

2009-2010

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF INSPECTOR GENERAL

ANNUAL REPORT
FISCAL YEAR 2009-2010

Douglas A. Darling, Inspector General

Mimi Drew, Secretary



Department of Environmental Protection

Memorandum

September 30, 2010

TO: Mimi Drew
Secretary

FROM: Douglas A. Darling
Inspector General

SUBJECT: Annual Report for FY 2009-2010

In accordance with Section 20.055, F.S. enclosed is the annual report for the Office of Inspector General (OIG). While this report documents the many activities that fall within the responsibility of this office, it also reflects the high professional standards of each member of the OIG team. While I have only been here a short time, I can attest that the women and men who perform these audits, reviews, investigations and the administrative support team are among the best in the state.

Additionally, I want to extend my appreciation to the Department employees, supervisors and managers whom we worked with on these various activities. As you know, our recommendations and findings are only valuable when put into operation. We consider them partners in our efforts to serve the people of Florida. Finally, thank you, Secretary Drew and your Leadership Team for the continued support you have shown us. We will continue to work with departmental management and staff to promote integrity, accountability and efficiency throughout DEP.

DD/am

CC: Melinda Miguel
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 4,800 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 responsible for managing state parks, recreational trails and other areas for outdoor activities. DEP is also the state’s primary center for energy policy and is responsible for implementing the Florida Energy Act. In addition, DEP also administers the Florida Forever land-buying program. Through this program, land is purchased for conservation and recreational purposes, and is 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 Section 20.055 (7), F.S., summarizes the activities and accomplishments of the Florida Department of Environmental Protection (Department), Office of Inspector General (OIG) during fiscal year 2009 - 2010. This report shall include but not be limited to the following:

- A description of activities relating to the development, assessment and validation of performance measures

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



INTRODUCTION

Mission Statement and Objectives

The mission of the Office of Inspector General (OIG) is to promote integrity, accountability and efficiency in the Department. The OIG 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 environmental and natural resources. Investigations, reviews and audits will be informed, logical, supportable and timely regarding issues and matters of importance to the Department.

The duties and responsibilities of the Inspector General include:

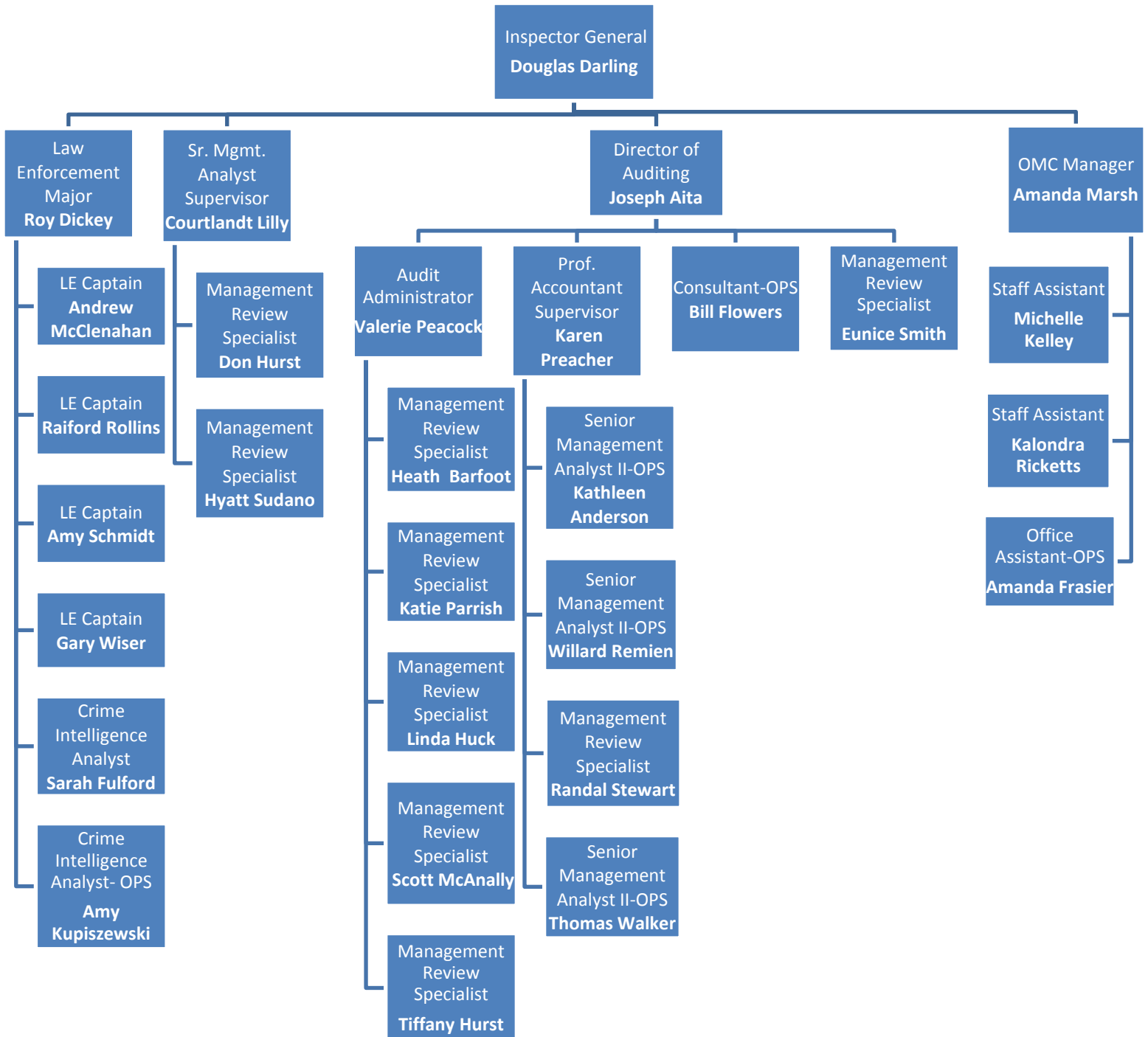
- Advise in the development of performance measures, standards and procedures for evaluating agency programs, assess the reliability and validity of performance measures and make recommendations for improvement.
- Review the actions taken by the agency to improve program performance and meet program standards, while making recommendations for improvement, if necessary.
- Provide direction for, supervise, and coordinate audits, investigations and management reviews relating to the Department's operations. Insuring the Director of Audits manages auditing activities.

- Conduct, supervise and coordinate other activities to promote economy and efficiency and activities designed to prevent and detect fraud and abuse in the Department.
- Keep the agency head informed concerning fraud, abuse and deficiencies in programs and operations, recommend corrective action and provide progress reports.
- Ensure effective coordination and cooperation between the Auditor General, federal auditors and other government bodies with a view toward avoiding duplication.
- Review agency rules and make recommendations relating to their impact.
- Ensure that an appropriate balance is maintained between audits, investigations and other accountability activities.



*Office of Inspector General – Annual Report – FY 2009-2010
 “Promoting Integrity, Accountability and Efficiency”*

The OIG consists of four sections; Audit, Investigations, Program Review and Improvement and Administrative Support. As of the date of this report, there are 29 budgeted positions within the OIG. This includes 23 full-time employees and 6 OPS positions. The distribution of OIG members is described in the below organizational chart:



INTERNAL AUDIT SECTION

The Internal 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 which identifies the areas within the Department scheduled for review using risk assessment criteria. These include management recommendations, audit staff suggestions, results and frequency of prior audits, quality of data systems, and susceptibility to fraud. Both a long range or strategic plan and a one-year plan are included in the Annual Audit Plan.

Audits are conducted in accordance with the International Standards for the Professional Practice of Internal Auditing published by the Institute of Internal Auditors. 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, which is referred to as Generally Accepted Auditing Procedures and Generally Accepted Auditing Standards. 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, the Executive Leadership Team, the Auditor General, and other applicable departmental management.

The Audit Section provides a variety of services in addition to traditional audits. These include, but are not limited to, investigative assistance, reviews, research, management advisory services, performance measure assessments, contract monitoring and fraud prevention presentations, and policy reviews. 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. To meet the requirement of Internal Audit standards, the Internal Audit Section reports on the status of implementation by preparing the Audit Findings Status Report on a biannual basis.

In addition, the Audit Section assists the agency by coordinating audits and reviews of reports completed by the Office of Program Policy Analysis and Government Accountability, the Auditor General and other oversight agencies. The Audit Section reports on the status of the recommendations included in these reports as required by Section 20.055, F.S. As the agency's representative on audit-related issues, the Audit Section reviews and distributes the results of audits pertaining to the Federal and Florida Single Audit Acts and assists the Division of Administrative Services with training and preparation of Compliance Supplements required under the Florida Single Audit Act.

The Audit Section prepares the Annual Audit Plan and Risk Assessment to identify issues of concern to management and risks pertaining to fraud and misuse of funds and other governance issues including information technology, ethical climate, and proper financial and performance reporting. The Fiscal Year 2010-2011 Audit Plan includes projects pertaining to park operations and fee collections, monitoring of contracts and grants including the American Recovery and Reinvestment Act (ARRA) funds, petroleum tanks contracts and expenditures, regulatory enforcement issues, and IT Contracting and IT Systems performance. The Audit Plan also includes the identified Internal Audit Role in monitoring DEP's efforts related to the Deepwater Horizon Oil Spill. The Audit Plan was approved by the Department's Inspector General and Secretary.

Audit Project Summaries

Division of Administrative Services

V-0910DEP-079 Review of Department-Wide Ethics Program

The objective of this review was to evaluate the effectiveness of actions taken by DEP to design, communicate, monitor, promote, and enforce ethical standards and procedures applicable to employees. Audit standards require the OIG to periodically assess the state of the ethical climate within the department. The review period included ethics-related activities during FY 2006-2007, FY 2007-2008, FY 2008-2009.

OIG found that the DEP Code of Ethics and the online training courses are effective in educating employees, creating ethics awareness, and promoting shared values and norms. Further, the DEP Code of Ethics is in compliance with the Governor’s Code and may be considered to be more stringent than Florida Statute requirements. In addition, the DEP’s ethical objectives, programs, and activities are adequately communicated, implemented, and tracked effectively. The DEP Directive 435, regarding ethical conduct of employees, provides general guidance for disciplinary action for unethical conduct. OIG recommended that management should continue to work together to ensure that reasonable, consistent and uniform disciplinary actions are equitably applied.

Office of Technology and Information Services

I-0910DEP-061 Investigative Assistance Regarding Information Technology (IT) Contracting Issues

The OIG Internal Audit staff assisted Internal Investigations with research work in the area of Information Technology (IT) contracting. Results assisted Internal Investigations in the area of contract performance and time tracking.



Division of Recreation and Parks

A-0809DEP-091 Audit of Midway FRDAP Grant

Significant deficiencies related to grant expenditure documentation, procurement practices, and work quality was found in the audit of the Midway FRDAP Grants. The OIG reviewed FRDAP (Florida Recreation Development Assistance) Grants F6036, F6037, A8027, and A9025. OIG also conducted a site visit on August 10, 2009, to verify the existence of project facilities and stated work elements. Incomplete deliverables related to completion of tennis courts, playgrounds, and shuffleboard courts were observed. Also, elements of the bike trails, trail lights, and the horseshoe pit were not completed.

Improvements were recommended to ensure for better internal control and monitoring of the project deliverables. A major improvement will be requiring the Division of Recreation and Parks (Division) to review contractor licensing status with invoices submitted. The Division has agreed to start this practice. Questioned costs for the project totaled \$27,218.68. The OIG is advising the Division of Recreation and Parks on resolving the

issues with the remaining outstanding invoices for these grants.

IA-02-07-2009-12 Financial and Compliance Audit of Amelia Occasions, Inc., at Fort George Island State Park

Amelia Occasions Inc. stopped payment of commissions on wedding planner revenues generated on the State Park property for all of 2008. The OIG determined this to be a significant violation of the contractual agreement to pay monthly fees equal to 23% of gross sales collected. From April 2005 through December 2007; Amelia Occasions Inc. paid the 23% commission on the wedding planner fees, totaling \$12,013.48. In January 2008; Amelia Occasions Inc. stopped making payments on this portion of their business. The amount withheld for calendar year 2008 totals \$6,164.00. The OIG is performing a follow-up review at the request of the Division to determine the current status. In addition, the OIG has suggested that the Division consider incorporating a formal process to document all events being coordinated in the park by the Visitor Service Provider and compare these events to ones reported in the monthly gross sales reports. This may take time to develop historical records as many events are paid for in advance of the event.

IA-11-07-2009-040 Review of Visitor Service Provider (VSP) Annual Audits for 2008

The Office of Inspector General (OIG) concluded a review of accounting year 2008 Certified Public Accounting (CPA) audits of VSP's whose gross sales exceeded \$400,000. A CPA report addressing the Division's agreed upon procedures is required no later than June 30 of the following calendar year, when gross sales exceed \$400,000. According to the Bureau of Finance and Accounting, 17 VSP's reported annual gross sales exceeding \$400,000.

Based on the review of the 2008 reports, some reports do not fully serve the objectives of the agreed upon procedures developed by our office and adopted by the Division primarily because they do not state an opinion on the accuracy of reported

sales and compliance with the terms of the contract. This was also noted in last year's review. We have, when appropriate, incorporated a review of CPA work papers in our VSP audit procedures to understand and improve the work conducted by these CPAs. In conducting our review each year, we have noted that problems with report quality and timely report submittal continue to surface.

A-0910DEP-124 Audit of Friends of Florida State Parks, Inc.

The scope of this audit covered the records of the Friends of Florida State Parks, Inc. in its support of the Division of Recreation and Parks. The objectives were to determine; the accuracy of reported revenue and internal controls, and compliance with applicable laws, rules, and policies. As of March 31, 2010, Friends had \$105,880.87 in current assets. During this period Friends received \$20,431.69 in revenue and expended \$13,234.55 resulting in a new income of \$7,197.14. OIG found that Friends of Florida State Parks, Inc. was in compliance with applicable laws, rules, and policies and with terms of the agreement; in particular: activities, projects and events were approved by the Division of Recreation and Parks (Division) and complied with the work specified by the Division. Permits and licenses were current. Revenues were accurately reported. Internal controls were adequate. Minor enhancements in expenditure controls were adopted during the audit.

A-0908DEP-001 Audit of Florida Recreation Development Assistance Program (FRDAP) Grant to City of Midway

This audit included tests of compliance responsibilities, expenditures and project deliverables related to the City of Midway FRDAP grants for the period August 2005 through June 2009. The objectives were to determine the accuracy of reported expenditures listed in billing submittals, and whether project deliverables have been completed. The audit revealed significant deficiencies and improvements were recommended to ensure for better internal control and monitoring

of the project deliverables. Questioned costs for the project totaled \$27,218.68 and the Division initiated efforts to carefully monitor future invoices.

The accuracy of reported expenditures listed in billing submittals could not be determined based on information provided. There were multiple areas of non-compliance with the grant agreements, FRDAP rules, City Procurement Procedures, as well as lack of documented support for grant expenditures. These included; a lack of bid documentation and related approvals from the City Manager and City Council; inadequate invoices which lacked dates, logical invoice numbers, and had vague descriptions; lacking labor time sheets, invoices, copy of a check or sales receipt; excessive project planning expenses; and use of unlicensed contractors.

OIG recommended the Division of Recreation and Parks (Division) require the city to maintain and follow their adopted procurement procedures. Any future expenditure of grant funds should be well documented with formal bids and approvals as required. In addition, the Division should require the city to obtain and maintain all invoices to substantiate actual grant expenditures. These invoices should provide sufficient detail to support the actual work performed on grant projects. OIG further recommended that the Division track expenditures to ensure restricted categories, such as planning, do not exceed allowable costs. Lastly, in order to minimize risk, OIG recommended the Division ensure the city and other grantees are using only licensed contractors and licensed professionals for actual construction and professional work.

A-0910DEP-080 Audit of Ybor City Citizen Support Organization

This audit included activities of the Ybor City Citizen Support Organization (CSO) during the period October 1, 2006 through September 30, 2008. The objectives were to determine whether the CSO was in compliance with the provisions of the agreement and accurately reported financial information, including compliance with applicable

laws, rules, and internal procedures and to determine the accuracy of reported revenue and expenditures.

OIG found that the CSO generally complied with the agreement with the Department, as well as applicable laws, and the CSO’s financial information was audited by a Certified Public Accountant annually. While expenditures incurred by the CSO were proper, the CSO reporting of grant expenditures was not separately tracked in the CSO’s accounting system. The CSO had adopted improved procedures to make timely deposits of cash receipts. However, during the audit period the deposits were not always timely. Lastly, the CSO owns several buildings and has recorded estimated improvements of \$175,078 for one of these buildings. The CSO did not maintain support of these improvements in their records.

The OIG recommended the Division of Recreation and Parks (Division) require the CSO to make deposits within reasonable intervals and consistent with policy requirements. The OIG further recommended the CSO to establish appropriate accounting codes or subaccounts to identify grant expenditures. Since \$175,000 in improvements represents a large portion of the CSO’s assets and results, we recommended the Division request the CSO provide detailed documentation to support the improvements recorded.

A0910DEP-086 Audit of Hontoon Island Foundation Citizen Support Organization (CSO), Inc.

The scope of this audit included activities of the Hontoon Island Foundation Citizen Support Organization (CSO), Inc., during the period October 1, 2006 through September 30, 2008. The objectives were to determine whether the CSO was in compliance with the provisions of the agreement and accurately reported financial information.

OIG found that the CSO was in general compliance with the contract agreement with the Division of Recreation and Parks (Division). Further recorded

sales revenue and expenses are accurate and supported by source documents. Since the CSO has ten (10) active members, an adequate level of separation of duties is difficult to achieve. The CSO has successfully raised revenue from store sales and donations to add value to the park. Lastly, the CSO has installed a disabled accessible boardwalk, created a visitor center, and built a playground for children.



Division of Water Resource Management

A-0910DEP-088 Audit of Operator Certification Program meets standards

This audit found that license case data on drinking water and wastewater operators reported to the U.S. Environmental Protection Agency (EPA) was under-reported by the Operator Certification Program (OCP). The EPA accepted this reporting and is aware that the OCP is not in control of enforcement. Further, the EPA issued a memo stating the OCP met federal standards. However, this audit identified improvements relating to consistent reporting of compliance cases because of the variances between the enforcement and licensing data and databases. In addition, as a result of the audit, verification of licensure status is required when doing permit inspections of drinking water facilities.

State Revolving Fund (SRF) Financial Presentations Audit

The special purpose financial presentations are provided to comply with the provisions of a grant agreement between the Florida Department of

Environmental Protection (Department) and the United States Environmental Protection Agency (USEPA). During this audit, the Office of Inspector General (OIG) found that the Department's special purpose financial presentations presented fairly the financial position of the Clean Water and Drinking Water Revolving Funds as of June 30, 2007, and the revenues, expenditures, and changes in fund balance for the period July 1, 2006 through June 30, 2007. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Finally, the OIG noted no matters involving the Department's internal controls over financial reporting and its operation that OIG considered to be material weaknesses.

IA-03-14-2010-025 Limited Review of Grant to Broward Soil & Water Conservation District Regarding Payments of Subcontract 07BO1

The OIG performed a limited review of the Grant to Broward Soil and Water Conservation District Regarding Payments for Subcontract 07BO1. The purpose of the review was to provide advice related to invoices for project management services. The OIG determined that the invoice request was consistent with contractual requirements but recommended that the program require timesheets for project management services in future contracts.

A-0910DEP-064 Review of Grant to Broward Soil & Water Conservation District Regarding Subcontractor Payments

This project was a limited review of Department contract with Broward Soil & Water Conservation District (District) for Beach Improvement Regarding Payments. The objective was to identify proper documentation for a Project Management fee that was reimbursed at the end of the contract period. The OIG made recommendations for improved reimbursement processes and justification for expenses.

A-0910DEP-088 Audit of the Operator Certification Program

The scope of this audit included the Operator Certification Program’s compliance with the U.S. Environmental Protection Agency guidance. The objectives were to; determine compliance with U.S. Environmental Protection Agency guidance on conducting program reviews through December 2008; determine accuracy of reporting to the U.S. Environmental Protection Agency for the March 2009 report; and present a comparison of revenues and expenditures during state fiscal years 2004-2008.

OIG found that the Program complied with U.S. Environmental Protection Agency guidance. In addition, fees are set at a level that meet the program’s current and upcoming expenses. We recommended improvements to the OCP database. We further recommended operator license review should be a mandatory step on wastewater inspections.

E-0910DEP-092 American Recovery and Reinvestment Act (ARRA) Fraud Awareness Survey

The Office of Inspector General (OIG) conducted a survey of the recipients of ARRA funding for the construction and renovation of water facilities. The survey focused on identifying efforts within each organization to address fraud prevention related to ARRA funding. Through this survey, OIG found that the local sponsors generally demonstrated a strong awareness of ARRA requirements related to accountability and fraud prevention and reporting.

The majority of sponsors were able to identify sound internal controls including: multiple layers of reviews of invoices by field inspectors, engineers, city managers, and accounting staff; use bid documentation including splitting up of project into separate bid components; change order control to prevent excessive change orders; and use of fraud hotlines and fraud policies. The results were provided to program staff as a part of their oversight efforts.

H-0910DEP-093 Review of American Recovery and Reinvestment Act (ARRA) Data Reporting and Project Oversight

The Office of Inspector General (OIG) conducted a review of four of the local sponsors receiving ARRA funding for Clean Water and Drinking Water Sate Revolving Fund loans. This review included site visits to the City of Clewiston, City of Cocoa, City of Sanford, and City of Marianna. The objective of this review was to evaluate and report on internal controls and oversight for data reporting, accountability, compliance and project oversight of ARRA water facilities awards administered by the Bureau of Water Facilities Funding.

OIG found that local sponsors were adhering to ARRA requirements covered under the review with minor corrections related to ARRA signage requirements and reporting of job hours for contingency funds. The sites observed were being well managed with work being performed within budget and generally on schedule.



Division of Air Resource Management

A-0809DEP-002 Audit of Title V Air Program

The scope of this project was a compliance audit of the Title V Air Program in Florida for the period beginning July 1, 2006 through June 30, 2008. The objectives of the audit were to determine; whether all Title V fees for FY 2006/2007 through FY2007/2008 were collected and accounted for, and whether supporting documentation indicates that expenditures paid from Title V funds were allowable under the program as required by 403.0872 (11) (c), F.S. OIG found that the Division of Air Resource Assessment Management (Division) has developed a system of controls that successfully accounts for the revenues and expenditures from the Title V account.

The City of Jacksonville/Duval County billed 100% of eight employees' time for Title V activities as opposed to the actual hours worked on Title V activities. OIG recommended the Division take steps to ensure that reimbursement requests contain the appropriate documentation to support amounts requested for reimbursement by Title V contractors. Reports should include a calculation of the amount of salary and fringe costs that are associated with the recorded hours and should also evidence approval by a third party of the hours entered into the system. Any amounts billed in excess of the costs associated with actual hours worked for the billing period should be denied.



Division of Law Enforcement

Office of Inspector General's Assistance to Other Agencies

I-0910DEP-027 Investigative Assistance Regarding State Park Accounting Discrepancies

The OIG Internal Audit staff assisted Internal Investigations with research work in the area of State Park bank deposits. Results assisted Internal Investigations in the area of potential deposit lapping.

I-0910DEP-060 Investigative Assistance Regarding State Park Use of P-Card

The OIG Internal Audit staff assisted Internal Investigations with research work in the area of Purchasing Card usage. Results assisted Internal Investigations in determining Purchasing Card violations. In this case, no violations had occurred.

IA-11-08-2010-026 Maintenance of Confidential Funds: Revolving Account

The Division of Law Enforcement maintained adequate documentation and safeguards for the E&I Revolving Fund. The OIG review of the revolving fund revealed that Disbursement records, bank reconciliations, and case files supporting the disbursement activity were adequate. The OIG did not have findings for the two quarters reviewed. The Division is in the process of reviewing procedures to provide further safeguards and oversight.

H-0910DEP-065 Review of Division of Law Enforcement Evidence and Information Revolving Fund Account

OIG reviewed the Evidence and Information Revolving Fund Account (E&I Account). The account is used for payment to investigative sources as well as investigative expenditures that cannot be paid through the standard State purchasing mechanisms. The objective was to determine if the account activity for the period reviewed was reasonable, allowable, and necessary.

OIG found that transactions were for legitimate investigative purposes. Appropriate account balance information was maintained. This included detailed information to support transactions of receipts and outlays. In addition, appropriate bank account

information was maintained in the form of bank reconciliations, agreements with DFS, and signature card files.

IA-11-08-2009-044 Assistance to the Division of Law Enforcement for the Evaluation of Performance Measures

OIG assisted the Division in evaluating its performance measures. Specifically, OIG reviewed factors that contribute to reducing the number of incidences of environmental crimes committed. OIG and Division staff came together to develop measures that considered quantity and the quality of output by the Division.



Division of Waste Management

A-0809DEP-094 Audit of DOH Water Well Sampling Contract proposes options

This audit of Well Sampling Contracts between the Department and the Department of Health (DOH) found no exceptions with regard to financial compliance; however, several observations were made as options to improve the program and ensure better agency coordination. Those observations were:

- Enhance efforts for timely identifying and sampling potentially contaminated water wells by:

1. Educating the public of the need for water well sampling to increase access and awareness.

2. Establishing the requirement for access to well heads and well sampling ports on new wells or replaced well heads. This should increase the likelihood of getting good samples. The closer to

the well head the sample is taken the less chance of the system contaminating the sample.

3. Establishing a collection point for GPS and contact information on wells. This would decrease the amount of time taken to identify wells for sampling in an area where a pollution event occurs.

4. Establishing a requirement to close wells, so that reactivation will be readily identifiable.

5. Encouraging and promoting the DOH's consolidation of water well sampling and survey work.

- The Contract Manager demonstrated an in-depth understanding of the various issues including the conflict between the two departments' management regarding testing irrigation wells that had more to do with the accomplishment of perceived missions than performance. The issue at DOH and the County Health Department appears to be a mission and resource issue, which has been compounded by the current economic environment.

Division of State Lands

IA-03-03-2009-024 Review of Selected Items from the 2007 Audit and Operational Reports Submitted by Babcock Ranch Management, LLC

The scope of this project included a review of selected items from the 2007 Annual Audit and Operational Reports of Babcock Ranch Management, LLC, and other records as deemed necessary. The agreement with Babcock Ranch Management, LLC is managed through the Division of State Lands. The objectives of this project were to; evaluate the method used to allocate each department of the business for the purpose of summarizing operational and financial results; review the purpose and documented support for journal transfers due to and from related parties; review the items included in the costs of goods sold, expenses, and administrative costs; and review selected items and requirements to include insurance.

Due to the nature of the ranch and shared business operations, both the public and privately owned sides contribute to the success of the property as a whole. OIG made recommendations in several areas of the agreement with Babcock. Regarding revenue and expense allocation: the Division needed access to financial records from the private company as well as Babcock Ranch Management LLC to gain familiarity with the pertinent business records of the private company in order to validate the revenue and expenses before the allocation process. Regarding related party transfers: specific transfer circumstances, justification of amounts, and detailed documentation justifying these transfers needed to be made available to the Division for review to ensure the original investments were used solely for the property and that these invested amounts match the journal transfers back to the private company. Regarding assets, the Division needed to develop a process to track assets of the ranch over time to ensure the preservation of required assets to effectively operate the ranch, oversee management operations, and determine total inventory at the expiration of the agreement.

Other Projects

P-0910DEP-043 Research and Development Project for New Audit Project Tracking System

Historically, for audit project tracking, the audit section has used a combination of Microsoft Office applications, including an access database, along with a paper filing system. In recent years, the Department of Children and Family Service (DCF) Office of Inspector General (OIG) developed an Integrated Internal Audit Management System (IIAMS) for audit project tracking and management. During the 2009-2010 fiscal year, we adopted this system to migrate all audit section projects to complete electronic management and storage. DEP was among the four agencies using

this system when DCF rolled IIAMS out as a state-wide system for use by all Offices of Inspectors General Internal Audit Units. At the end of 2009-2010, 18 agencies were using the system. DEP OIG continues to be involved in the enhancement of the system.

Office of Inspector General's Assistance to Other Agencies

I-0910DEP-027 Investigative Assistance Regarding State Park Accounting Discrepancies

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I-0910DEP-060 Investigative Assistance Regarding State Park Use of P-Card

The OIG Internal Audit staff assisted Internal Investigations with research work in the area of Purchasing Card usage. Results assisted Internal Investigations in determining Purchasing Card violations. In this case, no violations had occurred.



Bureau of Petroleum Storage Systems



A-0910DEP-084 Orange County Site Cleanup Program - GC628

The scope of the audit included an examination of the contract GC628 (Contract) between the Orange County Board of County Commissioners (County) and the Florida Department of Environmental Protection (Department). The period audited was July 1, 2005 through June 30, 2008.

The objectives were to determine whether:

1. The actual costs reported by the Local Program were reasonable and incurred in conjunction with the contract;
2. The Local Program complied with contractual agreements regarding administrative performance criteria (Attachment I to the Contract).

Orange County incurred costs that were reasonable and allowable under the contract. Also, the County complied with contractual performance criteria relating to site cleanup activities.

IA-02-12-2009-096 Audit of Columbia County Petroleum Tank Compliance Inspection Services

The scope of the audit included an examination of the contract GC700 (Contract) between the Department of Environmental Protection

(Department) and the Florida Department of Health, Columbia County Health Department (County) to determine if the County complied with the terms of the Contract. The period audited was the beginning of the Contract July 01, 2007 through June 30, 2008.

The specific objectives were to determine whether:

1. The actual costs reported by the County were reasonable, accurate and incurred in conjunction with the contract.
2. The County complied with the contract's performance requirements as stated in the contract.

Even though the County generally complied with all performance requirements, the amounts reported on the financial statement for the period July 1, 2007 through June 30, 2008, could not be verified for accuracy or expended only for activities within the scope of the contract. The data supporting the year-end financial statement submitted by the County for Contract GC700, task 1, was not accounted for in a separate fund or cost center and expenditures were inadequately documented.

Specifically, the County could not determine the basis for allocating salary and benefits and overhead to the contract. Other issues included the underreporting of travel expenses charged to

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Contract GC700 and inaccurate charging of vehicle expenses and other overhead costs to the contract. Because of the above errors, the OIG cannot be assured that the amounts reported were actually expended on the Contract. Also, the OIG could not determine the fund balance. Without proper accountability, the risk for misappropriated funds increases. Additionally, the usefulness of the annual financial statement for management in decision-making is compromised if the financial information is in question.

The OIG recommended that the Division direct the County to establish a separate fund or cost center for each of their contracts to account for funds as required by both contracts. Also, the calculation for salaries and benefits should be made using actual year end gross salary as recorded in the accounting records; the allocation of salaries to the two contracts should be based on estimates of actual time spent on the contracts by all personnel charging time to the contract; the overhead rate should be agreed upon by both parties to the contract and should disclose the items to be funded by this rate; and lastly, the OIG recommended that all costs incurred should be recorded accurately, be supported by documentation and be included in the financial statement to present an accurate record of the cost for providing the service. It was also recommended that the County should submit an amended financial statement for the period July 1, 2007 through June 30, 2008.

IA-02-12-2009-035 the Contract GC620 Alachua County Board of Commissioners

The scope of this audit included the financial and performance records of Alachua County Board of County Commissioners Contract and the Department's records for the period July 1, 2004 through June 30, 2008. This included Task Assignments four (4) through seven (7). Current procedures were evaluated as considered necessary.

The objectives were to determine if:

- The actual costs reported by the County were reasonable and actually incurred in conjunction with contract activities.
- The Fund Balance reported by the County was accurate.
- The County complied with contractual performance requirements.

OIG determined that the actual costs reported by the Local Program were generally in conjunction with the Contract and were reasonable. Also, OIG determined that the Local Program generally complied with the Contract's performance criteria. However, non-related courses, books and equipment totaling \$2,805.76 were charged to the program. The Division of Waste Management and the County have taken appropriate corrective actions.

IA-02-12-2009-080 Audit of Florida Department of Health, Gadsden County Health Department Compliance Contract GC707

The scope of this audit included the financial and performance records of Columbia County's Department of Health (County) and the Department's records for the period July 1, 2007 through June 30, 2008. Current procedures were evaluated as considered necessary. The objectives were to determine if:

- The actual costs reported by the County were reasonable and actually incurred in conjunction with contract activities.
- The Fund Balance reported by the County was accurate.
- The County complied with contractual performance requirements.

The County expenditures were in conjunction with the Contract requirements. The expenditures related to the Contract appeared to be reasonable. The County conducted the minimum required number of annual inspections required by the task assignment.

IA-02-12-2009-073 Contract GC630 Sarasota County Site Cleanup Management Services

The scope of this audit included the financial and performance records of Sarasota County’s Department of Health (County) and the Department’s records for the period July 1, 2005 through June 30, 2008. This included Task Assignments five through seven of Contract GC630. Current procedures were evaluated as considered necessary. The objectives were to determine if:

- The actual costs reported by the County were reasonable and actually incurred in conjunction with contract activities.
- The County complied with contractual agreements regarding administrative performance criteria.

Sarasota County was in compliance with the contractual requirement for site cleanup work. The OIG did find that actual costs reported by the County were generally in conjunction with the Contract and were reasonable, except for the vehicle costs of \$1,652.19 charged to the Site Cleanup Program in error. In addition, the County’s task 5 Financial Statement receipts were overstated by \$1,034.14 which suggests that the County should submit amended Financial Statements for tasks 5, 6, and 7. The OIG also determined that the County generally complied with contractual agreements regarding administrative performance criteria.

IA-02-12-2008-066 Audit of Osceola County Compliance Contract GC551

The scope of this audit included the financial and performance records of Alachua County Board of County Commissioners (County) and the Department’s records for the period July 1, 2004 through June 30, 2008. This included Task Assignments four (4) through seven (7) of Contract GC620. Current procedures were evaluated as considered necessary.

The objectives were to determine if:

- The actual costs reported by the Local Program were incurred in conjunction with the contract;
- The actual costs reported by the Local Program were reasonable; and,
- The Local Program complied with contractual agreements regarding administrative performance criteria (Attachment I of the contract).

Osceola County incurred costs that were in conjunction with the Contract. During the audit, inappropriate costs of \$2,828.20 were found. The fund balance for the end of contract GC551 also had inaccuracies related to carry-overs and other discrepancies. The correct fund balance was determined to be \$193,410.03. The Division reduced future funding to adjust for the \$2,820 and also the County was planning to prepare a revised financial statement.

IA-02-12-2009-041 Audit of Pasco County Compliance Contract GC696 Division of Waste Management

The scope of this audit included a financial examination of the contract GC696 (Contract) between the Department of Environmental Protection (Department) and the Department of Health, Pasco County Health Department (County) for the storage tank system compliance verification program in Pasco County. The period audited was July 1, 2007 through June 30, 2008. The Office of Inspector General’s testing of selected costs identified that the County was in general compliance with the Contract and expenditures were determined reasonable. The County did adhere to the Contract’s performance requirements. However, accountability for financial reporting related to the Contract was not always maintained in accordance with the Contract’s requirements. For instance, OIG identified costs for salary and indirect expenses that were applicable to the Contract, and reported to the Department as costs, but were not captured in the program’s accounting fund. These variances were acknowledged and corrected by the County previous

to the audit's conclusion; therefore, the OIG did not report the variances as findings.

IA-22-12-2009-004 Contract Management Reports of Certified Public Accountant (CPA) Agreed-Upon Procedures Attestations Preapproval Program for the Period of July 2008 through June 2009

The Department of Environmental Protection (Department), Office of Inspector General (OIG), issued Task Assignments to the eight (8) CPA firms under contract to perform Agreed-Upon Procedures, in accordance with the AICPA (America Institute of Certified Public Accountant is a National Professional Association for Certified Public Accountants in the United States). Statements on Standards for Agreed-Upon Procedures Engagements. The task assignments were issued under the Preapproval Program pursuant to Section 376.30711, Florida Statute (F.S.). The Agreed-upon Procedures attestations were to relate to specific contracts, and supporting documentation, issued by the Bureau of Petroleum Storage Systems (Bureau) for the remediation and/or rehabilitation of petroleum contamination sites. The period of this report was July 1, 2008 through June 30, 2009.

The scope of the studies was to establish contact with assigned Remediation Contractors (RC) for the purpose of reviewing active (ongoing) Petroleum Preapproval Program Work Orders to verify RC performance, compliance, financial accountability, and management protocols/procedures with the prime focus being that of comparing actual cost(s) to the Standard Operating Procedures (SOP) template worksheet cost guidelines. Further, objectives were to evaluate the effectiveness of preapproval Work Orders for controlling contaminated site cleanup costs and timeliness of the work activity; review all applicable RC records for establishing job cost accountability and, report any/all unauthorized performance variances, compliance deviations, and accountability discrepancies. This review specifically involved the following:

- Compare the Template Cost Worksheet Guidelines (template) time allowed per event/activity and the actual time used-record any/all variances in Attachment A;
- Compare the template allowed labor rates and the actual labor rates paid – record any/all variances in Attachment B; and,
- Compare the template labor classifications required per event/activity to the actual labor classifications used – record any/all variances and individual qualifications in Attachment C.

The results of these reviews were as follows:

- Twelve (12) of the fifteen (15) RCs' did not capture costs at the event/activity level, however they did maintain other supporting documentation adequate for determining the approximate cost of Work Order activity.
- Of the sixty (60) available activities performed, twenty-seven (27) RC employees used less time, six (6) used equal time, and eight (8) used more time when compared to the template guidelines.
- Of the thirty-two (32) RC employees performing the activities, seventeen (17) employee labor rates paid were less, and fifteen (15) were more than the template guidelines.
- Twenty-seven (27) RC employees were qualified for the activities they performed and five (5) were not when compared to the template guidelines.

A-0910DEP-078 Audit of Martin county Petroleum Storage Tank Compliance Inspection Program Contract GC 705

The scope of this audit included an examination of the Contract GC705 (Contract) between the Department of Environmental Protection (Department) and the Florida Department of Health

Martin County Health Department (County) to determine if the County complied with the terms of the Contract. The period audited was the beginning of the Contract July 01, 2007 through June 30, 2009. The OIG conducted interviews with the Department and the County program staff, examined appropriate program records and conducted other procedures as were considered necessary under the circumstances. The specific objectives were to determine whether:

- The actual costs reported by the County were incurred in conjunction with Contract activities.
- The costs reported by the County were reasonable.
- The County complied with the Contract’s performance requirements.

The OIG’s testing identified that the County’s actual costs were generally incurred in conjunction with the Contract activities and considered reasonable; recurring costs such as cell phones and vehicle expenses should be monitored for reasonableness and necessity. The County was reminded that all expenditures should provide a clear and concise purpose to the petroleum storage tanks inspection program. The County met the performance requirements of the Contract. There were no findings or recommendations for this audit.

A-0910DEP-077 Audit of Citrus County Compliance Verification Services (GC712)

The scope of this audit included the financial and performance records of Citrus County’s Department of Health (County) and the Department’s records for the period July 1, 2007 through June 30, 2008. This included Task Assignment One of Contract GC712. Current procedures were evaluated as considered necessary. The objectives were to determine if:

- The actual costs reported by the County were reasonable and actually incurred in conjunction with contract activities.
- The Fund Balance reported by the County was accurate.

- The County complied with contractual performance requirements.

The OIG conducted interviews with the Department and County program staff and examined appropriate program records and conducted other procedures as were considered necessary under the circumstances. Based on the OIG’s tests of the County’s accounting records, the Year End Financial Statement was not accurate. The ending Fund Balance for task year one was found to be \$4,129.45 less than that reported to the Department. Problems noted during our comparison of the County accounting records and Statement were: (1) there were minor discrepancies between the accounting record and the Statement totaling \$3,763.44 which contributed to a total overstatement of the ending fund balance of \$4,129.45; (2) a pharmacy charge of \$366.01 was inadvertently charged to the compliance program; and (3) the County’s policy is not to charge their indirect costs to the contract if it would cause the expenses to exceed the amount of the task assignment; thus, the true cost of the compliance verification program is not reported. Accuracy is expected in the preparation of all financial data reported to the Department. It was recommended that the Bureau of Petroleum Storage Systems (BPSS) remind County management to pay more attention in the preparation of these Statements for future contracts.

A-0910DEP-069 Audit of Nassau County Petroleum Tank Compliance Inspection Services Division of Waste Management Contract GC677

The scope of the audit included an examination of the contract GC677 (Contract) between the Department of Environmental Protection (Department) and the Florida Department of Health, Nassau County Health Department (County) to determine if the County complied with the terms of the Contract. The period audited was the beginning of the Contract July 01, 2007 through June 30, 2009. The OIG conducted interviews with the Department and the County program staff and examined appropriate program records and

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conducted other procedures as were considered necessary under the circumstances. The specific objectives were to determine whether:

- The actual costs reported by the County were reasonable, accurate and incurred in conjunction with the contract.
- The County complied with the contract's performance requirements as stated in the contract.

The OIG's examination disclosed the following: (1) the County charged two different indirect cost rates for the two fiscal years under audit. Both rates appeared reasonable but the County does need to provide support for the indirect rates and these rates should be applied consistently to all contracts or grants; (2) the OIG's calculation of salaries based on information provided by the County did not agree with the amount reported in the Year End Financial Statements, for 2007-008 the salaries and benefits were overstated by \$205.33 and for 2008-2009 the salaries and benefits were understated by \$2,931.48; and (3) a cell phone for an employee who did not work in the program was charged to the program in error, the amount of the overcharge was \$340.30. The effect of these minor over and undercharges would be to eliminate the \$191.51 fund balance as of June 30, 2009 and show that expenditures exceeded revenues resulting in a zero fund balance. The OIG does not have a recommendation concerning the minor over (under) statements as the County provided revised financial statements for both years which corrected the findings noted above. The OIG does recommend that the County should maintain supporting documentation for indirect costs charged to the contract and obtain approval for the rate charged to the contract.

A-0809DEP-094 Audit of DOH Water Well Sampling Contract proposes options

The scope of the audit was an examination of the Contract GW251 (Contract) between the Department of Environmental Protection (Department) and the Department of Health (DOH) to determine if DOH complied with the Contract.

The period audited was July 1, 2005 through June 30, 2008 and selected events.

The objectives are to determine whether:

1. The DOH complied with the financial aspects of the Contract to include the direct funding appropriation.
2. The costs charged to the Contract were in conjunction with the program and reasonable.
3. The DOH complied with the Contract's performance requirements.

This audit of Well Sampling Contracts between the Department and the Department of Health (DOH) found no exceptions with regard to financial compliance. In addition, the contract manager demonstrated an in-depth understanding of the various issues including the conflict between the two departments' management regarding testing irrigation wells that had more to do with the accomplishment of perceived missions than performance. The issue at DOH and the County Health Department appears to be a mission and resource issue, which has been compounded by the current economic environment. The OIG provided options to improve the program and ensure better agency coordination. Specifically;

Enhance efforts for timely identifying and sampling potentially contaminated water wells by:

- Educate the public of the need for water well sampling in order to increase access and awareness.
- Establish the requirement for access to well heads and well sampling ports on new wells or replaced well heads. This should increase the likelihood of getting good samples. The closer to the well head the sample is taken the less chance of the system contaminating the sample.
- Establish a collection point for GPS and contact information on wells. This would decrease the amount of time taken to identify wells for sampling in an area where a pollution event occurs.
- Establish a requirement to close wells, so that reactivation will be readily identifiable.

- Encouraging and promoting the DOH’s consolidation of water well sampling and survey work.

A-0910DEP-081 Audit of St. Johns County Petroleum Tank Compliance Inspection Services Division of Waste Management Contract GC708

The scope of the audit included an examination of the contract GC708 (Contract) between the Department of Environmental Protection (Department) and the Florida Department of Health, St. Johns County Health Department (County) to determine if the County complied with the terms of the Contract. The OIG conducted interviews with the Department and the County program staff and examined appropriate program records and conducted other procedures as were considered necessary under the circumstances. The period audited was the beginning of the Contract July 01, 2007 through June 30, 2009. The specific objectives were to determine whether:

- The actual costs reported by the County were incurred in conjunction with the contract.
- The actual costs reported by the County were reasonable.
- The County complied with the Contract’s performance requirements.

The OIG determined that the County significantly overstated its expenditures for this contract; which caused the fund balances for tasks 1 and 2 to be understated by \$21,998.26 and \$41,220.93 respectively. This resulted in contract money’s being potentially expended for programs outside the scope of the contract or Florida Statutes. The OIG recommends that the County submit revised financial statements for both task 1 and task 2. The County should also either refund the moneys to DEP in excess of the 10% threshold as of June 30, 2009 (Task 2) or submit a written proposal to DEP with its amended task 2 financial statement outlining its plan for the excess funds and negotiate with DEP on a settlement.

A-0910DEP-051 Management Memo on Compliance Contract GC675 with Monroe County

The OIG examined Contract GC675 to determine if Monroe County complied with the terms of the contract. A limited analysis of information supplied by the County and data obtained from the Department databases was performed. Based on the information reviewed the costs reported by the County appeared to be in conjunction with the Contract and were reasonable. The County generally complied with contractual agreements regarding administrative performance criteria. The OIG did not notice any adverse performance variances.



A-0910DEP-047 Audit of Hendry County Petroleum Tank Compliance Inspection Services Division of Waste Management Contract GC685

The scope of this audit included an examination of the Contract GC685 between the Department of Environmental Health Protection and the Florida Department of Health, Hendry County Health Department (County) to determine if the County complied with the terms of the Contract. The period audited was the beginning of the Contract July 01, 2007 through June 30, 2009. The OIG conducted interviews with the Department and the County program staff and examined appropriate program records and conducted other procedures as were considered necessary under the circumstances. The objectives were to determine whether:

- The actual costs reported by the County were reasonable, accurate and incurred in conjunction with the contract.

- The county complied with the contract's performance requirements as stated in the contract.

The OIG determined that the County overstated its expenditures for this contract; which caused the fund balances for task 1 and 2 to be understated by \$14,176.21. This resulted in contract moneys being potentially expended for programs outside the scope of the contract or Florida Statutes. The OIG recommended that the County submit revised financial statements for both task 1 and task 2. The County should also either refund the unspent fund balance moneys to the Department or submit a written proposal to the Department outlining a plan for the excess funds and negotiate with the Department on a settlement.

A-0910DEP-063 Audit of Desoto County Compliance Verification Services Contract GC711

The scope of this audit included the financial and performance records of Desoto County's Department of Health (County) and the Department's records for the period July 1, 2007 through June 30, 2009. This included Task Assignments 1 and 2 of Contract GC711. Current procedures were evaluated as considered necessary. The objectives were to determine if:

- The actual costs reported by the County were actually incurred in conjunction with contract activities.
 - The costs reported by the County were reasonable.
 - The County complied with contractual performance requirements.
- The OIG determined that Desoto County's expenditures were reasonable and actually incurred in conjunction with contract activities for the Compliance Verification Program activities and that the County complied with contractual performance requirements.

A0910-DEP-076 Remediation Equipment Management Contracts Audit GC617 and GC674

The scope of this Operational Audit of Contracts (GC617/674) awarded to WRS Infrastructure and Environment, INC. (WRS) encompassed the control of inventory and use of petroleum remediation equipment owned by the state for utilization in specific petroleum cleanup projects by private vendors under contract with the Department of Environmental Protection (Department). This included Task Assignments thirty-eight through forty-seven of GC617 and Task Assignments one through three of GC674 and covered the period July 1, 2004 through June 30, 2008. Current procedures were evaluated as considered necessary. The objectives were to determine if:

- WRS conducted an annual inventory of all the equipment in their charge.
- WRS satisfactorily completed the task assignments issued during this period.
- WRS properly and timely repaired or disposed of unserviceable equipment during the period.

The OIG determined that although the annual inventories were conducted each of the three years there were several issues with the inventory process. Problems noted were (1) the annual inventory verification process was incomplete and could be made more efficient; (2) the Certification for the disposal of surplus equipment was untimely and incomplete (unsigned certificate); (3) the web-based listing of reusable equipment for contractor use was not current; (4) although documentation to support 3 years of processing of equipment was not provided when requested, an unverifiable version was provided as the audit report was being finalized.

STATUS OF PRIOR YEAR RECOMMENDATIONS

The Department monitors the implementation of prior audit findings on a biannual basis and reports on the status to the Executive Leadership Team in the Audit Findings Tracking Report. Of the 34 projects reported in last year’s annual report; seven had recommendations that were fully implemented and 26 had no recommendations. For the review of the Financial Management of Guana Tolmato Matanzas National Estuarine Reserve (Project IA-02-26-2008-046), the OIG is monitoring implementation.

In addition, the Office of Inspector General reviewed the status of recommendations pertaining to three Auditor General Audits. Recommendations for these audits have been fully implemented. These Audits were Management of State Financial Assistance, Report (2008-128) and Lease, Easements, and Other Uses of State Owned Lands, Report (2010-028), and an Information Technology Operational Audit Payment Card Programs Report (2010-005).

A complete list of these 42 projects can be found in APPENDIX - A.



INTERNAL INVESTIGATIONS SECTION



The Inspector General is responsible for the management and operation of the agency's Internal Investigations Section. The OIG's Director of Investigations supervises this section. 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. Investigations are designed to deter, prevent and eradicate fraud, waste, mismanagement, misconduct and other abuses.

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, as defined in Section 20.055 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 all other complaints (non-Whistle-blower's Act) and conducting such inquiries and investigations as the Inspector General deems appropriate.
- Conducting criminal investigations related to alleged employee misconduct or reporting expeditiously to the Florida Department of Law Enforcement (FDLE) or other law enforcement agencies, as deemed appropriate by the Inspector General.
- 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 OIG to the agency Secretary, except for Whistle-blower investigations, which are conducted and reported pursuant to Section 112.3189, F.S.

Procedures for Receiving Complaints

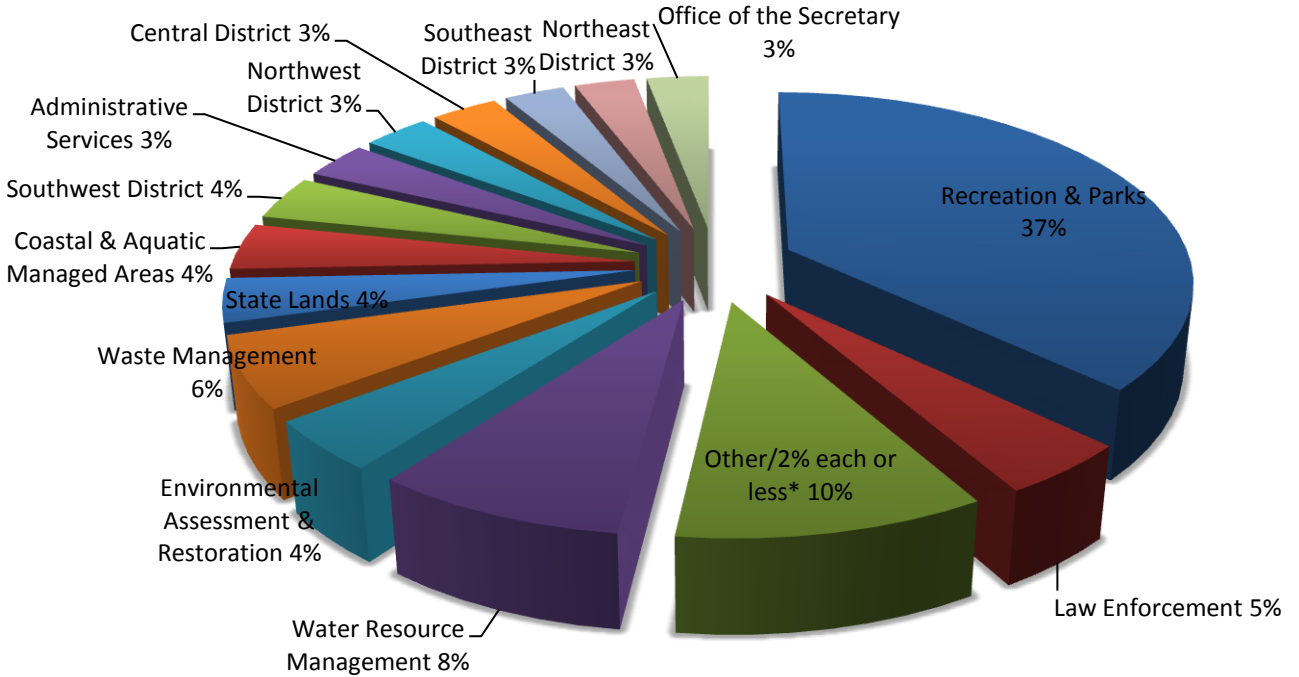
The Internal Investigations Section (IIS) receives complaints that address many aspects of departmental activity from a wide variety of sources ranging from the Governor’s Office, through the Chief Inspector General or the Whistle-blower Hotline, to a member of the general public. Other sources of complaints include the Comptroller’s Get Lean Hotline, The OIG website, Department management or employees throughout the Divisions or Districts. Some complaints are broad and may address entire programs while others are very specific and focus on a single action of a Departmental employee. Complaints are received by letter, telephone call, e-mail and can be internally generated by a manager/supervisor who requests an investigation. A few complaints are anonymous while some are referred by other agencies or information which is developed internally by an OIG staff member while addressing other issues. Each complaint or concern is documented and reviewed in order to determine how it should be addressed. Does it allege a violation of a Department Directive, procedure, rule or law? Is it a performance issue or does it involve potential misconduct? Is it criminal or administrative in nature? Who should be

responsible for the investigation: Department managers or the IIS? Complaints that are more serious in nature which may result in disciplinary action such as a suspension, demotion or dismissal (i.e. Discrimination/Sexual Harassment), are handled by IIS. All cases are monitored and tracked whether handled internally 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 also reviewed by a prosecutor, in the appropriate jurisdiction, to determine its prosecutorial merit.

Completed investigations are reported in a case summary and the recommended finding(s) are presented to the appropriate district or division director. If a case is closed with a *sustained* finding that a 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 determining the appropriate disciplinary action. This is important in ensuring that there is impartiality in the investigation and consistency in how discipline is applied across the agency.

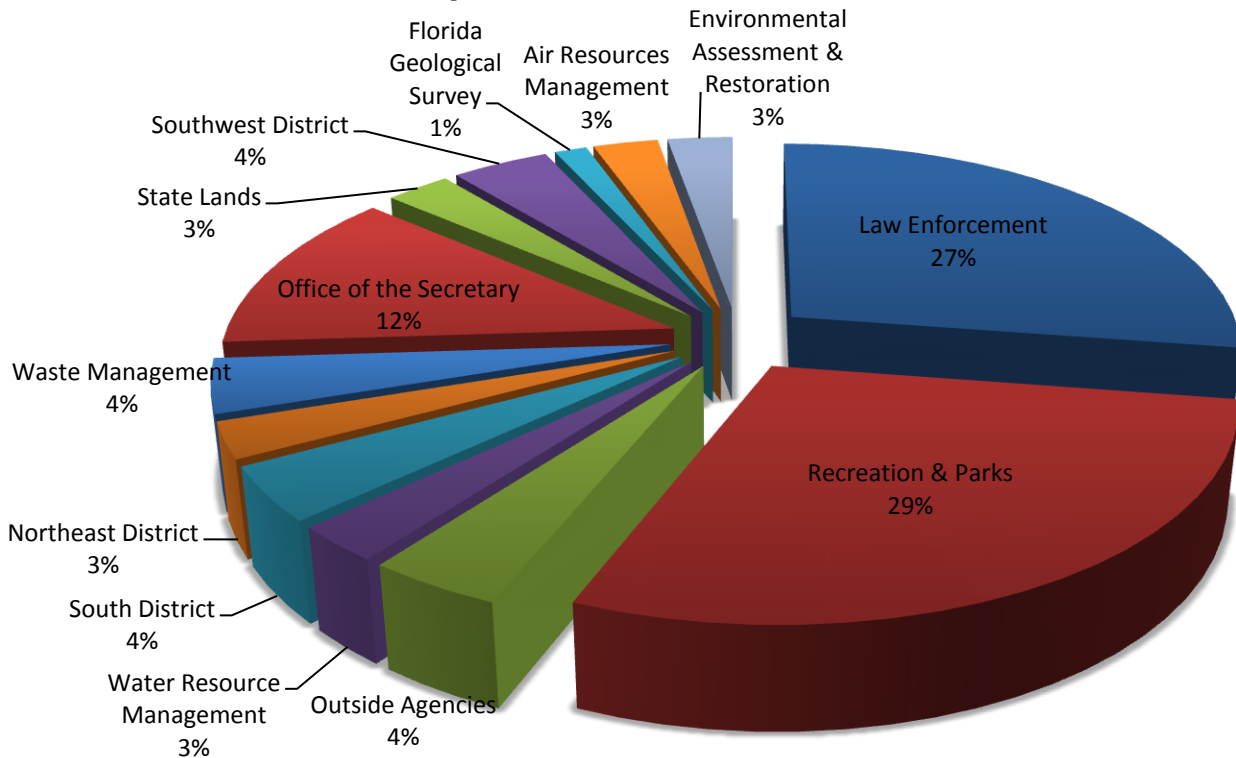


DEP Total Positions by Program Area

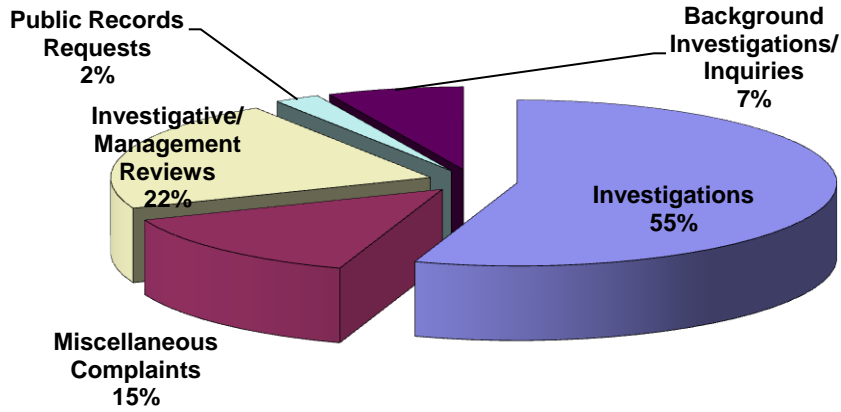


(*Other Areas include: Siting, Office of Technology & Information Services, Office of Greenways & Trails, Florida Geological Survey, Air Resources Management, Office of General Counsel, South District)

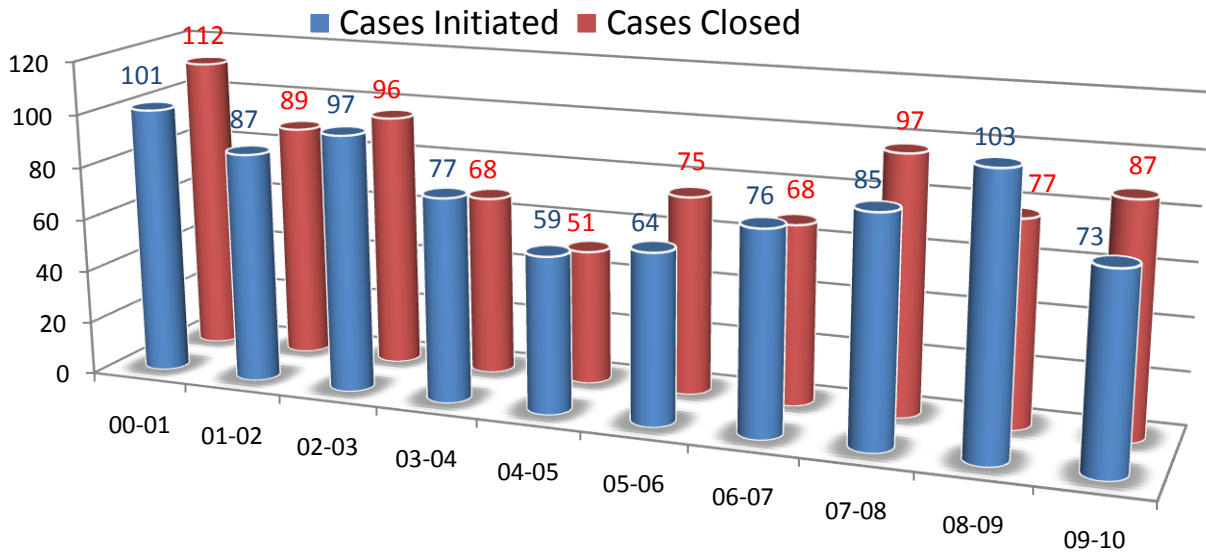
Investigative Issues Initiated by Program Area July 1, 2009 - June 30, 2010



INTERNAL INVESTIGATIONS SECTION ACTIVITIES Fiscal Year 2009 – 2010



Cases Initiated and Closed Ten-Year Trend

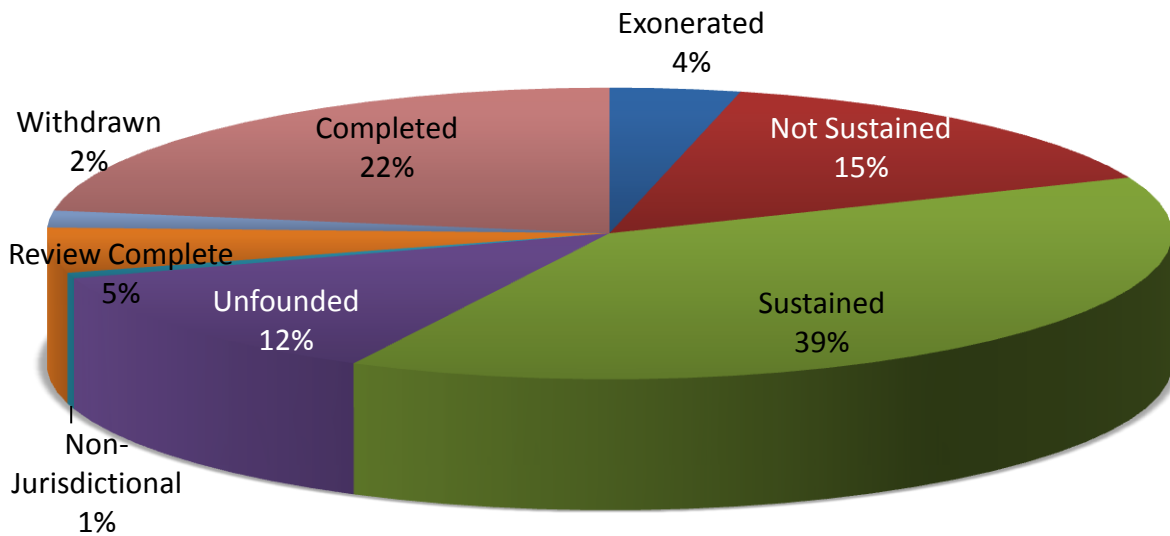


INVESTIGATIVE FINDINGS

July 1, 2009 – June 30, 2010

Total Closed – 87

Total Findings – 160



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, issues referred to management, 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.

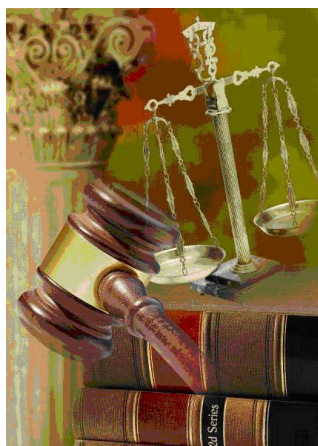
Office of Inspector General – Annual Report – FY 2009-2010
“Promoting Integrity, Accountability and Efficiency”

The table below depicts the number of issues completed by the Internal Investigations Section for the FY 2009-2010 **within each program area** of the Department of Environmental Protection.

DIVISION/DISTRICT	
Law Enforcement	24
Recreation and Parks	22
Water Resource Management	3
State Lands	1
Other	4
Office of the Secretary	8
Waste Management	5
Administrative Services	0
Coastal & Aquatic Managed Areas	1
Office of Greenways & Trails	0
South District	5
Northeast District	2
Northwest District	2
Southwest District	1
Environmental Assessment & Restoration	3
Southeast District	1
Air Resource Management	2
Central District	1
Florida Geological Survey	2
Total Number of Cases Closed	87

The table below depicts the **type of issues completed** by the Internal Investigations Section for the FY 2009-2010 of the Department of Environmental Protection.

ACTIVITY	
Investigations	48
Miscellaneous Complaints	12
Investigative Reviews/Management Reviews	19
Public Record Requests	2
Background Investigation/Inquiry	6
Total Number of Issues Completed	87



Significant Case Summaries

The following cases are not all inclusive but are representative of the type and variety of matters The Internal Investigations Section has handled and the recommended dispositions. **A complete list can be found in APPENDIX – B.**

II-01-08-2008-074 Citizen Questions Officer's Lack of Discretionary Judgment

A private citizen questioned a Park Police Officer's judgment because of his decision to charge his wife with Improper Backing in a traffic accident. The supervisor determined that the Officer had used proper discretion when he chose to cite the citizen with her driving that resulted in an accident. He further found that the Officer had demonstrated proper discretion by not taking the driver into custody for driving without a valid license. There was contradictory testimony regarding the Officer's demeanor that resulted in a **not sustained** finding for Conduct Unbecoming a Public Employee. The Officer was also **exonerated** for a charge of Violation of Law or Agency Rules in response to an allegation that he had encouraged an individual to harvest lobsters within the boundaries of John Pennekamp State Park. The investigation revealed no evidence to support the allegation.

II-03-08-2008-088 Management Review of Criminal Investigations Bureau Orlando Office

This investigation was originally requested by the Division of Law Enforcement CIB Bureau Chief. After further consideration the request was withdrawn and the issue was closed by the OIG.

II-03-15-2008-089 Complaint from a Dissatisfied Citizen in Response to a Permitting Dispute

This was a management review of a long time dispute with a private citizen over a permitting issue in which the District Staff was alleged to have been unreasonable in their demands of the citizen during his efforts to obtain permission to make certain modifications to his dock. The review determined that the District staff had spent an inordinate amount of time with the issue and that the complainant himself was responsible for most of the delay and he was constantly changing his request and terms for the permit. The review was **closed** after having identified no fault on the part of District Staff for any delays or complications of the permitting process in this incident. Staff were complimented on their attempts to resolve this issue amicably.

II-01-27-2008-098 Complaint of Sexual Harassment and creation of A Hostile Work Environment

This complaint was initiated by a male field worker against a female co-worker for making improper sexual overtures toward her male co-workers and additionally included a first line supervisor for having failed to take corrective action to eliminate the behavior. The investigation into the allegation revealed sufficient testimonial evidence to **sustain** the allegation of Sexual Harassment and Creating a Hostile Work Environment against the fellow employee. In addition there was additional testimony that supported a **sustained** violation on the part of management for failing to address the inappropriate acts for a number of years after having been notified of employee concerns on numerous occasions over a period of a few years. The original employee was dismissed and the supervisor was demoted.

II-13-15-2008-114 Private Citizen Complaint Against a Neighbor for an Environmental Violation

A private citizen in the Northwest District complained that a new neighbor had moved in next door to him and was using a bobcat earth mover on his lot to extend his lot and create a private beach for his home without proper permitting. This issue was referred to management of the District and they promptly assigned regulatory staff to address the issue and they initiated proper enforcement action against the violator and quickly got the problem resolved.

II-13-07-2008-12 Former Employee Complained that He Was Being Treated Unfairly in His Efforts to Volunteer

The concerns were forwarded to the Division of Recreation and Parks as well as the Bureau of Personnel Services. It was determined that the subject had been terminated in the early nineties in an action that was supported by a PERC Hearing Officer. It was further learned that the subject had

to be restricted from participating in multiple public events in varied jurisdictions for his failure to follow instructions and his inability to keep his horses under proper control. He was determined to have contributed to more than one unsafe incident with his horses and his efforts as a participant had been more hazardous than beneficial to the activities he participated in. His request to be granted permission to participate in the requested reenactment events was denied with good cause.

II-01-12-2009-015 Complaint by an Employee of Improper Solicitation by Departmental Supervisors

This complaint was initiated by a member of a work group who stated that they were frequently asked to participate in fundraisers or collections for activities that they did not agree with and were not departmentally approved. It was determined that the activities in question were within a work unit and that the complainant was not happy with a practice of taking up voluntary collections to benefit co-workers after illnesses or in recognition of birthdays or special occasions. It was determined that the activities had been supported by managers in an attempt to support office camaraderie and morale. It was determined that the complainant was the only party who objected and it was determined that the practice would be decreased and that he should not be approached for participation in future activities. The allegations were ruled to be **unfounded**.

II-01-08-2009-018 Complaint by a Private Citizen Alleging Inappropriate Conduct by a Park Police Officer

The citizen called to express his concerns that he had been inappropriately targeted by a Park Police Officer because of frequent contacts over a short period of time. The Officer had checked the citizen's truck and fishing gear on numerous occasions at a variety of locations. The citizen described the Officer's demeanor as professional and courteous but he thought it was more than coincidence that the same Officer was checking him

so frequently. The Officer never cited the gentleman for any violations and was never hostile toward the subject. The Officer's explanations of how he happened to come into contact with the citizen were completely within his purview and appropriate according to his assignments on the days of these contacts. All of the contacts were determined by the Officer's management to have been coincidental and within policy and State law. The review found the Officer's actions to be **exonerated** by the Officer's management.

II-01-12-2009-020 Citizen Complaint Against a Contractor in the Tanks Program

This investigation was referred to the Division of Law Enforcement for investigation and follow up. It was initiated by a former sub-contractor against a primary contractor for failure to pay. The contractor reportedly had failed to pay the "sub" prior to placing his claim for reimbursement. This is a violation because the contractor has to certify that all subs have been satisfied prior to entering their request for reimbursement to the department. The Division of Law Enforcement was unable to obtain sufficient documentation from the complainant to justify an arrest. After a significant delay for the complainant to produce more documentation of their work the case was **closed** with no charges due to a lack of supporting documentation.

II-01-18-2009-023 Inappropriate use of State Computer

This investigation was initiated in response to managers in a District Office observing a decline in the performance of an employee that they felt might be attributed to excessive use of the computer for non-work related activity. The OIG assisted management by obtaining an email usage history as well as a report on the internet sites that the employee had visited and the times spent there. These reports were forwarded to management for their analysis and determination of what may or may not have been excessive or inappropriate usage. After their review and counsel with the

employee about what the histories were and how they were revealed the employee was given a Written Reprimand for a **sustained** Violation of Law or Agency Rules.

II-01-08-2009-024 Conduct Unbecoming a Public Employee

It was alleged by two training lieutenants that one member of a defensive tactics class had been disruptive and a detriment to the training environment to the extent he had caused the instructors to have to alter their course of training. The issue was referred to the Division of Law Enforcement for their investigation into the allegation and resolution as they saw fit. Numerous interviews with members of the training class discredited the accusations and determined the complaint to be **unfounded** and lacking of supporting witnesses. The class members not only questioned the complaint but they also were very supportive that the subject employee had not done anything to be disruptive and the perspectives of the training staff were what needed corrective action.

II-01-07-2009-026 Allegation of Contractor Fraud relating to a Florida Recreation Development Assistance Program

This allegation originated from the City Manager of a small municipality that had concerns that the city was not getting the full benefit of FRDAP grant funds and that the Contractor involved was benefiting above and beyond the contract's provisions. There was also an allegation of involvement in the contracting process by at least one City Council member. There were also allegations that the actual person doing the actual work was not licensed to do the contracted work. The presence of fraud, as it relates to the use of poor materials and poor construction techniques, was identified by an audit of the processes, materials and actual workmanship on the actual project site. There were also strong indications of fraud associated with the absence of backup documentation for many requests for reimbursement. The process was also initiated by

the City without a required bid process. After the audit was closed with numerous critical findings the potential criminal investigation was referred to FDLE for follow up due to implications of impropriety on the part of public officials. The criminal investigation was **closed** upon referral to FDLE.

II-01-08-2008-028 Allegation of Improper Procedure During a Traffic Stop

A private citizen called to complain about the actions of a Park Police Officer who had stopped him and issued a citation after reportedly following him for approximately five miles of mirroring his vehicles path in traffic. The complainant stated the officer originally stated that he was stopping him for an improper lane change but he cited him for driving too slowly on a limited access roadway. The officer stated that the citizen had been driving very erratically and that he had in fact followed him through a few changes of lane and speed. The Officer’s supervisor contacted the complainant who gave him a very similar description of the stop as the two officers who were travelling together at the time of the stop and the complainant stated he would forward a letter of complaint to the supervisor which he never did. The supervisor requested the case be **closed** with an **exonerated** finding for the allegations of Violation of Law or Agency Rules and Conduct Unbecoming a Public Employee.

II-01-08-2009-032 Allegation of Conduct Unbecoming a Public Employee against a Park Police Officer

A private citizen alleged that he overheard a uniformed Park Police Officer make a derogatory comment about a group of handicapped students as they approached the officer’s post on a special event assignment. The complaint was referred to the Division of Law Enforcement for the Officer’s supervisor to investigate and document as appropriate. In this case the supervisor happened to have been on the assignment with the officer and heard nothing of the complaint. Additionally

another employee of the Division was by his side when the students passed in the vicinity of the officer and they stated that there was no comment made by the officer in the presence of the students or anyone else that was close to that which was alleged. The supervisor recommended the complaint that originated from an anonymous source be closed with a finding of **unfounded**.

II-01-08-2009-033 Allegation of Conduct Unbecoming a Public Employee against a Park Manager and Park Police Officer

The complainant in this case was a park patron who felt that their noise complaint against another camp site had been mishandled by a Park Ranger and a Park Police Officer who responded to the concern. The complainant stated that when she told a Park Ranger about the noisy and intoxicated behavior of parties at a neighboring camp site she had specifically requested that the park staff be very discreet not to identify her or her family as the complainants because of the confrontational and hostile behavior she had already experienced from the rowdy crowd in the camp site she was complaining about. She stated that not only did the Park Ranger refer to her camp as the source of the complaint but the Officer who responded later left the violators camp site and walked directly to hers identifying her or someone at the site as the complainant. She was subsequently responded to by the neighboring campers in such a negative manner that it became necessary for her family to pack up and leave to avoid the hostility from the subject campsite. The park service contacted the family with apologies and an offer for a free weekend at any of their parks to try and make up for any inconvenience that the complainant’s family might have encountered. The Park Police Officer stated that he had not been advised of the camper’s request to remain anonymous, so he had approached them quite casually not intending to add to or cause any conflict between the two parties. He was apologetic and admitted that the loud group had a member or two who were familiar to him because they worked in the local police department but he did not think they would create any hostilities after

he left the park. The case was **closed** after having been addressed by management from the Division of Recreation and Parks as well as the Division of Law Enforcement.

II-01-26-2008-036 Allegation of Ethics Violation Suggesting an Employee Used their State Position for Personal Gain

An Environmental Specialist II was accused by a member of a regulated group and an environmental contractor of using her State position with the Department to influence other members to utilize a new technology she has developed in her sideline activity with Algae Culture. It was determined that the subject employee has not yet established herself in a proposed business and therefore has not done any business with anyone or entered into any contracts that could be considered a conflict of interest. She is not currently under contract with anyone nor has she entered into any business alignments with any entity. She does hope to establish her personal business in algae development but this activity is remotely different from her work in her current job description and has been determined by her supervisor and a representative from the Office of General Counsel not to present a conflict with her job with the Department. All potential allegations were resolved as **unfounded**.

II-01-08-2009-037 Allegation of a Park Police Officer Demonstrating Conduct Unbecoming a Public Employee

This allegation came in to the Division of Law Enforcement regarding a conflict between a park patron and a Park Police Officer. The conflict arose over a misunderstanding by the Officer that the citizen could fish without a fishing license in hand if he had the proper authorization numbers issued by FWCC by computer. This type of issuance was new and unknown to the officer and he would not allow the citizen to fish. The officer was identified by DLE supervisors and instructed on the procedure of issuing fishing permits by computer and how they should be addressed in the future. The actions

of the Officer were treated as a training deficiency and the matter was considered **closed** with no further action necessary after the Officer had been trained/counseled.

II-01-07-2009-038 Conduct Unbecoming a Public Employee and Simple Battery by a Park Ranger

This "Conduct" allegation was initiated by multiple park patrons and one added an accusation of the same ranger having touched them improperly and against their will. The ranger was accused first of hiding in the tree line to observe women sunbathers and later approaching them with the suggestion that it would be okay for them to remove their swim suit tops if they wished to do so and that there would be no action taken against them as long as they were discreet. Testimonial statements from three different park patrons were consistent in their descriptions of this action by the subject ranger. In addition one of the women was threatened with arrest by a park police officer who observed her with her top off and she explained that she had been advised by a park ranger that it was ok. The subject ranger denied the accusations and then tried to rationalize his behavior. The ranger was dismissed after the case was resolved with **sustained** findings for two counts for Violation of Law or Agency Rules, and one of Conduct Unbecoming a Public Employee as well as a violation for Failing to Give Truthful Answers During an Internal Investigation.

II-01-07-2009-039 Sexual Harassment

This complaint came from workers in a Park who alleged that their assistant park manager had made inappropriate advances to them in an effort to gain their cooperation in the park. The investigation revealed that on more than one occasion the assistant manager had approached some younger male employees in a very suggestive set of circumstances to the point of making them uncomfortable. She was also alleged to have initiated numerous awkward conversations that had sexual overtones to them.

The preponderance of the testimonial evidence was sufficient to support a **sustained** finding for

Violation of Law or Agency Rules to Wit: Sexual Harassment resulting in a suspension and reassignment and mandatory training in Sexual Harassment.

II-01-2009-041 Citizen Complaint Regarding an Improper Traffic Stop: While Off Duty

A private citizen contacted an on duty FHP sergeant to report what he felt was an improper traffic stop that was determined to have been made by two Division of Law Enforcement Officers while off duty and in one of their personal vehicles. The citizen described having a near accident with a vehicle on the expressway and then the vehicle began to follow him and ultimately used a blue light on their yellow sports car to pull him over as he got off on an exit ramp. He said both individuals appeared to have been drinking and one of them had to retrieve his gun belt from the front trunk of his car. He said the officers were very cocky and unprofessional in their conduct of the stop, but they had actually called in on what he described as a portable radio. Radio logs were pulled for the date and time of the alleged stop and it was verified that the officer having made the call was a Park Police Officer. The two Officers stated that they were travelling together after having spent time watching movies after their shift and that the complainant had caused a near accident they felt necessitated them “checking the driver out.” They stated that he appeared to be ok (not intoxicated) so they decided not to take any further action. The officers denied having been intoxicated and having used a blue light to stop the complainant. Due to conflicts in the statements by the complainant and subjects the findings for the allegations were **not sustained** or **Unfounded** for all allegations against both officers.

II-01-08-2009-043 Violation if DEP Directive 620 Regarding Automobile Usage

This complaint originated when a Park Police Officer was observed transporting a young (9yoa) son in his marked Park Police Vehicle while on duty. The investigation revealed that the Officer was transporting his son to a volunteer position in the Park while the Officer was on duty. A number

of employees were questioned and the determination was that this was an isolated incident even though the father and son had frequently been seen in the Park together. The incident resulted in a **sustained** finding for violation of DEP Directive 620.

II-01-08-2009-044 Complaint Against a Park Police Lieutenant and Corporal

Complaint was withdrawn after the investigating Captain was unable to establish communication with the complainant to find out the particulars of the allegation. The captain tried multiple phone calls and certified mail with negative results. **withdrawn**

II-03-07-2009-48 Complaint Against Park Service and Park Police for Failing to Properly Respond to Security Issue

This complaint was generated after a conflict occurred between the patrons of two different camp sites became involved in a physical conflict. Two or more members from two different camp sites got into a physical fight. Park Staff were notified and a ranger responded. That ranger notified Park Police in case there were further altercations later in the day. The on-duty Park Officer came to the Park and responded to a separate complaint about a different camper not keeping their dog under control. That issue was addressed and the officer patrolled by the sites of the earlier disturbance and all was quiet. Later that same evening a second altercation broke out with one of the patrons being injured by a blow to the face with a rock or large shell. Park Police were not readily available because it was after their shift so the local Sheriff’s Office was called and they documented the incident but made no arrest because of conflicting stories. It was determined that the park manager had done what he could do on each occasion and he was the one who called the Sheriff on the second occasion. The Park Officer who the parties complained on because of having seen her in the Park earlier had no involvement in either call to the park. She was off before the second call. The Officer who responded to the first

call was also off at the time the second one came in and therefore the Sheriff's Office had to be called. The parties who were involved in the second altercation also expressed their dissatisfaction with the Sheriff's Office. It was determined that though unfortunate that someone wound up getting hurt, the incident was not caused by nor did it become the sole responsibility of any of the accused parties. The review was closed with **no sustained** findings against any Departmental employees.

II-01-08-2009-050 A & C Allegation of Excessive Use of Force and Conduct Unbecoming a Public Employee

A citizen who had been ticketed in a traffic stop complained that she had received a bruise on her arm unnecessarily by an officer who was very short and unprofessional with her. The complainant stated that she did not fault the officer for the citation but she was concerned about the manner in which he treated her during their encounter on the side of the road. Testimonial evidence supported a violation of the Code of Conduct by demonstrating intolerance and a lack of courtesy with the complainant and by not allowing her time to read the citation she was being issued. The violations of the Conduct Unbecoming a Public Employee and Use of Force Directives were **sustained** and the allegation of Battery was **not sustained** resulting in a one day suspension for the offenses

II-01-29-2009-051 Violation of Violence Free Work Place and Conduct Unbecoming a Public Employee

These allegations were lodged against an employee who was alleged to have made threats to go to the top of his work site building and use his rifle to "start picking people off." This investigation revealed that he has a dark sense of humor and the people around him when he made the statement recognized it as a joke, but when others heard it they were legitimately concerned. The Department immediately put the employee on Administrative Leave for the course of this investigation and he was referred to the Employee Assistance Program.

The findings in the case were **not sustained** for the Violence Free Work-place and **sustained** for the Conduct Unbecoming a Public Employee because of the disruption his comments had caused. He was given a Written Reprimand as well.

II-03-07-2009-052 Improper Procedures and Abuse of Position by a Park Ranger and Park Police Officer

This complaint came from an out of state park patron who complained that a Park Ranger had over stepped her authority by forcing he and his family to leave the park before they were ready and then a Park Police Officer conducted an illegal stop and search of his vehicle before he was able to leave the park. The investigation revealed that the Park Ranger had been very lenient with the family and had waited until after the official time the Park was to close before asking them to leave the park. The Park Police Officer did not initiate a traffic stop on the vehicle. It stopped at the gate when he was following it to see that they were leaving the Park. He stopped to see if they needed assistance because the ranger station was closed. When the driver got out of the vehicle and became confrontational he asked to see the normal identification requested of drivers (Driver's License and Registration.) When the driver could not provide proof of ownership he attempted to help the wife of the driver look for it in the vehicle. He then extended the driver the courtesy of leaving the park without citing him for the violation of not carrying proof of ownership. There were no violations found on the part of either the Park Ranger or the Officer.

II-01-21-2009-054 Other Agency Assist

This investigation documents an assist to another agency, the Department of Corrections. The OIG for DEP was asked to assist the Office of the Chief Inspector General by teaming up with an investigator for DOC and helping with an allegation into wrongdoing by an employee of the Inspector General for DOC. The investigation identified several **sustained** violations against the DOC employee and made recommendations for some

procedural improvements. The case was closed with findings and corrective action(s) left to the discretion of DOC.

II-03-01-2009-056 Misuse of State Office Equipment and Supplies

This investigation resulted from a routine check to verify phone usage was for State business. The employee was found to have misused the State’s phone service for extensive personal calls. As a result of this abuse a decision was made to check the employee’s internet history for possible abuse as well. There was no record of the employee having visited inappropriate sites but there was an extensive history of them having spent an inordinate amount of time on non-work related sites. The employee was allowed to reimburse the State for the phone charges and was **dismissed** for the abuse of the internet and the resultant loss of work time during its use.

II-01-07-2009-057 Conduct Unbecoming a Public Employee

This investigation was the result of a number of complaints against the Manager or a Park because of the actions or behavior of his son. The complaints came from patrons or Park Volunteers that the manager allowed his son to run wild through the park alleging speeding, reckless driving and loud music disturbances as well as accusations of theft. The manager was placed on notice that if he did not bring his son under control management would have to take action up evicting the son or whole family from the Park. The issue then became a Landlord Tenant matter to be addressed by the manager in regard to his son’s behavior.

II-01-08-2009-058 Inappropriate Conduct by Officers on an Off-Duty Assignment

This complaint came from a movie patron who had to ask theatre management to remove a group of school age girls from the theatre so she and her family could enjoy the movie. Management asked the two officers working the business to assist with removing the girls from the theatre. When the lady

left the theatre she and her family were harassed in the parking lot by the same girls. She came back to the theatre and demanded that the officers arrest the girls. She was dissatisfied when the Officers did not take immediate action. The officers explained that they did not have sufficient information for an arrest but they would be glad to escort the family to their vehicle, but she still complained. The officers’ actions were determined to have been appropriate. No further action.

II-01-07-2009-060 Conduct Unbecoming a Public Employee and Sexual Harassment of Discrimination

This complaint was filed against an employee who was on contract to remove hogs from a State Park. The gentleman was alleged to have made inappropriate comments to female employees who worked on the park grounds running the stable concession. The comments, though inappropriate, did not rise to the level of a pattern of sexual harassment so that complaint was **not sustained**. However, they did bother the recipient of them sufficiently to justify a **sustained** finding for Conduct Unbecoming.... As a contract employee the violator’s employer was notified of the complaint and they quickly removed him from the job.

II-01-08-2009-065 Officer involved in an Off-Duty Shooting Incident

The Department received a report that an Off-Duty Park Police Officer had been involved in a Shooting accident. The original incident was being investigated by the Florida Fish and Wildlife Conservation Commission and the Dixie County Sheriff’s Office. It was determined that the incident was part of a hunting accident. A further inquiry revealed that the weapon used was personally owned by the Officer and there was no duty nexus. In addition the Investigating agencies were able to determine that the shot that struck the Officer’s friend in the neck had been the result of a ricochet, probably off of a tree in the line of fire and had not

been a direct line of sight shot. The investigation was closed with no duty related nexus.

II-13-15-2009-068 Permitting Complaint on St. Johns River

This complaint came in anonymously from a citizen who was concerned with alterations that were being made to property extending the lot into the St. Johns River without being permitted. The OIG sent a representative to the site and identified the lot and called the NE District Office to inquire about possible ongoing enforcement action. The District Office was totally aware of the permitting violations and had met with the responsible parties on multiple occasions and were in the process of completing a consent order to bring the violator into compliance. The issue was left with NED management for resolution.

II-03-20-2009-070 Permitting Complaint in South District

This complaint came in from a private citizen who wished to challenge the authority to designate the usage of a local waterway. The complainant felt the Department was giving the local County Authorities too much say and control over decisions to change some designated zoning of their local waterways. It was determined that the Department was not the final authority on the issue and it was better resolved by the District. This case was **closed** by referral to District Management.

II-03-07-2010-003 Management Review Regarding Conflict Between Park Staff and Park Manager

This complaint originated from a Park Ranger alleging that their Manager was treating her and her boyfriend (park volunteer) unfairly and discriminating against them when he made Park assignments. It was determined that the boyfriend was responsible for numerous situations of conflict and disruptions in the park. Testimonial evidence from park staff, volunteers, and patrons identified the boyfriend as the source of many conflicts in the

Park and numerous witnesses suggested that the boyfriend initiated them to cause the manager problems. The review was completed with management asking the boyfriend to leave the Park and his volunteer role with the Park Service and the Ranger was given the opportunity to find a position at another Park. There was no violation identified on the part of the manager.

II-01-07-2010-005 Theft of Park and Recreation Deposit

It was reported to the Park Police that a deposit in the amount of \$128.06 was missing from the Ranger Station Safe. A check of the books while trying to verify the first loss identified a second deposit as missing in the amount of \$71.09. Interviews were taken and sworn statements were recorded from a group of five individuals who were identified as possible suspects. Follow up interviews were held with the employees expected to have information but no information was gathered. There was no physical evidence to the theft and no testimonial link of anyone to the missing money. All statements and documentary evidence of the thefts was impounded and the case was closed as **suspended**, pending the identification of evidence that might bring the case to a satisfactory resolution.

II-13-21-2010-006 Public Records Violation

The Office of Inspector General was requested by the Chief Inspector General in the Executive Office of the Governor to take the lead role in an investigation into an alleged Public Records law violation that was alleged against two senior members of another agency. The case was taken by the Inspector General who, along with the CIG, took several interviews. There was insufficient testimonial or physical evidence to support a sustained violation. This resulted in a **not sustained** finding.

II-01-08-2010-007 Conduct Unbecoming a Public Employee

This complaint originated from a County Sheriff who alleged that a Park Patrol Officer was making it a regular practice to run the tags of his departmental vehicles including his assigned vehicle without a duty nexus. A review of the tags run by the Park Officer did reveal that there had been an occasion where he had run the Sheriff's vehicle, but it was a single occasion and under circumstances that it was within the scope of the officer's duties. There were occasions where other Sheriff's Office vehicles had been run, but all were found to have been justifiable resulting in an **exonerated** Finding.

II-01-07-2010-009 Driving Under the Influence; State Owned Vehicle

The Assistant Director of the Division of Recreation and Parks requested the OIG to do a review of the circumstances where a Park Services Specialist was charged with DUI while driving a State owned vehicle. Investigation revealed that the arrest occurred at 1:30am and was made by the Cedar Key Police Dept. The employee further failed to report the incident. When contacted by the OIG to submit to an interview, the employee resigned the day before the interview. The case was closed with a **sustained** finding for violations of DEP 435-Conduct Unbecoming a Public Employee, DEP 620-Motor Vehicles, and DEP 420-Drug Free Workplace.

II-01-07-2010-010 Introducing a Firearm Into the Workplace and Workplace Violence

It was alleged that an employee had threatened to go to the Douglas Building and shoot people. Investigation revealed that the employee in question had observed another employee, an elderly lady with a firearm and made a joke, asking her if she was going to take the gun to the Douglas Building to shoot people. The complaint was investigated, and sworn statements were taken from all Park employees present and it was determined that the

statements had been taken out of context and that there was no malicious intent on his part. It was also determined that even though the weapon should not have been brought into the park, it was only there for her to give it to someone else to dispose of it properly for her. She had just inherited it due to a death in the family. That violation was to be addressed by Park Management.

II-01-07-2010-011 Making a False Complaint and Violation of Due Process Rights

This complaint was initiated by a Park volunteer after he was removed from the Park and given a Trespass Warning by Park Police at the request of management. The complainant on this case was alleged to have exposed himself to a female employee of the Park as he traveled from the shower to his motor home in the Park. The complainant's statement about the incident, while he totally denied the allegation that he had exposed himself to a female Park worker did not totally rule out the possibility that the encounter had occurred. The female employee did not immediately report the incident to Park Management. When it was reported, Park Management forwarded the information to Senior Management and it was determined that the complainant's position as a Park volunteer should be terminated and him be given a Trespass Warning from the Parks. The position of a Park volunteer has no property rights attached to it and Management was within their rights to ask the complainant to leave the Park. In addition once requested by management to remove the complainant the Park Police Officers were within their rights to issue the Trespass Warning. The complaint against Park Management and the Park Police Officers was found to be **not sustained**.

II-01-07-2010-014 Purchasing Alcoholic Beverages While Driving a State Vehicle and Driving Under the Influence

This allegation was made by a Park Ranger against a fellow Park Ranger. The complainant alleged that a co-worker had purchased alcohol in uniform and driving a State vehicle and began to consume it

immediately on two different occasions while returning to their work station from a controlled burn. The complainant even asked the coworker not to do that while they were at work. The subject ranger was interviewed and he acknowledged the allegations and stated he did it because of the stress he was under when he was a burn boss. The case was closed with a **sustained** finding for violations of DEP 435-Conduct Unbecoming a Public Employee, DEP 620-Motor Vehicles, and DEP 420-Drug Free Workplace. The subject ranger was issued a Letter of Intent to Dismiss but was ultimately **demoted** and had his assignment changed.

II-01-07-2010-016, II-01-07-2010-017, II-01-16-2010-018, II-01-29-2010-019, II-01-03-2010-20, II-01-14-2010-022, II-01-08-2010-027
Violation of Departmental Internet Usage

This investigation was part of a Departmental Proactive attempt to address the possibility that employees were misusing the Department's internet access to visit unauthorized sites. A new computer application was utilized that could search on specific parameters to identify sites, type of sites, frequency and number of visits and who the most frequent abusers were. A specific group of keywords was utilized that were easily associated with unauthorized and inappropriate sites. The application kicked out the names of the highest users and then could be asked to itemize the history of those identified individuals. Those individuals with the most egregious histories as identified by this investigation were found to have Sustained violations of DEP 435 Conduct Unbecoming a Public Employee and DEP 390 Information Resources Security Policies...All seven employees that were found to be among the worst violators were **dismissed** unless they resigned prior to discipline being issued. These cases were closed under the case numbers listed.

II-01-07-2010-021 Threats of Violence in the Workplace

This complaint was forwarded to OIG from the Bureau of Personnel Services after they had communication with a Forensic Psychiatrist who filed a letter of concern about the employee's mental stability. The Doctor had met with the employee and felt that they presented a real and serious threat to the wellbeing of her Park Manager and another employee with whom she had recent conflicts that resulted in uncontrolled outbursts of anger. The employee was given a Trespass Warning to not return to the Park until her status could be resolved. The OIG assisted with the notification to other local law enforcement making them aware of the possible threat if their officers should encounter the subject during one of their outbursts. The employee was ultimately given a Letter of Intent to **dismiss** her from the agency.

II-03-08-2010-023 Negligence and Failure to Perform

This complaint originated from the Division of Law Enforcement when it was advised by an Officer with another agency that the Central District Lieutenant had refused to give assistance to their agency when it was serving a Search Warrant in relation to an environmental crime the local agency was involved in. Reportedly the Lieutenant was made aware of the Warrant in an inquiry for assistance, but he responded with a denial of assistance and never did anything to see if the case was one we should have had involvement with. A review of the actual circumstances demonstrated that the wrong lieutenant had been identified and that the lieutenant who did receive the information had in fact responded appropriately except for the provision of staff for assistance and that was justified by a shortage of available personnel. Upon receipt of the facts the complaint was **withdrawn** and the issue closed with a finding of Review Complete and no violations documented.

II-13-14-2010-024 Violence in the Workplace (Road Rage)

This incident was brought to the attention of OIG when a member of another agency’s Law Enforcement contacted one of the Investigators to report that his agency had a negative law enforcement contact with a DEP Employee. A Lieutenant with the outside agency had observed the DEP Employee driving erratically with no regard to the safety of other motorists. The lieutenant was challenged to pull over by the employee and they finally pulled over in a vacant parking lot where the DEP employee jumped out of his car and produced an open pocket knife with which he approached the officer in a threatening manner. The lieutenant drew his pistol and ordered the employee down onto the ground. The employee was arrested and transported to the Leon County Jail with a charge for Aggravated Assault on a Law Enforcement Officer. This incident occurred while the employee was on duty and driving a State Vehicle. The employee was an OPS Data Entry Operator. He was given his notice of **dismissal** while still in the Leon County Jail for a **sustained** violation of Conduct Unbecoming a Public Employee.

II-01-12-2010-026 Misuse of Official Position

The OIG was contacted by the Tallahassee Police Department after the arrest of the spouse of one of our employees. The employee was an Environmental Specialist in the Division of Waste. Her husband had been arrested for a burglary to a local restaurant. Upon his arrest, his wife attempted to establish an alibi for him by telling the officers and the owner of the business that her husband was there on her request to conduct an inspection as a DEP employee. The arrestee was wearing a DEP cap at the time he was first observed at the business and at the time of his arrest. During the course of the arrest investigation it was learned that this was not the first time she had attempted to use her official position to try and cover for her husband’s criminal activity. In her sworn statement she still was trying to cover for her husband who had no

legitimate connection to her work. Tallahassee Police Department was to continue their criminal investigation against the husband. The DEP employee was found to have **sustained** charges for DEP-435 8(7)Conduct Unbecoming a Public Employee, DEP 435 8.(2) Negligence, and DEP 435 8.(6) Violation of Law or Agency Rules. To Wit DEP 202 Code of Ethics and DEP 290 Internal Investigations. The employee Resigned in lieu of Dismissal.

II-13-07-2010-029 Conduct Unbecoming a Public Employee

This complaint originated from a private citizen. She complained to a Park Manager that her fifteen year old daughter had informed her that she and several friends had been afforded after-hours access to the Park and allowed them to use the Park for swimming. This occurred during the night and while there the Ranger who granted the access to the Park also provided the girls with alcohol. When the Park Manager confronted the Ranger he admitted to the violation resulting in a **sustained** finding and then immediately tendered his resignation. The local Police were going to pursue criminal charges for the Contributing to the Delinquency of a Minor.

II-01-21-2010-031 Assisting Another State Agency

This investigation was the result of a request from the Chief Inspector General to assist another State Agency which was opening a new Internal Affairs Unit and there was conflict within its members and members of the old unit over procedures and protocols. A Captain from the old unit was alleged to have abused his authority in a discriminatory manner against a new member. The investigation resulted in a mixed set of findings for seven administrative rule violations from their Directives. There were three **sustained** findings, two **not sustained** findings, and two **unfounded** findings. The parent agency has not yet determined what the discipline or corrective action will be as of this writing.



PROGRAM REVIEW & IMPROVEMENT

Program Review and Improvement (PRI) is a component of the Office of Inspector General dedicated to providing consulting services. The Section is one of only a few in the United States, and represents the most current practice of quality management. PRI reviews have resulted in agency-wide innovations and major changes to DEP programs.

The Management Review Specialists assigned to the Section ask the following questions:

- Do activities at the Program level support the Department’s mission?
- Are Programs meeting their operational goals and objectives?
- Are management practices consistent with the core values and performance expectations set by the Secretary?
- Do Program processes add value?
- What is working well within Programs and what can be improved?

PRI operates under the authority of Section 20.055, Florida Statutes. The Section’s role is to assist the DEP Executive Leadership Team (ELT) by conducting periodic reviews of Programs and provide reports that support decision-making. The Section’s recommendations lead to development of best practices, and implementation of solutions that result in improved performance.

The Director of PRI provides leadership to the Section and ensures that consulting services are designed to provide the ELT and DEP managers at every level with the objective, third-party observations needed to improve program performance. PRI’s consulting services include management reviews, organizational assessments, operational audits, analysis, and coordination of the annual Employee Climate Survey.

Significant Project Summaries

C-0910DEP-035 Beach Accessibility Measures for Persons with Mobility Impairments

The purpose of this project was to survey federal, state, and local governmental entities with geographic and environmental characteristics similar to those prevalent in the State of Florida and to identify the beach accessibility measures adopted to enhance beach access for persons with mobility impairments, and to report to the Division of Recreation and Parks, Bureau of Operational Services as to the relative feasibility of implementing such accessibility measures at Florida’s public beaches. The project was carried out at the request the Accessibility and Inclusion Coordinator.

The Office of Inspector General (OIG) examined the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (ADA), the Architectural Barriers Act of 1968, and the Florida Americans with Disabilities Accessibility Implementation Act, Sections 553.501-553.513, Fla. Stat. (2006).

We also surveyed federal, state, and local governmental entities with geographic and environmental characteristics similar to those prevalent in the State of Florida to identify the beach accessibility measures adopted for persons with mobility impairments.

The OIG found that access to beaches for persons with mobility impairments is a complicated issue due to the fact that many of Florida’s beaches change drastically in the winter: storm surf and migrating sand creates different beach configurations depending on the time of year. A beach that is accessible during the summer may be inaccessible and dangerous in the winter.

The OIG recommended that all State beaches with the exception of beaches where preservation of the area’s natural, archaeological, historical or cultural features prevail should have at least one permanent beach access route, and could be enhanced with temporary beach mats to the water’s edge as needed.

C-0910DEP-094 Internal Control Standards for Revenue Collections

The objectives of this project were to assess the efficiency and effectiveness of the fee collection process used at the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR), and to conduct a survey of the cash control systems implemented by public entities with requirements comparable to those of DEP to identify best practices that, if implemented at GTMNERR, would potentially enhance the security of personnel and assets.

The OIG reviewed Florida Statutes and DEP Directives, procedures and guidelines pertaining to cash collections, including the DEP Division of Recreation and Parks Operations Manual. We also conducted interviews with management and staff responsible for cash collections at Apalachicola National Estuarine Research Reserve, Big Shoals State Park, Bulow Plantation Ruins Historic State Park, Fort Mose Historic State Park, Guana Tolomato Matanzas National Estuarine Research Reserve, Ravine Gardens State Park, Stephen Foster Folk Culture Center State Park, and Talbot Islands State park.

Overall we found the fee collection process at GTMNERR to be well managed. The OIG recommended a number of generally accepted practices that should be adopted having the potential to improve the fee collection process at GTMNERR.

C-0910DEP-117 Private Citizen Response Letter

The OIG received a complaint originated by a private citizen of Matlacha, FL related to DEP's handling of the Wulfert Flats lease. The complaint was assigned to staff of the Investigations Section for further review.

After reviewing the complaint, the OIG investigator concluded that there was no viable evidence that any misconduct occurred on the part of any DEP employee, nor was there any indication that waste, fraud or abuse of state assets had occurred.

The private citizen's attention was directed to a report made available by the Program Review and Improvement Section that focused on the DEP permitting process and the determination of the public interest, in the hope that the information in the report would help the private citizen gain a greater understanding of the process. The report also included specific references to interactions between DEP and several applicants regarding lease applications similar in nature to the one referred to by the complainant.

C-0910DEP-096 Private Citizen Complaint (Management Advisory)

The OIG received a complaint originated December 21, 2009 by a private citizen related to the permitting process for a dock expansion on Clearwater Beach that was undertaken on the private citizens behalf.

The complaint had been referred to the OIG for review and response by the Florida Department of Financial Services (DFS). After reviewing the complaint, the OIG investigator concluded that there was insufficient reason to investigate the matter. There was no viable evidence that any misconduct occurred on the part of any DEP employee, nor was there any indication that waste, fraud or abuse of state assets has occurred.

C-0910DEP-030 Public Interest Determination for Use of Sovereign Submerged Lands

The primary objective of this program review was to assess whether the DEP process for determination of the public interest for use of sovereign submerged lands process is designed to ensure that the legislative intent of Chapters 253 and 258, Florida Statutes, and Chapter 18-20, Florida Administrative Code was fulfilled. An additional objective of the review was to independently test assertions made by three complainants that DEP's determination of the public interest is inconsistent with the rule, and in some cases incorrect; and to deliver an opinion as to the validity of these assertions. Sixteen assertions were tested. Of the sixteen assertions tested twelve assertions were not supported. Four assertions were partially supported. OIG recommendations were accepted and implemented to address the four partially supported assertions.

The OIG determined that the DEP process for determination of the public interest for use of sovereign submerged lands satisfies the intent of Chapters 253 and 258, Florida Statutes and Chapter 18-20, FAC. The findings of the OIG report will be used as a reference to help address future complaints regarding the process.

C-0910DEP-073 Commercial Diving Operations and Safe Practices Manual

The Commercial Diving and Safe Practices Manual was prepared as an appendix to the DEP Diving Safety Manual following a leadership decision during FY 2009-10 to revise and upgrade the Dive Program. In the manual's original version, the intent of the agency was to be entirely consistent with the requirements of OSHA 29 CFR 1910.420.

As the Dive Program has evolved, the intent of the document has changed to embrace the current needs of the agency.

The DEP Dive Program will continue to observe operations and safety standards consistent with

OSHA requirements whenever feasible, and such standards do not prevent DEP from carrying out its mission.

C-0910DEP-039 Dive Program Safety Review

The scope of this review was to determine if the DEP Dive Safety Program included the key elements of comparable dive safety programs nationally recognized for better and best practices, and met the requirements of applicable federal and state laws, and nationally recognized safety standards with respect to scientific dive safety programs. The scope of the review was expanded when it was determined that the department was participating in commercial diving operations without the appropriate infrastructure to support such a diving program. As a result of this finding, a temporary moratorium was placed on commercial diving activities until the diving program was able to comply with OSHA regulations and industry safety standards. Twenty-four (24) findings and recommendations were brought to the attention of Division of Administrative Services management. Division management has agreed with all twenty-four (24) findings and will develop improvement plans to implement all OIG recommendations.

C-0910DEP-042 2009 Employee Climate Survey

The DEP-wide Employee Climate Survey assesses job satisfaction from the employee’s perspective. For the first time since its inception in 2000, the 2009 survey was conducted on-line using a web-based software product. An email invitation to participate in the 2009 on-line Survey was distributed to all DEP employees (FTE and OPS) state-wide. 4,446 employees had an opportunity to participate in the survey and 2,710 (61%) responded.

The survey consisted of fifty-seven closed questions grouped into four dimensions and one open ended question requesting feedback on the top three items employees felt would improve their office. The 1,522 employees who commented represented over

half of the survey participants (56%) and they offered 3,831 separate comments.

The DEP-wide changes in overall satisfaction rates for job satisfaction, communication effectiveness, supervision and management practices for 2008 and 2009 indicated that although there were lower satisfaction rates in 2009 compared to 2008, DEP employees still highly regard DEP as a place to work.

The detailed survey responses were presented to the Secretary’s Leadership Team, and at every organizational level down to the Bureau and Park District levels.

Administering the 2009 DEP Employee Climate Survey on-line this year also resulted in hard dollar savings in labor, material and copying, and mailing costs.

C-0910DEP-033 Case Review (Boca Ciega Resort Marina)

This case review was conducted as a follow-up of a case originally assigned to the OIG Internal Investigations Section in order to independently test assertions made by a private citizen concerning DEP’s processing of a lease applied for by the Boca Ciega Resort Marina, LLC. An additional objective was to deliver an objective opinion as to the validity of assertions made by the complainant with respect to permitting decisions made by DEP’s Southwest District Office related to the Boca Ciega Resort Marina.

During the course of the case review eight (8) issues were found that resulted in recommendations for improvement of the DEP permitting process. Division management has agreed to implement all eight (8) OIG recommendations.

C-0910DEP-042a 2009 Employee Climate Survey Follow-up Analysis

The OIG’s Program Review and Improvement section conducts a detailed follow-up analysis of the

Annual Employee Climate Survey data each year to provide the DEP Secretary and Executive Leadership with independent and objective information that can contribute to effective decision-making.

As was the case in previous years, the survey analysis was used to pinpoint several areas for possible process improvement and assisted management in the Divisions and Districts in their joint efforts with the OIG to develop the Annual Audit Plan for FY 2010-11.

C-0910DEP-034 CAMA Central Office Grant Management

This programmatic review and report was requested by a DEP Director. The purpose of the review was to assess the effectiveness of the CAMA Central Office grant management process.

The OIG pursued three questions:

- (1) What governance (laws, standards, policies, and procedures) provides guidance for the CAMA Central Office grant management process (What exists to inform staff about the who, what, why, where, when, and how of the process?);
- (2) How is such guidance put into operation (How do people achieve proficiency with respect to the process?); and
- (3) How is oversight exercised (How does management know what is going on and ensure that staff follows procedure?).

We found that:

- (1) The CAMA Grants Manual could be improved;
- (2) The CAMA central office grant management support functions were segregated by specialty (siload).

We recommended:

- (1) An update of the CAMA Grants Manual to reflect a process without silos;
- (2) A restructure of the office to eliminate silos.

C-0910DEP-040 Administrative Services Environmental Control Study

This study was conducted at the request of the manager of Administrative Support Services Environmental Control Study to determine whether the environmental controls for the section's office met the requirements of the Occupational Safety and Health Administration (OSHA) and the State of Florida Department of Management Services (DMS).

A temperature and humidity monitoring device was placed within the offices occupied by Administrative Support Services for two 30 day periods. The first part of the study began on March 2, 2009 and ended on April 6, 2009. The second part of the study began on July 20, 2009 and ended on August 23, 2009.

The OIG found that the office environment of Administrative Support Services met all applicable standards. No recommendations were made with respect to environmental controls as a result of the study.

PRI-21-34-2009-33 Cabinet Affairs Agenda Process Improvement (Management Advisory)

This program review examined the Cabinet Affairs agenda process. The review was conducted at the request of the Director of the Office of Cabinet Affairs (OCA). OCA serves as DEP's clearinghouse for all cabinet agenda items which are presented to the Governor and the Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund. The OCA coordinates the preparation of cabinet agenda items pertaining to the acquisition, administration, disposition and use of state lands. The scope of the project was limited to depicting an accurate process flow of the OCA agenda process, identifying barriers to an efficient and effective process, and recommending possible ways to eliminate barriers. PRI facilitated an OCA focus group working to chart the agenda process flow. The focus group identified 53 barriers in the Cabinet Affairs agenda process. The focus group

also made recommendations for improvement related to each barrier. To date, Division of State Lands management has not commenced any improvement actions.

Recommendations stemming from these reviews may result in further recommendations for streamlining and greater efficiency in the cabinet agenda process.

PRI-21-15-2009-87 Barefoot Bay Marina Project

The purpose of this review was to determine whether or not the allegations and assertions of the complainant with respect to the DEP permitting process were supported by factual evidence. In order to draw appropriate conclusions with respect to the allegations and assertions, procedures were developed to test the technical validity of the Northwest District’s decision-making with respect to requiring concrete pilings, fiberglass pilings, or “sheathing” existing chromate copper arsenate (CCA) treated wood pilings.

The OIG also reviewed the permit file in detail, determining if the timeframes were reasonable, based on the number of issues which were outstanding after the original submittal of permit documents, as well as the follow up Requests for Additional Information (RAI’s), and whether DEP reversed itself on any issue, or failed to address specific issues at the appropriate time during the permitting process.

Although the complainant’s assertions were not found to be supported by facts, some of the actions taken by the Northwest District staff during the permitting process may have led the applicant, or the applicant’s agent, to gain a perception of a lack of consistency on the part of DEP. The report contained recommendations for avoiding a recurrence of the identified issues in the future.

PRI-21-0-2009-94 OGT Economic Impact Model Evaluation

This report presents the results of an evaluation of the Money Generation Model (MGM2) utilized by the DEP Office of Greenways and Trails (OGT) for estimating the economic impact of Florida’s Greenways and Trails on the economy of the locales where they are located.

The purpose of the evaluation and report was to determine if the MGM2 model is an appropriate tool for use by OGT.

The evaluation was conducted by the Office of Inspector General (OIG), Program Review and Improvement Section at the request of OGT Assistant Director.

The OIG found that although carrying out an accurate survey of the factors that comprise the inputs used by the model can be technically challenging, the MGM2 model could be an effective modeling tool when utilized by well-trained and knowledgeable analysts.

Recreational facilities such as parks and trails impact the local economy in several ways:

- (1) Visitor spending in the region;
- (2) Purchase of goods and services from local and regional suppliers needed for trail operation, maintenance or improvements;
- (3) Construction activities attributed to the presence of the trail; and
- (4) Other economic development in the region induced by the presence of the trail. The Money Generation Model focuses primarily on the economic impacts of visitor spending.

We discovered that understanding economic impact analysis requires some familiarity with the regional economy. There are several important elements of an economic impact analysis:

- (1) Distinctions between direct and multiplier effects;
- (2) Most common used measures of local or regional economic activity and impacts; and

(3) Issues surrounding the definition of the impacted region.

MGM2 is capable of estimates of both the direct effects and multiplier effects of visitor spending. Direct effects are the changes in sales, income and jobs in those businesses or entities that initially receive the visitor spending (e.g. the motels, campgrounds, restaurants, grocery stores, attractions, retail stores). These impacts are most directly associated with the visitor spending and are therefore itemized in greater detail in MGM2. Direct effects are estimated for key tourism-related sectors. Direct effects are estimated by applying simple ratios (jobs to sales, income to sales, etc.).

In our findings, we stated that there are a number of potential sources of error to be aware of when using MGM2 to carry out an economic impact analysis, and that a number of assumptions must be made both in assembling the inputs to the MGM2 model and also within the MGM2 procedures themselves. Not incorporating these assumptions can result in errors in the impact estimates.

The OIG concluded our report by identifying the factors that we considered most germane to economic impact assessments: a good estimate of the number of visits, stratification of visitors into distinct subgroups with distinct spending and

activity patterns, and an estimate of the direct effects of tourism, rather than indirect or induced effects.

PRI-21-2-2009-90 215L Environmental Controls Study

This study was conducted as a follow-up to the Administrative Support Services Environmental Control Study to determine the validity of an employee complaint concerning working conditions detrimental to health and not conducive to work productivity. A temperature and humidity monitoring device was placed in the employees' office for a 30 day period, and the resulting data were analyzed to determine if the environmental conditions met the requirements of the Occupational Safety and Health Administration (OSHA) and the State of Florida Department of Management Services (DMS).

The OIG found that the employees' office environment met all applicable standards. No recommendations were made with respect to environmental controls as a result of the study.

A complete list of PRI projects can be found in APPENDIX – C



Performance Measures



Chapter 20.055, F.S. provides that The Office of Inspector General (OIG) advise the agency in the development of performance measures and standards. The OIG provides assessments of validity and reliability related to new or revised performance measures included in the agency’s Long Range Program Plan and the Legislative Budget Request. The OIG will continue to assess performance measures as necessary and coordinate with agency program managers and the Office of Program Policy Analysis and Government Accountability (OPPAGA) in this effort. The OIG will also continue to support the Department in preparing legislatively-approved measures that are valid and reliable.

In fiscal year 2009-10, the OIG assisted the Division of Law Enforcement in the development of improved definitions, data sources, and baseline data for their performance measures.

The following measures were reviewed:

Criminal Investigations Bureau:

- Number of Cases Opened
- Number of Cases Closed
- Number of Cases Submitted for Prosecution
- Percent of Total Time Spent on Investigative Activities
- Percent of Completed Cases with Successful Prosecution (successful prosecution is defined as any action of the court or the defendant that indicates guilt on the part of the defendant)

Bureau of Emergency Response:

- Number of Incidences Reported
- Percent of Total Time Spent on Incident Response
- Percent of Sites Remediated by the Responsible Party (remediation by the responsible party being defined as any action or contractual arrangement related to cleanup of a site)

Bureau of Park Police:

- Number of Calls Responded to
- Percent of Total Time Spent on Patrol
- Percent of Incidences that were DEP Rule Violations (incidents include written warnings, citations, and arrests)

Similarly, the Annual Audit Plan and Consulting Services Plan for fiscal year 2010-11 identified measures relating to regulatory permitting as an area for potential review. In addition, performance reporting required by the American Reinvestment and Recovery Act (ARRA) will be evaluated on an ongoing basis in coordination the Chief Inspector General’s Office.

Staff Training



The Office of Inspector General's (OIG) Internal Audit Section members received a variety of professional training to meet The Institute of Internal Auditors' (IIA) standards and to enhance the knowledge and skills needed to provide meaningful audit results. Training is also a useful way to obtain the competencies needed to obtain professional certifications endorsed by the profession including the Certified Internal Auditor (CIA) and Certified Fraud Examiner (CFE).

The OIG Internal Auditors received approximately 933 hours of training in fiscal year 2009-10. The training provided has resulted in improved job performance and productivity and has enhanced the sharing of best practices. Formal staff training included obtaining and evaluating audit evidence, use of technology to prevent and detect fraud, operational auditing, contract auditing, data collection and analysis, risk-based audit planning, and various IT Security and IT Risk Assessment courses. Numerous courses were attended related to fraud prevention and accountability related to the American Recovery and Reinvestment Act (ARRA). The audit staff also attended professional lectures at the Institute of Internal Auditors, Association of Inspectors General, Association of Government Accountants, and the Certified Fraud Examiners membership meetings.

The Internal Audit Section also provided training and technical assistance to the Department in the areas of Contract Management and Single Audit requirements. Staff also provided training related to the ARRA requirements.

During the past fiscal year, members of the Internal Investigations Section attended over 514 hours of in-service training hours. Many of these courses were mandatory (170.5 hours) to satisfy the Department's internal requirements or to maintain the scheduled member's State Law Enforcement or Criminal Justice Information System Certifications. Some elective courses were to enhance proficiency in specialized areas of law enforcement activity. The topics involved in the Departmental required training included: Public Records, Code of Ethics, Sunshine Law, and Diversity in the Real World. The courses to maintain law enforcement training standards were: Computer Forensics, Computerized Criminal History, CJIS Certification, Sexual Harassment, Procurement Fraud, Human Relations Skills, Firearms training and qualification, and the Accreditation process. In addition, the Crime Intelligence Analyst received additional Intelligence Program training and most members attended the regular training provided by the Association of Inspectors General. There were also several hours attributed to the Accreditation process.

Program Review and Improvement Section members completed all mandatory and recommended training provided by the Department. This training included public records, code of ethics, diversity, and harassment. Staff also received professional training through attendance at lectures and workshops held by the Association of Inspectors General, Institute of Internal Auditors, Project Management Institute and the Florida Sterling Council. This beneficial training aids the continued improvement of job-related knowledge and skills. Training topics included management skills, customer service, audit case management, project management, and contract management.

Professional Certifications and Affiliations

Members of the Office of Inspector General work in a professional environment and are encouraged to enhance and develop their knowledge and expertise via training and active participation with professional organizations.

Professional Certifications

Audit Section:

- Three (3) Certified Internal Auditors
- One (1) Certified Government Auditing Professional
- One (1) Certified Public Accountant
- Five (5) Certified Fraud Examiners
- One (1) Certified Inspector General

Investigations Section:

- Five (5) Certified Sworn Law Enforcement Officers
- Seven (7) Certified FCIC/NCIC Operators
- Four (4) Certified Inspector General Investigators
- One (1) Certified Inspector General
- One (1) Certified Firearms Instructor
- One (1) Certified Accreditation Manager/Assessor

Program Review & Improvement Section:

- Two (2) Certified State of Florida Contract Managers
- One (1) Project Management Professionals
- One (1) Six Sigma Manager
- One (1) Certified Law Enforcement Analyst



Professional Affiliations

Audit Section:

- Institute of Internal Auditors
- Tallahassee Association of Inspectors General
- Tallahassee Certified Fraud Examiners
- Big Bend Fraud Task Force

Investigations Section:

- Tallahassee Association of Inspectors General
- Florida Internal Affairs Investigator’s Association
- State Law Enforcement Chiefs Association
- International Association of Chiefs of Police
- Commission for Florida Law Enforcement Accreditation, Inc.

Program Review and Improvement Section:

- Institute of Internal Auditors
- Tallahassee Association of Inspectors General
- Project Management Institute

Administrative Support Section:

- Institute of Internal Auditors
- Tallahassee Association of Inspectors General
- Tallahassee Certified Fraud Examiners
- American Institute of Professional Bookkeepers

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• **APPENDIX - A**

The Department monitors the implementation of prior audit findings on a biannual basis and reports on the status to the Executive Leadership Team in the Audit Findings Tracking Report. Of the 34 projects reported in last year's annual report; seven (7) had recommendations that were fully implemented and twenty-six (26) had no recommendations. For the review of the Financial Management of Guana Tolomato Matanzas National Estuarine Reserve (Project IA-02-26-2008-046), the OIG is monitoring implementation.

In addition, the Office of Inspector General reviewed the status of recommendations pertaining to three Auditor General Audits. Recommendations for these audits have been fully implemented. These Audits were Management of State Financial Assistance, Report (2008-128); Lease, Easements, and Other Uses of State Owned Lands, Report (2010-028), and an Information Technology Operational Audit of Payment Card Programs, Report (2010-005).

Status of Prior Year Recommendations Included in the 2009-10 Annual Report

Item	Project Type	Division	Project Title	Status	Project Number
1.	Audit	NA	Energy Office Grants and Monitoring	No Recommendations	IA-02-05-2008-042
2.	Review	Secretary	Review Comprehensive Everglades Restoration Program Expenditures and Fund Tracking	Recommendations Implemented	IA-03-01-2008-048
3.	Review	Department wide	Review of Department Cell Phones	Recommendations Implemented	IA-03-02-2008-124
4.	Review	Department wide	Review of Department-Wide Contract Information Technology Staff Services	Recommendations Implemented	IA-03-06-2008-080
5.	Audit	Recreation and Parks	Paragon of Florida, Inc., Contracted Visitor Service Provider at St. Andrews State Park	Recommendations Implemented	IA-02-07-2008-088
6.	Audit	Recreation and Parks	Florida Caverns State Park Cash Handling Procedures Audit	Recommendations Implemented	IA-02-07-2008-113
7.	Review	Recreation and Parks	Review of Visitor Service Provider Annual Audits for 2007	No Recommendations	IA-11-07-2009-005
8.	Management Advisory	Recreation and Parks	Review Division Recreation and Parks Contract with Reserve America Inc.	No Recommendations	IA-03-07-2009-016
9.	Audit	Water Resource Management	State Revolving Fund Financial Presentations Audit	No Recommendations	IA-02-14-2008-089
10.	Audit	Air Resource Management	Palm Beach County Air Tag Fee Program	Recommendations Implemented	IA-02-13-2008-097
11.	Investigative Assistance	NA	Investigative Assistance to Executive Office of the Governor	No Recommendations	IA-01-03-2009-083

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Status of Prior Year Recommendations Included in the 2009-10 Annual Report					
Item	Project Type	Division	Project Title	Status	Project Number
12.	Performance Measure Review	Law Enforcement	Evaluation of Performance Measures for the Division of Law Enforcement	No Recommendations	IA-11-08-2009-044
13.	Management Advisory	Waste Management	Advisory Assistance Regarding Waste Tire Transportation Contracting Issues	No Recommendations	IA-11-12-2008-128
14.	Review	Waste Management	Brownfield Delegation to Broward County	Recommendations Implemented	IA-03-12-2008-087
15.	Review	Regulatory Districts	Southwest District Administrative Review	Recommendations Implemented	IA-03-19-2008-001
16.	Review	Regulatory Districts	Central District Administrative Review	Recommendations Implemented	IA-03-17-2008-018
17.	Review	State Lands	Review of FLAIR/BTLDS Database Reconciliation Project	No Recommendations	IA-03-03-2009-034
18.	Review	Coastal and Aquatic Managed Areas	Review of the Financial Management of Guana Tolomato Matanzas National Estuarine Reserve	Recommendation Status Being Monitored	IA-03-26-2008-046
19.	Review	OTIS	Information Technology Risk Assessment	No Recommendations	NA
20.	Audit	Waste Management	Financial and Compliance Audit of the Cleanup Contract GC634, Agreement for the Petroleum Cleanup Program with Seminole County	Recommendations Implemented	IA-02-12-2009-003
21.	Audit	Waste Management	Financial and Compliance Audit of Contract GC699, Agreement for Petroleum Storage Tank System Compliance Verification Program with Gulf County Health Department	Recommendations Implemented	IA-02-12-2009-036
22.	Audit	Waste Management	Financial and Compliance Audit of Contract GC695, Agreement for Storage Tank System Compliance Verification for Manatee County	No Recommendations	IA-02-12-2009-037
23.	Audit	Waste Management	Financial and Compliance Audit of Contract GC552, Agreement for Petroleum Contamination Site Cleanup Related Services in Orange County	Recommendations Implemented	IA-02-12-2009-063

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Status of Prior Year Recommendations Included in the 2009-10 Annual Report					
Item	Project Type	Division	Project Title	Status	Project Number
24.	Audit	Waste Management	End of Contract Financial Audit of Contract GC551, Agreement for Petroleum Contamination Site Cleanup related services in Osceola County	Recommendations Implemented	IA-02-12-2008-066
25.	Audit	Waste Management	Financial and Compliance Audit of Contract GC681, Agreement for Petroleum Contamination Site Cleanup related Services in Leon County	No Recommendations	IA-02-12-2009-075
26.	Audit	Waste Management	Financial and Compliance Audit of Contract GC500, Agreement for Petroleum Contamination Site Cleanup Related Services in Escambia County	Recommendations Implemented	IA-02-12-2007-077
27.	Audit	Waste Management	Financial and Compliance Audit of Contract GC707, Agreement for Petroleum Cleanup related Services in Gadsden County	No Recommendations	IA-02-12-2009-080
28.	Audit	Waste Management	Performance and Compliance Audit of Contract GC635, Agreement for Petroleum Contamination Site Cleanup related Services in Jefferson County	No Recommendations	IA-02-12-200-082
29.	Audit	Waste Management	Performance and Compliance Audit of Contract GC555, Agreement for Petroleum Contamination Site Cleanup related Services in Madison County Health Department	No Recommendations	IA-02-12-2008-086
30.	Review	Waste Management	Management Advisory on Petroleum Contamination Cleanup activities of URS Corporation, a Remediation Contractor	No Recommendations	IA-11-12-2007-108
31.	Review	Waste Management	Management Advisory on Petroleum Contamination Cleanup activities of Mactec Engineering and Consulting Inc. a Remediation Contractor	No Recommendations	IA-11-12-2007-106
32.	Review	Waste Management	Review and Advise on the Number of Preapproval Work Order Invoice Points being Negotiated and Utilized. Identify Variances and Provide Explanations	No Recommendations	IA-11-12-2007-058
33.	Review	Waste Management	Performance Measure: Review Number of Compliance Inspections Conducted Annually	No Recommendations	IA-13-0-2008-114

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Status of Prior Year Recommendations Included in the 2009-10 Annual Report					
Item	Project Type	Division	Project Title	Status	Project Number
34.	Review	Waste Management	Performance Measure: Assessment of the Number of Petroleum Contaminated Sites Being Cleaned Up	No Recommendations	IA-06-12-2009-039
35.	Review	Waste Management	Review of Selected Work Orders issued to Aerostar Environmental Services	No Recommendations	IA-03-12-2009-013
36.	Review	Waste Management	Review of Selected Work Orders issued to Imperial Testing Laboratories	No Recommendations	IA-03-12-2009-029
37.	Review	Waste Management	Review of Selected Work Orders issued to Ellis & Associates, Inc.	No Recommendations	IA-03-12-2008-037
38.	Review	Waste Management	Review of Selected Work Orders issued to Groundwater & Environmental Services, Inc.	No Recommendations	IA-03-12-2008-038
39.	Review	Waste Management	Review of Selected Work Orders issued to Terra-Com Environmental Consulting	No Recommendations	IA-03-12-2008-050
40.	Review	Waste Management	Review of Selected Work Orders issued to S&ME, Inc.	No Recommendations	IA-03-12-2008-125
41.	Review	Waste Management	Review of Selected Work Orders issued to Florida Geotechnical Engineering, Inc.	No Recommendations	IA-03-12-2008-126
42.	Review	Waste Management	Review of Selected Work Orders issued to Earth Systems, Inc.	No Recommendations	IA-03-12-2008-127

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• **APPENDIX – B**

**Investigation Cases Closed for
Fiscal Year 2009-2010**

Case Number	Allegations	Findings
II-03-17-2007-043	Investigative Review	Completed, Referred to Mgmt
II-01-29-2008-018	Tracking Purposes Only	Completed, Referred to Mgmt
II-01-20-2008-040	Tracking Purposes Only	Completed, Referred to Mgmt
II-13-21-2008-054	Miscellaneous Complaint	Completed, Referred to Mgmt
II-01-08-2008-074	1. Conduct unbecoming a public employee 2. Violation of law or agency rules. To Wit: General Order 2-1	Not Sustained Exonerated
II-03-20-2008-077	Investigative Review	Completed, Referred to Mgmt
II-03-08-2008-088	Investigative Review	Withdrawn
II-03-15-2008-089	Investigative Review	Review Complete
II-01-27-2008-098	1. Conduct unbecoming a public employee 2. Violation of law or agency rules. To Wit: Sexual Harassment 3. Violation of law or agency rules. To Wit: Sexual Harassment 4. Violence in the Workplace	Sustained Sustained Sustained Sustained
II-03-14-2008-107	Investigative Review	Review Complete
II-13-15-2008-114	Miscellaneous Complaint	Completed/ Referred to Mgmt
II-13-07-2009-012	Miscellaneous Complaint	Completed
II-01-12-2009-015	Solicitation and/or Distribution of Literature	Unfounded
II-01-08-2009-018	Conduct unbecoming a public employee	Exonerated
II-01-12-2009-020	Violation of law or agency rules. To Wit: F.S. 626.9541 Fraud-False Statements	Completed- Closed/Leads Exhausted
II-01-18-2009-023	Conduct unbecoming a public employee	Sustained
II-01-08-2009-024	1. Violation of law or agency rules. To Wit: General Order 2-1 2. Violation of law or agency rules. To Wit: General Order 2-1 3. Violation of law or agency rules. To Wit: General Order 2-1 4. Violation of law or agency rules. To Wit: General Order 2-1	Unfounded Unfounded Unfounded Unfounded

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Case Number	Allegations	Findings
II-01-07-2009-026	Violation of law or agency rules	Closed – Referred to FDLE
II-01-08-2009-028	1.Violation of law or agency rules 2.Conduct unbecoming a public employee	Exonerated Exonerated
II-01-08-2009-032	Conduct unbecoming a public employee	Unfounded
II-01-08-2009-033	Conduct unbecoming a public employee	Completed – Referred to Management
II-01-26-2009-036	1. Violation of law or agency rules. To Wit: Chapter 112, Part III, F.S. 2. Violation of law or agency rules. To Wit: DEP 202, Violation of Code of Ethics 3. Violation of law or agency rules. To Wit: DEP 401, Violation of Dual Employment.	Unfounded Unfounded Unfounded
II-01-08-2009-037	Conduct unbecoming a public employee	Completed – Referred to Management
II-01-07-2009-038	1.Conduct unbecoming a public employee 2. Violation of law or agency rules. To Wit: F.S. 784.03 Battery 3. Violation of law or agency rules. To Wit: F.S. 784.03 Battery 4.Failure to give truthful information	Sustained Not Sustained Sustained Sustained
II-01-07-2009-039	Violation of law or agency rules. To Wit: Sexual Harassment	Sustained
II-01-08-2009-041	1. Violation of law or agency rules. To Wit: Driving Under the Influence. 2.Conduct unbecoming a public employee 3. Violation of law or agency rules. To Wit: General Order 2-1 4. Violation of law or agency rules. To Wit: Driving Under the Influence. 5.Conduct unbecoming a public employee 6. Violation of law or agency rules. To Wit: General Order 2-1	Unfounded Not Sustained Not Sustained Unfounded Not Sustained Not Sustained

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Case Number	Allegations	Findings
II-03-07-2009-042	Investigative Review	Review Complete
II-01-08-2009-043	DEP Directive 620 - Motor Vehicles/ Watercraft Assignment and Utilization	Sustained
II-13-08-2009-044	Conduct unbecoming a public employee	Completed
II-01-08-2009-045	Conduct unbecoming a public employee	Unfounded
II-01-07-2009-046 A & C	<ol style="list-style-type: none"> 1. Violation of law or agency rules. To Wit: F.S.812.014 Theft 2. Violation of law or agency rules. To Wit: F.S.812.014 Theft 3. Violation of law or agency rules. To Wit: F.S.812.014 Theft 4. DEP 290 Failure to give truthful information 5. Conduct unbecoming a public employee 6. Violation of law or agency rules. To Wit: F.S.812.014 7. Violation of law or agency rules. To Wit: F.S.838.022 Official Misconduct 	<p>Unfounded</p> <p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Closed</p> <p>Closed</p>
II-01-07-2009-047	<ol style="list-style-type: none"> 1. DEP Directive 436 – Discrimination and Harassment 2. DEP 435. 8 (6) Violation of law or agency rules, to wit: F. S. 812.014 - Theft 3. Florida Park Service Operation Manual, Chapter 5.7 – Weekly Report of Receipts/Deposits 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained</p>
II-03-07-2009-048	Investigative Review	Non Jurisdictional
II-08-08-2009-049	Public Records Request	Completed
II-01-08-2009-050	<ol style="list-style-type: none"> 1. General Order 2-1.4 Code of Conduct 2. General Order 4-2.5 Use of Force and Response to Resistance 3. Florida Statute 784.03 Battery 	<p>Sustained</p> <p>Sustained</p> <p>Exonerated</p>
II-01-29-2009-051	<ol style="list-style-type: none"> 1. Violence-Free Workplace Policy 2. Conduct unbecoming a public employee 	<p>Not Sustained</p> <p>Sustained</p>
II-03-07-2009-052	Investigative Review	Review Complete
II-07-01-2009-053	Background Investigation	Completed

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Case Number	Allegations	Findings
II-01-21-2009-054 CIG 200907170002	<ol style="list-style-type: none"> 1. FAC Rule Chapter 33-208. To Wit: FS 112.533 (4) Interfering with an official investigation 2. FAC Chapter 60L-36.005 & Rule Chapter 33-208. To Wit: Negligence 3. FAC Rule Chapter 33-208.002 (5) To Wit: Receiving Monetary Compensation from Inmates 4. FAC Rule Chapter 33-208.002 (26) To Wit: Staff/Offender Relationship 5. FAC Rule Chapter 33-208. To Wit: FS 112.313 (6) Standards of conduct for public office. Misuse of Public Position 6. FAC Chapter 60L-36.005 & Rule Chapter 33-208. To Wit: Conduct Unbecoming a Public Employee (Security and Welfare of Inmates) 7. FAC Chapter 60L-36.005 & Rule Chapter 33-208. To Wit: Conduct Unbecoming a Public Employee (Discredit to the Department and Office of Inspector General) 8. FAC Rule Chapter 33-208.002 (18). To Wit: Revealing confidential information to unauthorized persons 9. FAC Rule Chapter 33-601.314 To Wit: 9-10 Lying to staff members or others in an official capacity (Inmate Offense) 10. FAC Rule Chapter 33-601.314 To Wit: 9-6 Bartering with Others (Inmate Offense) 11. FAC Rule Chapter 33-601.314 To Wit: 3-4 Trafficking in Drugs (Inmate Offense) 	<p>Sustained</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Sustained (2 Counts)</p> <p>Sustained (2 Counts)</p> <p>Sustained</p>
II-08-27-2009-055	Public Records Request	Completed
II-03-01-2009-056	Investigative Review	Completed-Referred to Management
II-01-07-2009-057	Conduct unbecoming a public employee	Completed-Referred to Management
II-01-08-2009-058	<ol style="list-style-type: none"> 1. Code of Conduct DEP General Orders 2-1.3 2. Secondary Employment DEP General Order 2-5.3 	<p>Unfounded</p> <p>Unfounded</p>

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Case Number	Allegations	Findings
II-01-07-2009-059	Violence-Free Workplace Policy	Sustained
II-01-07-2009-060	1. Directive 436 Discrimination and Harassment. To Wit: Sexual Harassment 2. Conduct unbecoming a public employee	Not Sustained Sustained
II-01-07-2009-061	1. Directive 436 Discrimination and Harassment. 2. Conduct unbecoming a public employee	Not Sustained Sustained
II-01-12-2009-062	Conduct unbecoming a public employee	Sustained
II-03-20-2009-063	Management Review	Completed
II-01-08-2009-064	1. Conduct unbecoming a public employee 2. Conduct unbecoming a public employee 3. Poor Performance 4. Directive 436 Discrimination and Harassment	Sustained Not Sustained Sustained Not Sustained
II-03-08-2009-065	Investigative Review	Completed
II-01-19-2009-066	DEP 390 Information Resources Security Policies and Standards	Completed – Referred to Management
II-01-08-2009-067	Tracking Purposes Only – Preliminary Inquiry	Completed
II-13-15-2009-068	Management Review	Completed – Referred to Management
II-01-08-2009-069	DEP 435 8.(7) Conduct unbecoming a public employee	Withdrawn
II-03-20-2009-070	Management Review	Completed
II-03-20-2009-071	Management Review	Completed, Referred to Mgmt
II-07-01-2009-072	Background Investigation	Completed
II-07-01-2009-073	Background Investigation	Completed
II-07-01-2009-074	Background Investigation	Completed
II-07-01-2010-001	Background Investigation	Completed
II-03-08-2010-002	Investigative Review	Completed-Referred to Management
II-01-07-2010-003	Investigative/Management Review	Completed
II-01-07-2010-005	F.S.812.014 Theft	Completed

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Case Number	Allegations	Findings
II-13-21-2010-006	Public Records Law Violation Public Records Law Violation	Not Sustained Not Sustained
II-01-08-2010-007	Conduct unbecoming a public employee	Exonerated
II-01-07-2010-009	1. DEP 620 Motor Vehicles 2. DEP 420 Drug-Free Workplace 3. DEP 435 8.(7) Conduct unbecoming a public employee	Sustained Sustained Sustained
II-01-07-2010-010	DEP 435 8.(7) Conduct unbecoming a public employee	Unfounded
II-01-07-2010-011	DEP 435 8.(7) Conduct unbecoming a public employee	Not Sustained
II-01-13-2010-012	DEP 436 Discrimination & Harassment	Withdrawn
II-01-07-2010-014	1. DEP 620 Motor Vehicles 2. DEP 420 Drug-Free Workplace 3. DEP 435 8.(7) Conduct unbecoming a public employee	Sustained Sustained Sustained
II-01-07-2010-016	DEP 390 Internet Acceptable Use Conduct Unbecoming a Public Employee	Sustained Sustained
II-01-12-2010-017	DEP 390 Internet Acceptable Use Conduct Unbecoming a Public Employee	Sustained Sustained
II-01-16-2010-018	DEP 390 Internet Acceptable Use Conduct Unbecoming a Public Employee	Sustained Sustained
II-01-29-2010-019	DEP 390 Internet Acceptable Use Conduct Unbecoming a Public Employee	Sustained Sustained
II-01-03-2010-020	DEP 390 Internet Acceptable Use Conduct Unbecoming a Public Employee	Sustained Sustained
II-13-07-2010-021	Miscellaneous-Personnel assist case	Completed-Referred to Management
II-01-14-2010-022	DEP 390 Internet Acceptable Use Conduct Unbecoming a Public Employee	Sustained Sustained
II-03-08-2010-023	Investigative Review	Review Complete
II-13-14-2010-024	Conduct Unbecoming a Public Employee	Sustained
II-01-12-2010-026	Conduct Unbecoming a Public Employee Negligence Violation of law or agency rules. To Wit: DEP 202 Code of Ethics Violation of law or agency rules. To Wit: DEP 290 Internal Investigations	Sustained Sustained Sustained Sustained
II-01-08-2010-027	DEP 390 Internet Acceptable Use Conduct Unbecoming a Public Employee	Sustained Sustained
II-01-13-2010-028	DEP 390 Internet Acceptable Use Conduct Unbecoming a Public Employee	Sustained Sustained

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Case Number	Allegations	Findings
II-13-07-2010-029	Miscellaneous Complaint	Completed
II-01-21-2010-031	1. FHP Policy 3.03 Code of Conduct: Regulations. To wit: 3.03.06 A.(6) 2. FHP Policy 3.03 Code of Conduct: Regulations. To wit: 3.03.06 A.(6) 3. FHP Policy 3.03 Code of Conduct: Regulations. To wit: 3.03.06 A.(55) 4. FHP Policy 3.03 Code of Conduct: Regulations. To wit: 3.03.06 A.(69) 5. FHP Policy 3.03 Code of Conduct: Regulations. To wit: 3.03.06 B.(1) Regulations for Supervisors. To Wit: FHP Policy 22.04 Criminal Investigations, 22.04.05 Section D 6. FHP Policy 3.03 Code of Conduct: Regulations. To wit: 3.03.06 B.(1) Regulations for Supervisors 7. FHP Policy 3.03 Code of Conduct: Regulations. To wit: 3.03.06 B.(3) Regulations for Supervisors 8. DHSMV Policy 6.06 Workplace Safety and Security. To wit: Section 2 (A)	Not Sustained Not Sustained Sustained Unfounded Sustained Sustained Unfounded Not Sustained
II-03-08-2010-035	Investigative Review	Review Complete
II-07-01-2010-036	Background Investigation	Completed
II-03-01-2010-037	Investigative Review	Review Complete



• **APPENDIX – C**

**Program Review and Improvement Completed Projects for
Fiscal Year 2009-2010**

No.	Division	Project Title	Number
1.	Recreation & Parks	Beach Accessibility Measures for Persons with Mobility Impairments	C-0910DEP-035
2.	CAMA	Internal Control Standards for Revenue Collections	C-0910DEP-094
3.	OIG	Private Citizen Response Letter	C-0910DEP-117
4.	OIG	Private Citizen Complaint (Management Advisory)	C-0910DEP-096
5.	Office of the Secretary	Public Interest Determination for Use of Sovereign Submerged Lands	C-0910DEP-030
6.	Administrative Services	Commercial Diving and Safe Practices Manual	C-0910DEP-073
7.	Administrative Services	Dive Program Safety Review	C-0910DEP-039
8.	Office of the Secretary	2009 Employee Climate Survey	C-0910DEP-042
9.	OIG	Case Review (Boca Ciega Resort Marina)	C-0910DEP-033
10.	Office of the Secretary	2009 Employee Climate Survey Follow-up Analysis	C-0910DEP-042a
11.	CAMA	CAMA Central Office Grant Management	C-0910DEP-034
12.	Administrative Services	Administrative Services Environmental Control Study	C-0910DEP-040
13.	Land and Recreation	Cabinet Affairs Agenda Process Improvement (Management Advisory)	PRI-21-34-2009-033
14.	CAMA	Barefoot Bay Marina Project	PRI-21-15-2009-087
15.	OGT	OGT Economic Impact Model Evaluation	PRI-21-0-2009-094
16.	Administrative Services	215L Environmental Controls Study	PRI-21-2-2009-090

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