoming a public employee and filing a false official document (her application). The employee was allowed to resign.

II-01-08-04-052. This complaint was initiated by a private citizen who notified a bureau chief that she was the victim of a battery. The citizen alleged that a DEP employee battered her while they were involved in a relationship. There were some consistencies in the stories of the complainant and the accused employee. OIG determined that there had been a conflict, but there was no evidence that the DEP employee had been the aggressor. The alleged violation of law was **not sustained** due to the contradictory statements and the absence of any independent witnesses or evidence. The employee was counseled to avoid actions that could result in this type behavior in the future.

II-01-14-04-053. This investigation resulted in an employee's request for a leave of absence so he could serve a prison sentence for a non-work related DUI manslaughter charge for which he was convicted. There was a **sustained** violation for the employee being convicted of a crime. He was allowed to resign. It should be noted he would have also forfeited his position due to the prison sentence.

II-01-14-04-054. This investigation resulted when an employee was involved in a DUI traffic

accident on his way home from work. He lost control of his personal vehicle with no known reason and was subsequently charged with DUI. Interviews with the subject's coworkers demonstrated that there was a clear indication of impairment before the employee left the office. As a result of this investigation, the violation of the Department's drug policy was sustained. The employee was allowed to resign.

II-03-14-04-055. This complaint surfaced in a program area when an anonymous person left a letter in a manager's chair alleging misconduct and abuse of state equipment (computer) by a coworker. The computer internet history of the employee named in the anonymous complaint was analyzed. Evidence of misuse of the computer was identified and the complaint was **sustained**. The subject employee was given a written reprimand.

II-03-12-04-056. This case was initiated as a review of a potential contractor in a DEP program area but was **withdrawn** prior to the investigation being initiated.

II-13-07-04-057. This was a miscellaneous complaint against a departmental employee who was alleged to have been driving a state vehicle over the speed limit and in an erratic manner. The vehicle and driver were identified for management. The employee was counseled regarding the misuse of State equipment and the importance of adhering to the rules for motor vehicle use. The case was closed as **completed**.

II-01-03-04-058. This was an investigation of alleged theft of Florida State Employees Charitable Campaign funds from an office coordinator's work area. There was no physical evidence and no witness to the theft of the money. Due to the lack of physical or testimonial evidence, the case was closed as **suspended**.

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II-01-01-04-059. This investigation was the result of an employee allegedly being stalked in the work place by a DEP employee who was an acquaintance from her community. The subject was alleged to have taken personal items from the complainant’s work area. The subject employee copied the victim’s hairstyles and clothing and followed her to and from work. The complainant has a documented history of the subject having harassed her or vandalized her property in their community. The subject was found to have **sustained** violations for improper conduct and improper use of the state computer. The subject received a written reprimand for violating DEP policy.

II-01-07-04-060. This was a complaint of sexual harassment against a male co-worker by a female in a park environment. The investigation revealed information, which left the credibility of the complainant in question. Witness testimony did not support the complainant’s allegations. This case also raised questions about the complainant’s behavior. The case was closed as **not sustained**.

II-01-16-04-062. This complaint resulted from an employee having an emotional outbreak in his DEP office and destroying some office equipment prior to leaving the building. It was determined that the employee had underlying emotional problems that were being addressed professionally. The employee tendered his resignation and it was accepted. The case is closed with **sustained** findings of conduct unbecoming a public employee. There was no disciplinary action in the case due to the employee’s prompt resignation.

II-01-18-04-064. This case began as an allegation of an employee viewing what was believed to be “child pornography” on his state computer in the work place. The investigation revealed no positive evidence of child pornography on the computer. There were, however, enough inappropriate files on the

computer to warrant dismissal and a referral to FDLE for monitoring of the employee’s personal computer usage. There were **sustained** violations of the Department’s Code of Ethics, the Department’s computer use policy and conduct unbecoming a public employee.

II-03-03-04-065. This management review was the result of a private citizen’s dissatisfaction with Departmental representatives advising him that he would not be able to build a dock from his property across sovereign submerged lands to a small river that connects his property to the Intercostals Waterway. The citizen bought the property as a retirement home and could clearly see where his neighbors had built docks from their property to the river. The neighbors’ property was situated similarly to his. However, it was determined that his neighbors’ docks were also out of compliance and would have to be removed, rather than giving him the right to build one also. This case was closed as **review complete** with no violations on the part of any Departmental employees.

II-01-19-04-067. This complaint originated from District management who requested a background investigation of an employee whose behavior was making other staff uncomfortable. The subject was reportedly looking at female employees in an offensive manner and making inappropriate remarks. A background check was conducted and it was determined that the individual had a criminal history, including sexual violations. This information was compared with the employee’s application for employment. This resulted in a **sustained** violation; the employee falsified an official document (state of Florida application) and was dismissed.

II-13-07-04-068. This complaint resulted from a citizen caller reporting that a DEP vehicle was observed being driven very fast and swerving in and out of traffic.

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OIG's preliminary investigation identified the vehicle and the driver. This information was forwarded to the driver's supervisory chain of command and the employee was counseled. This case was closed as **completed**.

II-03-15-05-001. This was a complaint against DEP addressing the actions of a former employee regarding the permitting of a storm water runoff pond. Storm water collected and flooded the complainant's property on numerous occasions. It was determined that the pond was adequate as originally built and it would hold sufficient runoff to accomplish what was required by the state standard. However, there were some questionable actions on the part of the county. These could have minimized the problem for the complainant and the neighborhood. The case was resolved as **non-jurisdictional** with no violation on the part of DEP employees.

II-01-08-05-002. This case stemmed from a tourist complaining about the actions of a law enforcement officer who took enforcement action against him for entering a state park without paying the required fee. The complainant stated that he only entered the park so he and his wife could use the restroom. The citation for entering the park without paying was legal. The officer was **exonerated**. A second complaint regarding the manner in which the officer addressed the complainant could not be proved or disproved; this allegation was **not sustained**.

II-03-07-05-006. This case was initiated as a management review to address a variety of operational issues. It was withdrawn by Division management.

II-01-08-05-007. This report resulted from a private citizen who called to complain regarding the actions of an off-duty law enforcement officer in an outside employment job. The citizen alleged that the officer had been abusive

and treated him in an unprofessional manner. Witness testimony of workers in the location of the action as well as other officers who were called at the complainant's request contradicted the complainant's story and were actually very supportive of the officer's conduct. Both allegations were closed as **unfounded**.

II-01-14-05-009. This was an allegation against a private contractor who visited a DEP on a regular basis. It was alleged that the contractor was soliciting a female employee in the building for sex for pay. There was sufficient information that the incident had occurred, but there was not sufficient evidence to prosecute the subject. The contractor was initially warned to stay away from the complainant, but was later dismissed by his private employer. The case was closed as **completed**.

II-01-07-05-010. This was a complaint of alleged abuse of position and retaliation against a manager. It was alleged that was the manager was picking on the complainant because of his role in an earlier complaint filed by a co-worker. Testimonial evidence revealed that the complainant was a problem employee who embellished the complaints against the manager. The complainant alleged that the manager ruled the staff through fear and intimidation. These allegations against the manager were **unfounded**, but were recommendations were made to address the manager's actions, which were not conducive to good employee morale. It was recommended that the manager avoid singling employees out for the correction of mistakes in group meetings and address such issues in one-on-one conferences.

II-01-14-05-017. This was an inquiry into a request from management to check an employee's use of the internet to determine if there was an abuse for visiting religious sites during work hours. It was determined that the employee visited sites of a religious nature.

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Based on a review of the employee’s internet history, there was no evidence of a violation of DEP’s computer policy. The case was closed as **unfounded**.

II-01-07-05-020. Management requested this investigation after one of the employees in a park harassed his coworkers after a completed investigation involving him. The employee was found to have a **sustained** violation for conduct unbecoming a public employee and was warned against further conduct of this nature.

II-13-03-05-024. This was a background investigation that was conducted regarding an OPS employee who was making his coworkers very uncomfortable. It was found that the employee had a criminal history and had not divulged it during his application for employment. The employee was dismissed and the case was closed as **completed**.



Program Review and Improvement

The Program Review & Improvement Section (PRI), within the Office of Inspector General, conducts program reviews and other improvement efforts to promote efficiency and enhance program effectiveness in the Florida Department of Environmental Protection (DEP) under the authority of Section 20.055, Florida Statutes. PRI provides objective, third party observation, examination, and analysis to enhance program effectiveness.

PRI's goal is to help managers succeed in creating and maintaining high performance organizations. PRI assists management in the analysis of complex issues, the development of recommendations, and the implementation of solutions that result in

improved performance. Projects include program evaluation and review, process mapping, employee and customer feedback efforts, and organizational assessments.

PRI is dedicated to improving program performance and promoting efficiency by continuously raising the questions:

- Is the program fulfilling its mission, goals, and objectives?
- Is the program supporting the Department's mission, "More Protection, Less Process?"
- What is working well within the program and what can be improved?



Fiscal Year 2004-2005 Projects

The PRI Section completed the following projects during FY 2004-2005.

Division	Project Title	Number
Central District	Central District Continuous Permit Survey – July through December 2004	IA-5-17-2005-71
Department-wide	Department-wide Customer Service Assessment	IA-21-23-2005-39
Division of Law Enforcement	Bureau of Park Patrol Volunteer Feasibility Study	IA-21-8-2004-66
Division of Recreation and Parks	Recreation and Parks Management Succession Analysis	IA-21-7-2004-114
Division of State Lands	State Lands Appraisal Services – Process Review	IA-21-3-2005-19
Division of Waste Management	Review of Petroleum Cleanup Program	IA-3-12-2003-238
Division of Waste Management	Process Mapping – Solid Waste Section	IA-21-12-2003-35
Office of the Deputy Secretary for Land and Recreation	Land and Recreation Employee Climate Survey	IA-5-23-2005-5
Office of the Deputy Secretary for Land and Recreation	Land and Recreation Employee Climate Survey – Presentations to Divisions/Bureaus	IA-21-23-2005-78
Office of the Deputy Secretary for Land and Recreation	Land and Recreation Management Survey	IA-5-23-2005-6
Office of the Deputy Secretary for Land and Recreation	Travel Policy for Land and Recreation	IA-21-23-2005-43
Northeast District	Northeast District Organizational Assessment Review	IA-21-16-2004-146
Office of Greenways and Trails	Cost Analysis Strategy	IA-21-21-2004-125
Southeast Evaluation (SEA) Presentation	Presentation for 2005 Annual SEA Conference	IA-21-21-2005-76
Office of the Deputy Secretary for Regulatory Programs	IMC Phosphate – Altman Tract Environmental Resource/Wetland Resource Permit Review	IA-3-14-2004-53

IA-5-17-2005-71: Central District Permit Survey – July through December 2004.

This survey requested feedback from permit recipients in the Central District from July through December 2004. The survey recipients were asked to evaluate their recent permit experience to improve the District's permitting process and enhance customer service and satisfaction. This survey continued as part of the 1997 Permit Recipients' Survey for all Districts. The results of the survey were analyzed and distributed to the senior management of the Central District for decision-making to enhance the District programs and services.

IA-21-23-2005-39: Research for Department-wide Customer Service Assessment.

This project involved researching methodologies for assessing customer service provided by a regulatory government agency. Current regulatory survey methods were sought for information in generating a Department-wide survey. Based on the research conducted, questions were drafted and survey administration methods were shared with the regulatory division. The survey was not administered during this fiscal year.

IA-21-8-2004-66: Bureau of Park Patrol Volunteer Feasibility Study.

The Bureau Chief of the Division of Law Enforcement (DLE), Bureau of Park Patrol (BPP) requested a review of the Reserve Officers Program (ROP) to identify ways to improve the program. Recommendations included the following: develop goals and performance measures for the ROP; more emphasis should be placed on the recruitment process; the BPP should consider implementing some type of incentive program for recruiting and retaining reserve officers; DLE General Order 2-10, the current written guidelines and standards for the ROP, should be enhanced to include work

assignments and performance standards; and the necessary action should be taken to establish clear and consistent communication among the reserve officers.

IA-21-7-2004-114: Recreation and Parks Management Succession Analysis.

This project involved a review and analysis of the Florida Park Service's (FPS) Park Manager (PM) position selections, and specifically an examination of the employees' interest in applying for PM positions. Focus groups were held at the annual Park Managers and Assistant Park Managers meeting to gather stakeholder feedback and ideas on how to strengthen FPS recruitment practices. The focus groups provided an opportunity for a team-building exercise of brainstorming across the FPS parks and districts while discussing best management practices and personal motivation for working in the Florida Park Service. Recommendations centered on the Florida Park Service creating a succession plan to meet the challenge of recruiting, selecting, and retaining the right employees including paths to leadership positions as well as avenues for retaining and recognizing employees.

A-21-3-2005-19: State Lands Appraisal Services – Process Review.

The purpose of this project was to assess the Bureau of Appraisal's work processes, to identify opportunities for improvement, and to identify opportunities to reduce the time needed for appraisals. The review team found that Florida is at the forefront of optimizing the overall process for public land acquisition. Recommendations included the following: formalize the practice of "triage" meetings so appraisals can proceed with more complete and timely information; continue to track appraisal task order status and ensure such data is recorded accurately, as part of a continuous process improvement approach; consider meeting with

Division management team and with cabinet aides to clarify the Bureau of Appraisal's understanding of customer expectations; and, consider increasing the dollar value threshold requirements for conducting appraisal reviews, so that fewer reviews are needed.

IA-3-12-2003-238: Review of Petroleum Cleanup Program.

This review was designed to examine the efficiency and effectiveness of the Petroleum Cleanup Program and to make recommendations for improvement. OIG concluded that the Bureau of Petroleum Storage Systems has taken positive steps in the direction of setting goals and measurable objectives for the program, while protecting the environment through identification, cleanup and monitoring activities of petroleum stationary storage sites. Extensive work has been done to establish fiscal accountability processes, identify methods of prioritizing sites for clean up as well as technology for improving cleanup processes and communication. In addition, the program has repeatedly demonstrated that it can make corrections, retool and institute process improvements when necessary based upon internally initiated reviews. There is a question, however, as to whether there are clear and measurable standards for definitively determining program effectiveness. Recommendations included: implementing independent testing of contractor performance; seeking authority to limit fuel deliveries to non-compliant sites; requiring accounting and records systems for contractors; coordinating financial record needs with Finance and Accounting; establishing meaningful performance standards for cleanup of sites; and, conducting an economic impact study of the program.

IA-21-12-2003-35: Process Mapping – Solid Waste Section.

These projects involved the development of process maps and supporting documentation for the Division of Waste Management's Solid Waste Section. Flowcharts are organized to demonstrate the Section's core processes and the need for improved data systems to increase efficiency within the Solid Waste Section. These products will be used as a part of the Department's agency-wide Integrated Management System project.

IA-5-23-2005-5: Land and Recreation Employee Climate Survey.

This survey involved all employees under the Deputy Secretary for Land and Recreation. Included were the Division of Recreation and Parks, Division of State Lands, Office of Greenways and Trails, Office of Coastal and Aquatic Managed Areas, and Office of Public Outreach. Employees received a questionnaire requesting information concerning management practices, job satisfaction, supervision, and communications. The results were analyzed and provided to management for decision-making and enhancing programs and services. The same survey was conducted in the four previous years and those results were compared to the current year to review trends.

IA-21-23-2005-78: Land and Recreation Employee Climate Survey – Presentations to Divisions/Bureaus.

This is the fifth year of survey presentations to the Land and Recreation divisions and bureaus. The continuation of this project continues to be by request from the Deputy Secretary for Land and Recreation. From January through June of 2005, PRI made a total of twenty-two presentations of the climate survey results.

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These sessions provided information on Land and Recreation's climate, observations and recommendations on how to use the results to make improvements.

IA-5-23-2005-6: Land and Recreation Management Survey.

This survey involved all managers under the Deputy Secretary for Land and Recreation. Managers received a questionnaire requesting feedback to the Deputy Secretary and his Program Coordinator concerning their performance as leaders and managers. In addition, the questionnaire solicited ideas for improving their performance. The results were analyzed and provided to the Secretary, Deputy Secretary, and the Deputy Secretary's Program Coordinator for decision-making and improving performance. The same survey was also conducted in the four previous years and those results were compared to the current year to review trends.

IA-21-23-2005-43: Travel Policy for Land and Recreation.

This project consisted of a review of the travel policies and practices of the Land and Recreation (L&R) divisions and offices. The purpose of the review was to determine the level of travel expenditures and general compliance with DEP travel policy. OIG concluded that the L&R divisions and offices are generally complying with the travel policy and the total amount being spent on travel is within an acceptable range for conducting state travel in this particular business environment. Recommendations included that travel expenses reimbursement forms should be thoroughly reviewed, and the travel policy should be updated.

IA-21-16-2004-146: Organizational Assessment Northeast District Water Facilities Program.

This review examined the structure, staffing levels, and workload of the Northeast District (NED) Water Facilities Program (Program). The purpose of this review was to determine if the NED Program is structured properly and to assess if the program is meeting the regulatory responsibilities of the DEP. Permitting data, organizational charts, position descriptions, and the sectional information of the Program were reviewed and analyzed. This review concluded that the Program is structured properly and that its functions and activities are consistent with the regulatory responsibilities as compared to Water Facilities Programs in other Districts.

IA-21-21-2004-125: Cross Florida Greenway Cost Analysis Strategy.

The purpose of this project was to develop a Cross Florida Greenway (CFG) contracting strategy for use in fiscal year 2004-05 budgeting and contracting. The review team found that: 61% of the CFG budget is outsourced; contracting practices appear to follow best business practices; field services continue to be well aligned with the Office of Greenways and Trails (OGT) mission; and, some community outreach opportunities are untapped. Recommendations included the following: adopt an "Express Review" process as the basis for an OGT Contracting Strategy; ensure that future services contracts are performance-based; and, develop and implement an Outreach Plan for citizen support groups.

IA-21-21-2005-76: Presentation for 2005 Annual SEA Conference.

PRI member's proposal entitled "Participatory Evaluation within the Florida Department of Environmental Protection" was selected for the 17th Annual Conference of the SEA. The conference theme was "Empowerment Evaluation: Integrating Evaluation, Management, and Accountability" and covered a broad array of program and policy areas at the national, state

and local levels. The presentation described how five members of a state agency's Office of Inspector General work with members of operational divisions and districts to perform rapid, tightly focused, participatory evaluations resulting in immediate implementation. PRI discussed the nature and scope of its work, and specific work examples of process improvement projects. The engaging discussion allowed participants to ask questions and interact with the presenters for a hands-on experience sharing session.

IA-3-14-2004-53: IMC Phosphate – Altman Tract Environmental Resource/Wetland Resource Permit Review.

This review provided an analysis regarding the Altman Tract Permit that was issued by the Division of Water Resource Management, Bureau of Mine Reclamation (Bureau) and later denied by the previous Secretary of the Department of Environmental Protection. Applicable policies, procedures, and practices used in the Altman Tract Environmental Resource and Wetland Resource Permit and Modified Conceptual Reclamation Plan were examined. Issues pertaining to leadership, environmental impacts, and decision-making procedures were reviewed and analyzed. The Bureau had already begun instituting the new policies before the review was finished. The report concluded that the Division and Bureau had renewed its commitment to environmentally sound permitting with a strong focus on ecosystems.



OTHER ACTIVITIES

Performance Measures



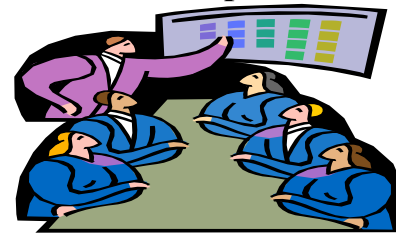
Consistent with the statutory requirement of Section 20.055, F.S., the OIG provides support to the Department in the development of performance measures and standards. In fiscal year 2004-05, the OIG assisted the Office of Planning and Budgeting in the preparation of Legislative Budget Requests (LBR) and Long Range Program Plan submittals. OIG provided assessments of validity and reliability related to new or revised performance measures included in the LBR. In addition, detailed assessments of validity and reliability were made to evaluate data quality for measures reported in the Divisions of Law Enforcement, State Lands, Waste Management, and Air Resource Management. The results of OIG's assessments can be found on the OIG website. Performance measure assessment is an on-going component of OIG's annual audit plan. OIG also coordinates with the Office of Program Policy Analysis and Government Accountability (OPPAGA) in the development and assessment of performance measures. OPPAGA has completed program evaluations and justification reviews of the Department's programs. These reviews included an assessment of OIG activity related to the assessment of performance measures. OIG will continue to ensure that legislatively approved measures are evaluated.

Get Lean Hotline



The "Get Lean Hotline" was created in 1992 to provide citizens with a toll-free number to improve operation of government, increase government efficiency and eliminate waste in Government. Those who call the Hotline remain anonymous. The OIG receives the hotline suggestions or allegations directly from the Department of Financial Services. The Inspector General reviews each complaint and determines if a formal investigation by OIG is warranted. Most of the Get Lean complaints have been addressed by referring them to the appropriate agency Director for review and corrective action. Upon completion of the review, the Director forwards a report of findings to the Inspector General. These reports are reviewed to ensure that the issues raised in the complaints are fully and appropriately addressed.

Association of Inspectors General



On October 26, 1996, the Association of Inspectors General (Association) was created to provide a civic, education and benevolent organization for the exchange of ideas, information, education, knowledge and training among municipal, local, state, national and international Inspectors General. The Association was founded in historic Carpenters' Hall, Philadelphia, Pennsylvania. This was the site of the First Continental Congress, which met on October 26, 1774. This Association was

formed exactly 222 years from the date of that historic Congress.

The Inspector General is a charter member of the Association and an active participant along with the Directors of Auditing and Investigations. In January 2001, the Tallahassee Chapter of the Association of Inspectors General was established. The Inspector General currently serves as First Vice President of the Tallahassee Chapter of the association. Several OIG staff are active participants in this organization. The Tallahassee Chapter of the Association of Inspectors General has become a very strong viable forum to address issues and topics of interest to the Inspector General Community.

Audit Director's Roundtable



The Audit Director's Roundtable consists of Directors of Auditing from each agency under the Governor's jurisdiction. The Director's from the other the State Agencies as well as staff from the Auditor General of the State of Florida also participate. The Roundtable meets quarterly to discuss common issues and best practices. For the last four years, DEP has coordinated these meetings among the State Agencies. During fiscal year 2004-2005 topics included: People First Implementation Issues; the status of the Aspire Project, the Audit Cycle approach used by the Department of Business and Professional Regulation, and discussions on the effectiveness of various audit software tools. The suggestions and ideas communicated at the meetings provided useful information for the Chief Internal Auditor of the Executive Office of the Governor.

Governor's Council on Integrity And Efficiency (GCIE)

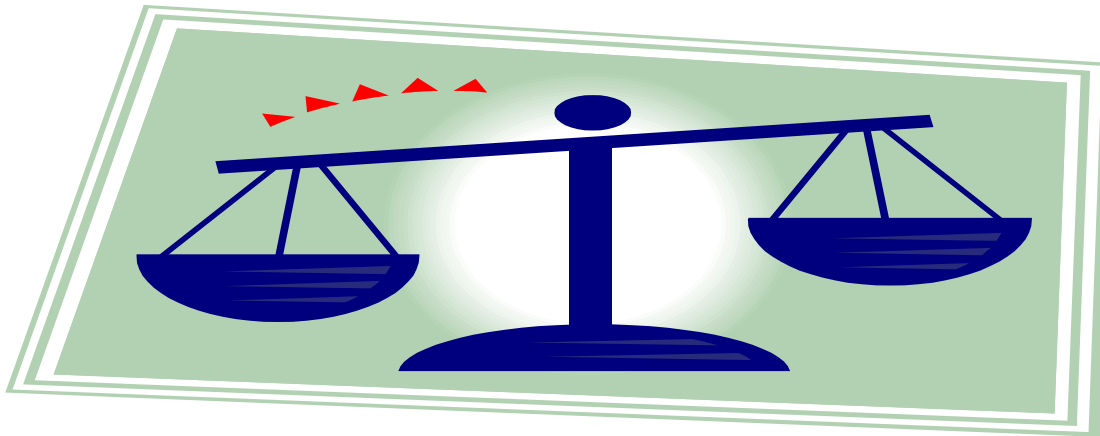


The GCIE consists of the Chief Inspector General, the Governor's Chief Internal Auditor and Director of Investigations, Deputy Director of the Governor's Office of Planning and Budgeting, the Inspector General of each agency under the Governor's jurisdiction and on a voluntary basis, the Inspector General of any other state agency and the Auditor General of the State of Florida. The Council meets periodically in order to continually identify, review and discuss areas of government-wide weakness, accountability, performance, and vulnerability to fraud, waste, and abuse. The GCIE also proposes to the Governor laws, rules and regulations that attack fraud and waste and promote economy and efficiency in government programs and operations. The GCIE provides a forum for Inspectors General to work together when pursuing projects that simultaneously affect several agencies. The Chief Inspector General engaged GCIE members in strategic planning meetings, which were designed to determine specific areas of focus for the Inspector General Community. As a result, the group identified its vision as "Enhancing Public Trust in Government". The mission is "To Provide Leadership in the Promotion of Accountability and Integrity in State Government." The GCIE created action teams to address the goals and objectives, which were formulated in the planning sessions. In the periodic GCIE meetings, action teams to report their progress in accomplishing the goals and objectives that were developed by the group.

Governor’s Council on Integrity and Efficiency (GCIE)

VISION

“Enhancing Public Trust in Government”



MISSION

“Provide Leadership in the Promotion of Accountability and Integrity in State Government”

RULES OF ENGAGEMENT FOR OIG AND DEP

To work together most effectively, the OIG and the Department should strive to:

Foster open communications at all levels. The Department will promptly respond to OIG requests for information to facilitate OIG activities and acknowledge challenges that the OIG can help address. Surprises are to be avoided. With very limited exceptions primarily related to investigations, the OIG should keep the Department advised of its work and its findings on a timely basis, and strive to provide information helpful to the Agency at the earliest possible stage.

Interact with professionalism and mutual respect. Each party should always act in good faith and presume the same from the other. Both parties share as a common goal the successful accomplishment of the Department's mission.

Recognize and respect the mission and priorities of the Agency and the OIG. The Department should recognize the OIG's independent role in carrying out its mission within the Department, while recognizing the responsibility of the OIG to report both to the Secretary and to the Chief Inspector General (CIG). The OIG should work to carry out its functions with a minimum of disruption to the primary work of the Department.

Be thorough, objective and fair. The OIG must perform its work thoroughly, objectively and with consideration to the Department's point of view. When responding, the Department will objectively consider differing opinions and means of improving operations. Both sides will recognize successes in addressing management challenges.

Be engaged. The OIG and Department management will work cooperatively in identifying the most important areas for OIG work, as well as the best means of addressing the results of that work, while maintaining the OIG's statutory independence of operation. In addition, the Department needs to recognize that the OIG also will need to perform work that is self-initiated, requested by the CIG, or mandated by law.

Be knowledgeable. The OIG will continually strive to keep abreast of Department programs and operations, and management will be kept informed of OIG activities and concerns being raised in the course of OIG work. The Department will help ensure that the OIG is kept up to date on current matters and events.

Provide feedback. The Department and the OIG should implement mechanisms, both formal and informal, to ensure prompt and regular feedback.

This information was adapted from the President's Council on Integrity and Efficiency.

WHAT DOES IT MEAN TO BE A MEMBER OF THE OIG TEAM?



You will rock the boat and challenge the status quo.

You will be met with resistance and you must accept that addressing complacency and hesitation is part of OIG's role.

Over time, you will gain the energy to pursue controversial matters even though others may be reluctant to address the issues; you will become more confident as you discover that the end result is change for the better.

You will come to recognize the courage that other parties must exercise to hear what you have to say.

You will understand more fully that reasonable people sometimes disagree and that individuals strongly believe in the merits of their point of view.

To be a member of the OIG team, you will need to award all public victories to others and make your reward in a quiet facilitation of their accomplishments.

You will need to see more in the people you serve than they see in themselves.

You will learn, grow, adapt and feel good about the accomplishments of those you encounter along the way; and

You will take comfort in the fact that your work is so often much more needed and appreciated than you could ever have imagined.

Most of all, OIG team, you will take heart in knowing that your work does indeed make a difference!

This idea for this writing stemmed from a literary work of Ann Bensing.

OIG GUIDING PRINCIPLES



1. Ensure Projects are Meaningful to our Clients

- Projects will focus on needs of and benefits to the client in order to gain management commitment.

2. Involve Appropriate Chain of Command

- Keep OIG and program management involved and informed about projects to establish and maintain support.

3. Establish and Maintain Effective Working Relationships with Management

- Avail yourself to management in order to build rapport, stay abreast of significant developments, identify needs and offer valuable services.

4. Present Management with Options Including Pros/Cons

- Maintain flexibility and adapt to the needs of management by providing carefully derived alternatives including the benefits and consequences of each.

5. Ensure Proper Planning and Management of Projects

- Determine objectives and develop plans based on careful research, analysis and communications with OIG and program management; monitor progress and adjust as needed.

6. Work in Concert with Other Organizations

- Determine other organizations involved in the same or similar areas initiate contacts and avoid duplication of efforts.

7. Measure Results

- Assess accomplishments and evaluate performance.

OIG's ROLE AND FUNCTION



The Office of Inspector General (OIG) is a positive change agent seeking significant enhancements in agency programs and operations. OIG conducts objective audits, investigations and reviews in order to help ensure the integrity of Department programs and operations. OIG findings and recommendations provide managers with valuable information regarding what works well and what needs to be improved. This information is impartial and unbiased since OIG's ultimate responsibility is not to any one individual but to the public interest.

OIG organizations are proponents of better government and their audits, investigations and reviews are helpful in establishing and maintaining the confidence and trust of the public in governmental programs and operations. The work of OIG is dynamic, often challenging and in most instances, highly sensitive and controversial. It is of tremendous benefit to have an office that advocates for objectivity and truthfulness when addressing DEP issues. OIG seeks to balance the complementary but often competing needs of Department managers, staff, elected officials, constituents, advocacy groups and the public at large.

The Inspector General function thrives best when its members have a good inner compass of what is right and wrong; are willing to listen and examine all pertinent information; have the tenacity to work through tedious, contentious issues; and a keen ability to remain neutral and see the big picture. OIG's goal is to help the Department in its quest to be the best agency that it can be.

OIG Staff Directory

Joseph Aita

Director of Auditing

Laurie Apgar

OMC Manager

Roy Dickey

Law Enforcement Major

Bill Flowers

Consultant

Amy Furney

Management Review Specialist

Percy Griffin

Law Enforcement Captain

Pinky G. Hall

Inspector General

Michele Heidel

Senior Management Analyst II

Linda Huck

Management Review Specialist

Michelle Kelley

Staff Assistant

Amanda Marsh

Senior Management Analyst II

Scott McAnally

Management Review Specialist

Andrew McClenahan

Law Enforcement Captain

Kizzy Moscoso

Senior Management Analyst II

Gary Owens

Professional Accountant Supervisor

Maja Parcinski

Senior Management Analyst II

Valerie Peacock

Management Review Specialist

Willis Rabon

Management Review Specialist

Kalondra Ricketts

Staff Assistant

Amy Schmidt

Law Enforcement Captain

Eunice Smith

Management Review Specialist

Kandace Spencer

Office Assistant

Randy Stewart

Management Review Specialist

Jan Thompson

Crime Intelligence Analyst II

Lemuel Toro

Management Review Specialist

Andrea Vaughn

Management Review Specialist

Greg White

Audit Administrator

Gary Wiser

Law Enforcement Captain

Roy Youngblood

Senior Management Analyst Supervisor

Emmy Zhang

Management Review Specialist