



**State of Florida  
Department of Environmental Protection  
Office of Inspector General**

**ANNUAL REPORT – FISCAL YEAR 2010-2011**

**Candace M. Fuller  
Inspector General**

**Herschel T. Vinyard Jr.  
Secretary**

# **The Courage of Integrity**

The highest courage is to dare to be yourself in the  
face of adversity.

Choosing right over wrong, ethics over convenience and  
truth over popularity..

These are the choices that measure your life.

Travel the path of integrity without looking back,  
for there is never a wrong time to do the right thing.


# Department of Environmental Protection

## Memorandum

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September 30, 2011

**TO:** Herschel T. Vinyard Jr.  
Secretary

**FROM:** Candace M. Fuller   
Inspector General

**SUBJECT:** Office of the Inspector General's (OIG)  
Annual Report for FY 2010-2011

I am pleased to submit to you the Office of Inspector General's (OIG) annual report which outlines the major accomplishments for the 2010-2011 fiscal year in accordance with Florida Statutes, Chapter 20.055. As 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 administrative support are among the best in the state.

On behalf of the office, I would like to acknowledge Department managers and staff in their continued cooperation as we continue our charge to *Promote Integrity, Accountability and Efficiency* within the Department.

CF/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 4,400 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.

### 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 2010 - 2011. 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 informative, logical, supported 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

*Florida Department of Environmental Protection  
"Enhancing Public Trust in Government"*

management reviews relating to the Department's operations.

- 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.

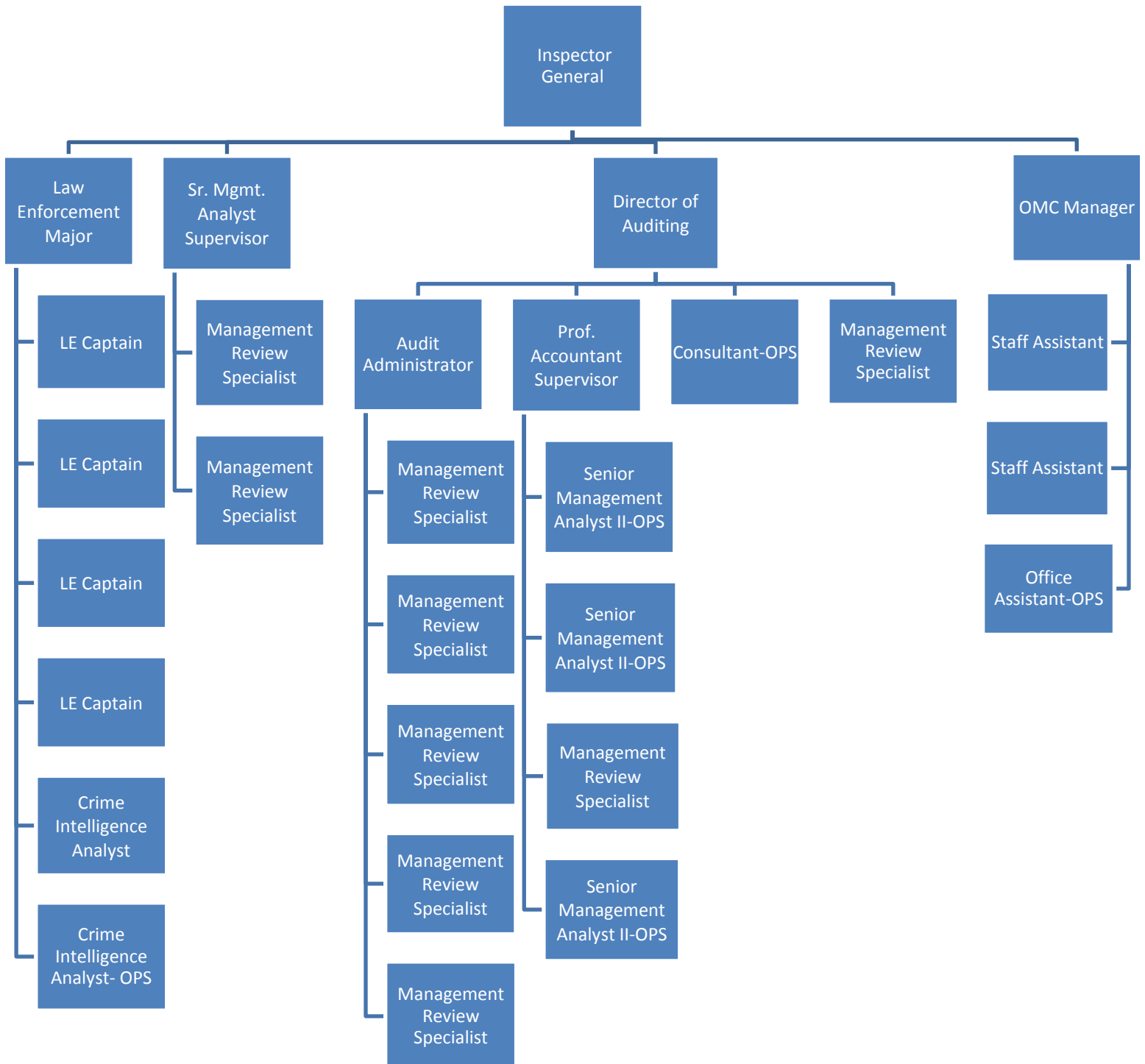
- Review agency rules and make recommendations relating to their impact.
- Ensure that an appropriate balance is maintained between audits, investigations and other accountability activities.





*Office of Inspector General – Annual Report – FY 2010-2011*  
*“Promoting Integrity, Accountability and Efficiency”*

As of June 30, 2011, The Office of Inspector General consists of 29 budgeted positions. This includes 23 full-time employees and 6 OPS positions. The distribution of OIG positions are described in the below 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 2011-2012 Audit Plan includes projects pertaining to park operations and fee collections, monitoring of Department contracts and grants, petroleum tanks contracts and expenditures, regulatory enforcement issues, Federal awards programs, IT Contracting and IT Security, The Audit Plan also includes participation in multi-agency enterprise-wide audit projects. The results of these projects lead to a comprehensive report addressing common issues throughout state government. The Audit Plan was approved by the Department's Inspector General and Secretary.

## **Audit Project Summaries**

### **Division of Administrative Services**

#### **M-0910DEP-046 Review of Contract Template for Department Contracts**

The scope of this review included tests of contract agreement files from the Division of Administrative Services for compliance with DEP directives, procurement guidelines, Florida Statutes, and Florida Administrative Codes. OIG also reviewed contracts for evidence of proper planning, monitoring, and contract accountability.

We found the contracting process to be thorough and well documented. Monitoring and enforcement provisions were contained in the executed contracts. However, we recommended contract controls be strengthened to ensure complete contract documentation, accountability, and satisfactory deliverables. OIG acknowledged that it is difficult to adequately plan for all circumstances, issues, and events that routinely occur in construction contracts. However, we recommended the Division of Administrative Services Procurement Section work closely with contracting management in the Division of Recreation and Parks, Office of Greenways and Trails (OGT), and Office of Coastal and Aquatic Managed Areas (CAMA) in the areas of planning and developing bid and contract documents. We recommended the Division of Administrative Services Procurement Section work with the DEP business units in ensuring that contracts recognize the proper staff as contract managers.

#### **A-1011EOG-012 Enterprise Ethics Audit DEP**

This audit was part of the Chief Inspector General (CIG) lead Enterprise Wide Ethics Audit. The results of our audit were included in a report that contained the results of same audit conducted at multiple state agencies. The scope of this audit focused on recent actions taken by the agency to design, communicate, monitor, promote and enforce ethical standards and policies applicable to its

employees. The purpose of this audit was to provide a comprehensive review of ethics in Florida state government. The objectives were to determine; each agency’s implementation of the Office of the Governor’s Executive Order Number 11-03, Ethics and Open Government; the design and effectiveness of each agency’s ethics-related objectives, guidance, and activities in order to identify areas of potential weakness and best practices that could be shared among all agencies.

DEP Directive 202 is the Code of Ethics and was revised by the Office of General Counsel (OGC) to comply with the changes required by Executive Order Number 11-03. However, it did not include the process for reporting violations nor does it mandate employees to report violations. The OGC makes reasonable efforts to ensure that the agency’s employees become familiar with relevant ethics, public records, and open meeting requirements by providing the Division of Administrative Services with training material and contact information in the training and code of ethics for any ethics related questions. The Ethics Attorney tracks, monitors, and analyzes employee ethic inquiries in an electronic file. According to an agency-wide ethics survey, responses were positive regarding the ethical climate in the Department. The Department does not have an anonymous tip line to report suspected ethical violations. We recommended the Department revise the Code of Ethics and training to outline a process for reporting ethical violations. We also recommended the Department, specifically OGC along with the Bureau of Personnel Services and the Office of Inspector General Internal Investigations Section consider additional methods to strengthen consistent and uniform discipline of ethical violations.

**Office of Technology and Information  
Services**

**V-1011DEP-043 -- Review of Information  
Security Regarding the Disposition of  
Department Copiers and Printers**

The Office of Inspector General (OIG) conducted a security review of all printers, copiers, and multifunction devices within the Department. This audit included tests of the Department's contract requirements for disposition of hard drives, policies for ensuring sanitation of hard drives, and actual disposition of machines or machines returned to vendor with expired leases. This audit was initiated as a result of the FY 2010-2011 audit plan. We recommended DEP have policies and procedures to govern the disposal and sanitization of media, including hard drives according to 60DD-2.009, Florida Administrative Code (FAC). We recommend a formal policy be developed that educates and holds programs accountable for ensuring sanitized hard drives of all disposed media devices. This should include an education, certification, and reporting component. Verification of sanitized hard drives should be signed by the responsible program staff. Documentation and records of this process should be reported and retained by OTIS. In addition, OIG recommended that OTIS take due care to ensure that procedures conform with the requirements outlined by Rule 60DD-2.009 and 71A-1 FAC, as well as guidance from AEIT.

**Division of Recreation and Parks**

**A-0910DEP-031 Audit of Wakulla Springs State  
Park**

The scope of this audit included select activities at Wakulla Springs State Park during the fiscal period of July 1, 2008 through February 28, 2010. The Office of Inspector General (OIG) conducted tests of park records and procedures for revenue accuracy and procedural compliance in the areas of cash collection and control and purchasing cards.

Areas tested for accuracy of reported revenues included the front desk, gift shop, dining room, waterfront, and ranger station.

OIG found the Park to be in compliance with operational procedures regarding cash collection and internal controls. In addition, all purchases had supporting documents including receipts and invoices. Purchases were made by authorized cardholders, for authorized purchases and within authorized limits. The daily purchasing limits of certain staff may be set in excess of actual needs. Therefore, the park could be assuming unnecessary risk based on excessive p-card credit limits. The OIG recommended Park management review P-Card limits to ensure that they are aligned with cardholder needs.

**A-0910DEP-115 Audit of Citizen Support  
Organization - Friends of Jonathan Dickinson  
State Park**

The scope of this audit included select activities of Friends of Jonathan Dickinson State Park, a Citizen's Support Organization (CSO) during the period January 1, 2008 through December 31, 2009. The objectives were to determine whether the CSO was in compliance with the provisions of the agreement and accurately reported financial information.

OIG found during 2009, total program service expenses resulted in a commendable program expense ratio. However, an Annual Program Plan, Statement of Activities, Financial Statement Disclosures and an Annual Budget were not submitted for 2009 resulting in non compliance with a portion of the reporting requirements outlined in the agreement. The CSO did not maintain written policies for cash handling, revenue collection, deposits and statement reconciliation during the audit period of 2008 and 2009. A cash handling policy was being developed. The CSO has not established effective controls for approving and documenting revenues and expenditures related to the subcommittee "Club Scrub".

The OIG recommended the Division should ensure the Board submits required annual administrative reports by the due date of June 30<sup>th</sup> and, written cash control policies should be established which should include the separation of duties for members involved with cash handling and verification, deposit preparation and bank statement reconciliation. The OIG also recommended the Division should require the Board to provide additional oversight to Club Scrub and develop controls to document approvals, expenditures and deposit support.

**A-0910DEP-121 Audit of Jonathan Dickinson State Park**

The scope of this audit included select activities at Jonathan Dickinson State Park during the fiscal period of July 1, 2008 through February 28, 2010. The objectives were to determine the accuracy of reported revenue and whether the park is in compliance with applicable laws, rules and internal procedures in the areas of cash collection and control and use of the Purchasing Card (P-Card).

Based on our audit, revenue was reported accurately with a margin of error of less than 1%. The Park was in compliance with P-Card rules and procedures. However, the Park was not fully in compliance in the area of cash collection and control. Improvement is needed in the areas of documenting daily cashbox overages and shortages, following proper procedures for documenting refunds and verifying change funds. We recommended the Park ensure that staff follow the Park Operations Manual in regards to monitoring and documenting cash collection and controls.

**A-1011DEP-014 Audit of FRDAP Grant for Hodges Park & Sellers Park - Town of Caryville**

The scope of this audit included billing submittals related to the Florida Recreation and Development Program (FRDAP) grant number A08194 at Hodges Park and number A08160 at Sellers Park, Town of Caryville. The objectives of this audit were to determine the accuracy of reported expenditures listed in billing submittals; and whether project

deliverables were completed in accordance with the grant agreement and amendments. Overall, the city provided invoices and copies of checks on most expenses. However, the invoices from the contractor were based on the bid proposal (lump sum bids) instead of actual cost. Therefore, we could not determine the accuracy of all the reported expenditures. Construction work was performed in the last three months of the project and the Town of Caryville did not have procurement procedures in place for their bidding process. The Town allowed the project engineer to perform the bidding process. The engineer obtained three quotes from contractors and presented these to the council. Two of the three contractors were registered agents of the winning company. The deliverables were completed as amended.

We recommended the Division contract management closely monitor the modification/deletion of elements as well as application data. We also recommended the Division verify the existence of, and approve award recipients' procurement procedures. The Division should require the Town to retain records of all invoices and copies of checks for review per the contract agreement.

**I-1011DEP-033 Review of Select Activities in the Office of Greenways and Trails**

The objective of this project is to provide a review of purchasing records and other documentation to assist the Investigative Section with the review of employee use of state purchased gasoline; selling state property, and employee theft. We found that OGT did not maintain documentation that would verify fuel use. Further, available documentation did not support any unauthorized sale of state property or employee theft.

**V-1011DEP-24 Review of the Office of Greenways and Trails Federal Recreational Trails Program Application and Funding Process**

The scope of this project included the two (2) most recent applicant funding cycles of the Federal Recreational Trails Program. The objectives were to

review the Office of Greenways and Trails (OGT) Federal Recreational Trails Program to determine the application and funding process for program projects. This included the application criteria, project rating criteria, award process, and funding amount. We reviewed successful project applications as well as the unsuccessful applicant (complainant) for comparison to rating criteria. Lastly, our third objective was to determine whether conditions exist that would give one applicant an unfair advantage over another. Based on this review, all applications were scored accurately using the project rating criteria found in the Florida Administrative Code, Chapter 62S-2. The applications with the highest scores were awarded grant funds per the Florida Administrative Code, Chapter 62S-2. We determined the application and funding process for the Recreational Trails Program projects was objective. Finally, we found that controls were in place that would preclude any practice of giving one applicant an unfair advantage over another applicant.

#### **V-1011DEP-050 Review of Construction Contracts DC 531 and DC 911 at Lake Jackson**

The scope of this audit included construction contracts DC911 and DC531 Assignment 11 for construction at Lake Jackson for an Artifact Storage Building. The objectives were to determine whether the contractor has operated in compliance with the contract and whether the contract has been managed effectively.

Invoices, change orders, and expenditures were well documented and related to work done according to the contract. The deliverables listed in the contracts were received and completed.

The project was completed during the time limits stated in the contract, and a review of the change orders indicated the project was properly planned by the Division. Change orders were added as needed.

Throughout Construction Contract DC911, time extensions were approved by the Division after required time limits. The practice of approving time extensions after the deadline has passed exposes the

contract to unreasonable delays and excess time spent on the project. We recommended the Division closely monitor change orders in relation to time extensions. Also, issues regarding rain delays and time extensions were not handled specifically according to the contract. We recommended the Division revisit contract language to possibly provide a longer length of time to submit rain delay requests provided the contractor supplies adequate documentation.

### **Division of Water Resource Management**

#### **A-0910DEP-111 Audit of the State Revolving Fund Financial Statement and Selected Financial Controls**

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, 2008 and June 30, 2009, and the revenues, expenditures, and changes in fund balance for the period July 1, 2007 through June 30, 2008 and July 1, 2008 through June 30, 2009. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

The OIG noted no matters involving the Department's internal controls over financial reporting and its operation that OIG considered to be material weaknesses. The OIG noted a few instances where amounts not deemed material to the overall financial statements were omitted or reported inaccurately. These were corrected in the audited financial presentations and were addressed in the "Summary of Nonmaterial Discrepancies". We recommended that Finance and Accounting review the report and add more specific language where necessary.

**A-1011DEP-047 -- Audit of the State Revolving Fund Financial Statement and Selected Financial Controls as of June 30, 2010**

The scope of this audit included the 2009/2010 Special Purpose Financial Presentations and accompanying notes along with documentation supporting the assertions made in these presentations. Additionally, compliance requirements contained in the funding agreement with EPA and outlined in the audit guidelines issued by EPA were tested for the July 1, 2009 through June 30, 2010 fiscal year. The objectives were to determine if the special purpose financial presentations present fairly, in all material respects, the financial position and results of operations of the Clean Water and Drinking Water Revolving Fund Program; to report on the system of internal controls related to the financial presentations; and to determine compliance with applicable laws, regulations, and the provisions of State Revolving Fund.

OIG found that the Department’s audited special purpose financial presentations accompanying this report present fairly the financial position of the Clean Water and Drinking Water Revolving Funds as of June 30, 2010, and the revenues, expenditures, and changes in fund balance for the periods July 1, 2009 through June 30, 2010.

The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards. OIG noted no matters involving the Department’s internal controls over financial reporting and its operation that we considered to be material weaknesses. OIG noted several instances in the financial presentations and the supporting notes as originally submitted to the Environmental Protection Agency where amounts were omitted or reported inaccurately. The audited statements and accompanying notes included with this report have been updated to reflect the correct amounts. However, it is our opinion that the omission/misstatement of these line items has resulted from a lack of clear written procedures for preparers and reviewers to follow. The lack of clear written procedures outlining the

preparation and review processes for the Special Purpose Financial Presentations represents a significant deficiency in our opinion. We recommended that Finance and Accounting develop written procedures outlining the appropriate preparation and documented review of the Special Purpose Financial Presentations.

**V-0910DEP-093 ARRA Review of Data Reporting and Project Oversight Division of Water Resource Management**

The Office of Inspector General has conducted a review of four of the local sponsors receiving American Recovery and Reinvestment Act of 2009 (ARRA) funding for Clean Water and Drinking Water State Revolving Fund loans. These local sponsors included: the Cities of Clewiston, Cocoa, Sanford, and 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. Records were organized and thorough. The sites observed were being well managed with work being performed within budget and generally on schedule.

**G-1011DEP-028 Advisory for Payments to the Broward Soil and Water Conservation District Contract 09B01**

OIG conducted a review of documentation submitted by the Soil and Water Conservation District (BSWCD) to the Bureau of Beaches and Wetland Resources (Bureau) for final payment of Contract 07B01. The objective of this review was to determine whether the BSWCD provided sufficient documentation and evidence of contract deliverables to justify payment of the expired contract balance of \$66,876.

Based on the review of submitted documents, previous billings, and the contract agreement, the

submittal for reimbursement (\$66,875.27) was not allowable because it included duplicate costs of previously paid invoices. The contract agreement was a cost-reimbursement agreement rather than a lump sum agreement. We agreed with the review conducted by Bureau staff regarding the issues presented in the follow-up correspondence and determined that no additional documentation to support payment was submitted. We recommended that only eligible costs not previously paid be reimbursed. We recommended that the Bureau seek legal guidance and possible representation on several issues mentioned in the attorney's letter; including the contractor/employee status and the legal status forms.

**V-1011DEP-061 -- Review and Advisory on Refunds Due from Collier County for Agreements 01C01, 05C01, and 07C01**

OIG reviewed agreements 01CO1, 05CO1, and 07CO1 from the Beach Erosion Control Program for compliance with payment requirements on beach restoration work in Collier County. This included various funding sources, correspondence, disbursements, advances, and returns during the period 2001 to August 2011.

**V-1011DEP-059 -- Review of Advance Payment (Nassau County, Ocean -Fernandina Beach) 06NA3**

OIG reviewed agreements from the Beach Erosion Control Program for compliance with advance payment requirements on beach restoration work in Nassau County. This included funding sources, correspondence, disbursements, advances, and returns during the period 2005 to May 2011. The objective was to determine if funds transferred were used for the purpose specified in the agreement for beach restoration at Ft. Clinch State Park. OIG recommended the Bureau of Beaches and Coastal Systems on behalf of the DEP seek return of state funds not used for intended purposes from the Nassau County Ocean, Highway, and Port Authority and the City of Fernandina Beach.

**A-1011DEP-057 Audit of Contract SP 469 Reclamation and Mitigation of the Upper Peace River**

The scope of this audit included the life of the contract to December 31, 2010. The objectives were to determine if the amount spent on the contract as of December 31, 2010, and whether deliverables have been received as specified in the contract.

Based on our review, we found that required monthly progress reports were not found in the project files. We recommend the Division require monthly progress reports with the submittal of invoices to document the contractors work as stated in the contract. We found documentation for 62 task assignments. In addition, 89 change orders were requested and approved totaling \$1,170,861.66. Significant time extensions were granted, and several of the change orders did not provide documentation or reasons for the request of additional funds and time extensions. We recommended the Division closely monitor all change order requests for both time and money to ensure funds are used properly and the project remains on schedule. We also recommended the Division align the task assignment numbers to the tasks listed in the contract to ensure the scope of work and tasks are being met. We found that the contractor was informed of project funding amounts and sources in advance. We therefore recommended the Division refrain from allowing contractors to have access to this information in the future.

**Office of the Secretary/Ecosystems Projects**

**V-1011DEP-054 Review of Comprehensive Everglades Restoration Plan (CERP) Funding**

The scope of this review included the release of funds to the South Florida Water Management District (SFWMD) for the CERP and the Northern Everglades & Estuaries Program (NEEP) from fiscal year 2009-2010 until present.

The objectives were to determine if funds had been released in compliance with Chapters 373 and 215, Florida Statutes (F.S), and the Save Our Everglades Cooperative Agreements between the Department



of Environmental Protection (Department) and the SFWMD; and to determine what controls are in place to monitor the accurate and effective distribution of funds from the Save Our Everglades Trust Fund (SOETF).

Based on this review, annual environmental reports and work plans were provided by the South Florida Water Management District. It is our opinion that the sampled funds were released in compliance with Sections 373 and 326, F.S and the Save Our Everglades Cooperative Agreements. The Cooperative Agreements have improved the Department’s control over the disbursement of funds by specifying eligibility requirements. The Department has also implemented controls to effectively and accurately monitor the distributions of funds.

### **Division of Law Enforcement**

#### **A-1011DEP-042 – Vehicle Log Review**

The scope of this project, conducted at the request the Division of Law Enforcement, included a review of the vehicle log process, including a limited analysis of data reliability and timeliness of vehicle log processing. The objectives were to determine the accuracy and completeness of the vehicle log data received; the vehicle log data process regarding receipt and entry into EMIS; whether the maintenance data was in compliance with Department established service parameters according requirements established by the manufacturer; and whether there were sufficient controls over the data entry including timeliness of vehicle log processing.

Based on this review, we found preventative maintenance data supported by division vehicle logs and backup documentation, as well as EMIS was not in compliance with Department established service parameters. We recommended the Division of Law Enforcement work towards timelier accomplishment of preventive maintenance and properly document preventive maintenance activities and cost.

### **Division of Waste Management**

#### **A-0910DEP-100 Audit of Liberty County Waste Grant**

The scope of this audit included Liberty County’s use of waste grant funds during the period of October 1, 2007 through December 31, 2009. The objectives were to determine whether expenditures from grant funds were allowable and eligible; assets procured with grant funds could be verified and were being used in the specified program; and the county was maintaining a sustainable solid waste program as required in the grant. Liberty County was generally in compliance with conditions of the Grant Agreement. Salaries reimbursed by the grant were for County staff working with the Solid Waste Program and were supported by documentation. Most of the sampled reimbursements to the County were for allowable and eligible expenses and were adequately supported. However, we found minor instances (3% or 4/122) where duplicate payments were made to vendors. We also found minor instances (2% or 3/122) of payments for ineligible items/services. We recommended the Division increase involvement with the county in regard to training and oversight, as well as ensuring strengthened controls and procedures, such as maintaining a general ledger and a separation of duties.

#### **V-1011DEP-021 -- Review of the FIRST/SWIFT IT Contract with Inspired Technologies**

The scope of this review included contracting activities between the Department of Environmental Protection (Department) and Inspired Technologies, Inc. for the Florida Inspection Reporting of Storage Tanks/Solid Waste Informational Field Tracking (FIRST/SWIFT) IT Contract from FY 2008-2009 to present. The objectives for the review were to determine how much the department has spent on the contract with Inspired Technologies, the specific objectives and deliverables of the contract, if the department owns the intellectual property for the FIRST/SWIFT contracts and lastly to review contractor staffing levels for justification and work assignments to determine appropriateness.

From fiscal year 2008-2009 through the first quarter of fiscal year 2010-2011 the department spent \$5,843,212.50 for FIRST/SWIFT staff augmentation. The project was at the end of the development stage and has produced an effective state of the art system with far reaching future capabilities. The Department owns the intellectual property gained through the development of this technology.

Based on this review, we found that multiple tasks were duplicated across fiscal years. According to Division management, this was to continue project work in the same areas. The project tracking system (JIRA) could not be reconciled to task assignments/deliverables. We found statements of work and invoices written vaguely, as well as errors in contractor invoices.

Several of the positions exceeded the hours listed for the tasks without change orders. During our review, Management estimated they would need two full time employees for the maintenance phase going forward. We recommended Division contract management closely monitor timesheets and work performed by the contractor. The description of work performed should align with the appropriate task order and should provide a specific link to completion of deliverables. Contractors should not exceed their tasked hours unless the work has been approved with a change order. We also recommended Division contract management monitor task assignments closely and ensure completion of all task assignments for the fiscal year. If changes to the task assignments/deliverables are made, a change order should be created.

**H-1011DEP-023 Advisory on Voluntary Cleanup Tax Credit (VCTC) Program Rule Change**

For this project, OIG reviewed changes to the CPA guidelines to ensure updates accurately reflected the revised regulations as well as the Department's reporting needs. These guidelines explain to CPA's how to conduct an attestation engagement that ensures contractors' accuracy in reporting expenditures for receiving tax credits. OIG's recommendations for changes included retaining the

original more detailed language that specified the timeframes during which expenditures must have been incurred, while adding an additional comment indicating that corresponding payments could have been made prior to submittal of the application or the application deadline, whichever is earliest. VCTC program staff agreed to adopt the more specific approach recommended by our Office.

**Division of State Lands**

**H-1011DEP-036 Advisory for Amendment to the Agreement with Babcock Ranch Management**

OIG has participated in ongoing advisory of audit requirements related to financial matters related to Babcock Ranch. These matters have included allocation methodologies, asset reporting, and financial reporting accountability.

**Other Projects**

**K-1011DEP-005 BP Florida Deepwater Horizon Response. OIG Monitoring Activities**

The scope of this project included a review of the efforts and methodologies used by the Florida Department of Environmental Protection (DEP) for tracking and reporting employee time spent on response activities related to the BP Deepwater Horizon Oil Spill (Oil Spill) during the period of May 1, 2010 through June 30, 2010. The objectives were to determine the accuracy with which time spent on Oil Spill related activities were tracked and reported by affected areas within DEP; and whether the affected areas within DEP were in compliance with applicable laws, rules, internal procedures and emergency management guidelines in the area of employee time tracking and reporting as it relates to the Oil Spill response.

Time recorded by the sampled employees in PeoplesFirst (PF) reconciled to the Payroll Expense Allocation System (PEAS). The cost of payments for employee time dedicated to Oil Spill response efforts was properly tracked in PF, and subsequently in PEAS. The time spent on Oil Spill

related activities were accurately tracked and reported. However, we found minor discrepancies which could be attributed to: lag time for payment processing, a technical error in the communication between PF and PEAS and improper coding in PF. The Bureau of Finance and Accounting performed a separate reconciliation of PF and PEAS reports outside this review for grant numbers FD045 and FD047. Both F&A and OTIS were aware of the reconciling differences and made the appropriate corrections to PF and PEAS, as well as to FLAIR.

In May 2010, the DEP Bureau of Personnel provided a guidance memo to all Divisions on time tracking for oil spill eligibility. By conducting the time tracking survey, we were able to determine that the sampled DEP employees were in compliance with applicable laws, rules, internal procedures and emergency management guidelines in the area of time tracking and reporting as it relates to the Oil Spill response. However, the survey results indicated some uncertainty around the eligibility of certain activities to be charged to the Oil Spill. This could have resulted in a financial loss to the State of Florida, as employee time spent on Oil Spill related activities may have been understated in requests for reimbursements from BP. The amount of possible understatement is unknown. However, it doesn't appear to have been a substantial amount when reviewing all activities that the Department was engaged in and tracked.

**H-1011DEP-013 ARRA Management Advisory**

The Office of Inspector General was involved with continual oversight activities related to the American Recovery and Reinvestment Act of 2009 distribution of ARRA funds in a manner sufficient to ensure their appropriate use in accordance with Federal guidelines. This oversight included periodic research and analysis of the Department's administration of ARRA funds in direct response to periodic requests from the Chief Inspector General's Office. (ARRA) which continued beyond the 2010/2011 fiscal year. The objective was to ensure that the Department accounted for and administered the Additionally, we participated in obtaining and providing information related to at least one investigation into possible misuse of ARRA funding by a Department funded project sponsor. We have also periodically reviewed financial information concerning ARRA award expenditures and balances to determine if funds were being spent in a timely manner and if jobs reporting numbers appear correct. As single audit reports were received for recipients of Department funding, we reviewed reports for any indications of mismanagement of ARRA funds distributed by the Department. Although no major findings resulted from these activities we maintained contact with the affected Divisions to ensure that our office and their offices were aware of pertinent information related to any possible concerns noted.

**Bureau of Petroleum Storage Systems**

**A-0910DEP-048 Financial Compliance Audit of St. Lucie County Contract GC687**

The scope of this audit included an examination of the Contract GC687 (Contract) between the Department of Environmental Protection (Department) and the Florida Department of Health St. Lucie 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. Current The objective was to determine

whether the County was in compliance with the contract requirements and accurately reported financial information.

The OIG's testing identified that the County's actual costs were incurred in conjunction with contract requirements and were deemed reasonable for program activities except for a portion of salaries of four employees' time spent in non-compliance program activities. Although the Year End Financial Statements were an accurate

representation of the County's accounting records, an audit adjustment was necessary to reflect the non-program activities of four employees. The County corrected this situation during the audit and provided amended statements showing the corrected figures. The County complied with the performance requirements of the contract.

**A-0910DEP-049 Perform Financial/Compliance Audit of Okeechobee County Contract GC688.**

The scope of this audit included an examination of the contract GC688 (Contract) between the Department of Environmental Protection (Department) and the Okeechobee County's Department of Health (County) for the period July 01, 2007 through June 30, 2009, this included Task Assignments One and Two of Contract GC688. The objectives were to determine if the County complied with the contract requirements and accurately reported financial information.

The OIG determined that the County's expenditures were reasonable and actually incurred for the Compliance Verification Program activities (after audit adjustments for salaries to reflect only the hours worked in the Compliance Verification Program). The fund balance generally reflected the accounting system's record of expenditures. The County adequately completed its tank inspections for FY07/08 and FY08/09. With regard to contract performance, the FIRST system database was sufficient to determine that facility inspection was satisfactory for both fiscal years. Also, the qualifications (education and experience) of the program staff were also found to be satisfactory.

The OIG recommended that the Bureau of Petroleum Storage Systems direct the County to establish an account to capture overhead and rent expenses to allow for the review and evaluation of these expenses in accordance with the contract. In addition the County needs to ensure that the salaries and benefits charged to the contract more closely match the actual labor hours recorded.

**A-0910DEP-050 Audit of Charlotte County Petroleum Storage Tank Compliance Inspection Division of Waste Management Contract GC710**

The scope of the audit included an examination of the contract GC710 (Contract) between the Department of Environmental Protection (Department) and the Florida Department of Health, Charlotte County Health Department (County) to determine if the County complied with the terms of the Contract. The period audited was July 01, 2007 through June 30, 2009 and included Task Assignments One and Two. The OIG conducted interviews with Department and County program staff, examined appropriate program records and conducted other procedures as were considered necessary under the circumstances. The objectives were to determine if the County complied with the requirements of the contract and accurately reported financial information.

The Office of the Inspector General's testing identified that some of the County's costs were either not adequately supported, inappropriately charged, or were not for the benefit of the program. The County charged the contract either directly or indirectly for costs that were not related to the Contract. In addition, some costs had no supporting documentation. The total costs charged to the Contract that were not for the benefit of the program were \$41,441.94.

The OIG recommended that the Bureau of Petroleum Storage Systems direct the County to return \$41,441.94 to the contract and submit revised Year End Financial Statements for Tasks One and Two with the appropriate fund balances. In addition, the OIG recommended that the Bureau of Petroleum Storage Systems direct the County to discontinue the practice of allocating salaries and benefits for time that is not applicable to program activities and to begin using an appropriate indirect cost allocation method.

**A-0910DEP-051 Financial Compliance Audit of Lee County Contract GC709**

The scope of this audit included an examination of the Contract GC709 (Contract) between the Department of Environmental Protection (Department) and Lee County Board of County Commissioners, Lee County Division of Natural Resources (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 objectives were to determine if the County was in compliance with the contract requirements and accurately reported financial information.

The OIG determined that Lee County complied with the requirements of the Contract Specifically, the actual costs reported by the County were incurred in conjunction with Contract activities and were reasonable. Finally, the County complied with the Contract’s performance requirements.

There were no findings or recommendations.

**A-0910DEP-091 Audit of Collier County Petroleum Tank Compliance Inspection Contract GC690**

The scope of this audit included an examination of the contract GC690 (Contract) between the Department of Environmental Protection (Department) and the Collier County Board of County Commissioners, Pollution Control and Prevention Department (County) to determine if the County complied with the terms of the contract. The period audited was July 01, 2007 through June 30, 2009. The OIG conducted interviews with Department and County program staff, examined appropriate program records, and conducted other procedures as were considered necessary under the circumstances. The specific objectives were to determine if the County complied with the requirements of the contract and accurately reported financial information.

The OIG determined that the County overstated the expenditures for salaries and benefits by \$4,106.64 for the FY08/09. The OIG recommended that the

County submit revised Year End Financial Statements with the necessary corrections.

**A-0910DEP-101 Audit of Lake County Petroleum Tank Compliance Inspection Contract GC683**

The scope of this audit included an examination of the contract GC683 (Contract) between the Department of Environmental Protection (Department) and the Lake County Board of County Commissioners (County) to determine if the County complied with the terms of the Contract. The period audited was July 01, 2007 through June 30, 2009. This audit included tests of County records and procedures as well as interviews and representations from appropriate personnel as determined necessary under the circumstances. The objectives were to determine if the County complied with the contract requirements and accurately reported financial information.

The OIG’s testing identified that the County’s reported costs appeared to be incurred in accordance with Contract activities. However, the County was lacking appropriate support for the salaries of compliance program employees. The County does not maintain a tracking system for their employee’s work schedules that includes the hours spent on the contract. Without a system of approvals and certifications from the employee and their supervisor, we could not verify the accuracy of the salaries paid. Also, the expenditure for a vehicle was not reported properly. The allowable expenditures were generally determined to be reasonable. The County met the Contract’s performance requirements.

The OIG recommended that the Bureau of Petroleum Storage Systems direct the County to record County employee’s time spent on the Contract and coordinate payroll percentages accordingly. In addition, the OIG recommends that the Bureau of Petroleum Storage Systems remind the County of the importance of reporting all property purchases with required supporting documentation as required by the Contract.

**A-0910DEP-112 Audit of Clay County  
Petroleum Storage Tank Compliance Inspection  
Division of Waste Management Contract GC703**

The scope of the audit included an examination of the contract GC703 (Contract) between the Department of Environmental Protection (Department) and the Florida Department of Health, Clay 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 and included task assignments One and Two. The OIG conducted interviews with Department and the County program staff, examined appropriate program records and conducted other procedures as were considered necessary under the circumstances. The objectives were to determine if the County complied with the contract requirements and accurately reported financial information.

The OIG's testing identified that the actual costs reported by the County were not always incurred in conjunction with Contract activities. The OIG determined that the Contract was charged salary and benefits for an employee who did not work on contract activities. The amount charged for this employee was \$14,578.56. In addition, some costs charged to the Contract were not for program activities, these costs totaled \$1,988.39. The total expenditures that were not according to the Contract requirements were \$16,566.95. 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 of Waste Management direct the County to return \$16,566.95 to the Contract and submit revised Year End Financial Statements for the periods of July 1, 2007 through June 30, 2008 and July 1, 2008 through June 30, 2009 with the supported fund balance. The OIG also recommends that the Bureau of Petroleum Storage Systems direct the County to discontinue the practice of acquiring items or using Contract funds that are not for the benefit of the program.

The County submitted revised statements returning the \$16,566.95 to the Contract.

**A-0910DEP-119 Audit of Broward County  
Compliance Contract GC691**

The scope of this audit included the financial and performance records of Broward County's Environmental Protection & Growth Management Department's (County) records for the period July 1, 2007 through June 30, 2009. This included Task Assignments One and Two of Contract GC691. Current procedures were evaluated as considered necessary. The objectives were to determine if the County was in compliance with the contract requirements and accurately reported financial information.

Expenditures were generally incurred in conjunction with contract requirements and were deemed reasonable for program activities except for the lack of documented support for the salaries of all compliance program employees. The Year End Financial Statements were a materially accurate representation of the County's accounting records. The County complied with the performance requirements of the Contract.

The OIG recommended that the Bureau instruct the County to track the time expended on Compliance Verification Program activities.

**A-0910DEP-120 Audit of Broward County  
Compliance Contract GC658**

The scope of this audit included an examination of the contract GC658 (Contract) between the Department of Environmental Protection (Department) and the Broward County Board of County Commissioners (County) to determine if the County complied with the terms of the Contract for the period July 1, 2005 through June 30, 2008. Current procedures were evaluated as considered necessary. The objectives were to determine if the County complied with the Contracts performance requirements and accurately reported financial information.

The financial statements were supported by a detailed expenditure listing from the County's

accounting system. However, because the County did not maintain time sheets for charging time to programs, contracts, projects or activities and the fact that the County did not maintain a cost allocation system for allocating charges to the appropriate program, contract, or activity, OIG could not with certainty determine that all costs charged to the Contract were reasonable or in conjunction with the contract.

The OIG recommended that for all future contracts with the Department, that the County maintain time sheets documenting actual time spent on the contract and utilize a consistent and accurate cost allocation system for charging expenditures other than salaries to the contract.

**A-1011DEP-002 Contract GC674 Remediation Equipment Management Services Division of Waste Management**

The scope of the Operational Audit of the Petroleum Remediation Equipment Management Services Contract (GC674) awarded to WRS Infrastructure & Environment, Inc. (WRS), for the period July 1, 2004 through June 30, 2008 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). During the above referenced audit, it was determined that there were several inventory discrepancies. At the request of the Bureau of Petroleum Storage Systems (Bureau), a new audit was initiated to further determine the extent of the inventory discrepancies, the status of missing property as reported to the Bureau by WRS on February 3, 2010, and if appropriate internal controls have been established and implemented by WRS to correct these deficiencies. The objectives were to determine when the items on the missing property list went missing; how the items were determined to be missing and if appropriate internal controls have been established and implemented.

As a result of OIG tests and examinations of contracts, task assignments, documents, inventories,

and procedures, OIG could not determine when or how items on the missing property listing went missing. The deficiencies noted in the contract and task assignment documents as well as the disregard of the Standard Operating Procedures by personnel of the Bureau and WRS resulted in the inability to adequately account for remediation equipment purchased under the Petroleum cleanup preapproval program.

The findings included:

- The Contractor did not perform adequate annual physical inventories at the equipment warehouses prior to the 09/10 year.
- Warehouse inventory logs contained errors and omissions and did not always agree with the property transfer forms.
- Property decals were not always affixed to the equipment in accordance with regulations.
- BPSS site managers and contractors did not always complete the necessary forms and follow established procedures in disposing of equipment.
- Surplus equipment no longer needed at a cleanup site is transferred to the Tampa warehouse for storage and/or reissue to other sites.
- Equipment which was transferred to the Tampa warehouse in the amount of \$911,647.47 was noted as missing from the warehouse during the 2009/2010 inventory without an explanation of how or when this property went missing.
- Annual inventory was not reconciled to the Department accounting records on a timely basis.

The OIG recommended that the Bureau in accordance with Section 47 of Chapter 2010-151 Laws of Florida, renegotiate the existing contract to incorporate specific tasks as indicated to ensure that all the Department’s needs and goals are being met. Adequate supervision and oversight over the equipment would need to be a top priority to ensure that the equipment and the sites are adequately protected. The OIG also recommended that the Bureau and WRS negotiate a monetary settlement

for the missing equipment as well as a proration of the amount tasked and paid for property management from the start of the contract to present. The missing property listing should be reviewed and property determined to be fully depreciated should be written off. The remaining property should be verified as missing with the property custodian and required documentation should be completed and submitted.

**A-1011DEP-009 Contract GC680 Palm Beach County Compliance Verification Services Division of Waste Management**

The scope of this audit included an examination of the contract GC680 (Contract) between the Department of Environmental Protection (Department) and the Palm Beach County Board of County Commissioner's Department of Environmental Resources Management (County). The period audited was July 01, 2007 through June 30, 2009, this included Task Assignments One and Two of the Contract. Current procedures were evaluated as considered necessary. The objectives were to determine if the County complied with the contract requirements and accurately reported financial information.

The OIG determined that the County's calculation of salary expense by charging 100% of two employee's salary and benefits to the Contract rather than actual time spent on the contract resulted in significant over charges on the financial statements for both fiscal years under review. This resulted in understating the fund balances for the FY07/08 fiscal year by \$9,717.61 and by \$27,166.89 for the FY08/09. However, since the County over expended the Contract by significant amounts, the County will not need to return any monies to the Contract, but will need to submit amended financial statements to reflect actual costs to the Contract. The OIG noted that rental costs for storage space should have been allocated to both the compliance contract as well as the cleanup contract. The County's financial statements were prepared in accordance with instructions and were accurate and correct in relation to their accounting records. The error in calculation of salaries and benefits for

employees who did not work 100% for the Contract did not detract from the Counties preparation of the financial statements. The County generally complied with all performance requirements.

**A-1011DEP-012 Audit of Pinellas County Petroleum Tank Compliance Inspection Contract GC697 Division of Waste Management**

The scope of this audit included an examination of the Contract GC697 (Contract) between the Department of Environmental Protection (Department) and Florida Department of Health, Pinellas County Health Division (County). The period audited was July 1, 2007 through June 30, 2009 and selected events. This audit included tests of the County's records and procedures as well as interviews and representatives from appropriate personnel as determined necessary under the circumstances. The objectives were to determine if the County complied with the requirements of the Contract and accurately reported financial information.

The OIG determined that the County complied with the requirements of the Contract. Specifically, the costs reported by the County were incurred in conjunction with Contract activities and were reasonable. Finally, the County complied with the Contract's performance requirements.

There were no findings or recommendations.

**A-1011DEP-027 Indian River County Compliance Verification Services Division of Waste Management**

The scope of this audit included an examination of the contract GC694 (Contract) between the Department of Environmental Protection (Department) and the Florida Department of Health Indian River County Health Department (County) for the period July 01, 2007 through June 30, 2010. This included Task Assignments One, Two and Three of Contract GC694. The objectives were to determine if the County complied with the contract requirements and accurately reported financial information.



The OIG determined that the actual costs reported by the county were not reasonable or incurred in conjunction with the contract. Also, the County did not comply with the quarterly and monthly performance requirements as set out in the contract and task assignments.

The OIG recommended that the County follow the new procedures as set up in their corrective action plan to meet all contractual performance requirements; in addition the County should submit revised financial statements for Task Assignments One through three with the necessary corrections for the expenditures that were not reasonable or not incurred in conjunction with the Contract.

**M-0910DEP-123 Review of the Central District’s Effectiveness in Administering the Petroleum Tank Compliance Program**

The scope of this review included an examination of the Department of Environmental Protection’s (DEP) Central District’s effectiveness in administering the Petroleum Tank Compliance Program. The period of review was July 1, 2008 through June 30, 2009. The OIG conducted interviews with Central District program staff, examined appropriate program records, and conducted other procedures as were considered necessary under the circumstances.

The objectives of this review were to determine whether:

- The Central District performed the annual inspection reviews for all petroleum tank compliance inspection contracts issued in their district; required that corrective action plans, if applicable, be submitted timely and adequately addressed findings; and performed follow-ups to ensure the corrective action plans were implemented.
- The Central District performed the necessary steps as set out in the Department’s procedures and the Department’s Enforcement Manual to address and enforce compliance for

significant violations noted by the counties’ compliance inspectors.

- The Central District adequately monitored the counties to ensure that the counties actually performed the required inspections and provided a copy of the inspection report to the owner/representative.

The OIG determined that all contractors have had their 2008/2009 annual program review. No contractor scored less than seventy-five (75), so no corrective action plans were required or submitted. The results of the OIG testing indicated that although the District generally complied with their own internal policies, the Department’s policies and practices, the contract terms and guidelines, and the Department’s Enforcement Manual not all referrals were processed on a timely basis. It was noted that because there is a backlog of open referrals, the District has to prioritize referrals and work those that have the most potential for environmental damage. The OIG did not disclose any instances where reported inspections were not actually conducted.

The OIG had no findings or recommendations at the time of the report; however, the OIG considers timely enforcement and prioritization of cases to be an issue management should monitor to ensure that there are not adverse environmental consequences resulting from any delays.

**M-1011DEP-011 Review of Southeast District’s Management of County Site Inspection Contracts**

The scope of this review included an examination of the Department of Environmental Protection’s (DEP) Southeast District’s effectiveness in administering the Petroleum Tank Compliance Program. The period of review was July 1, 2008 through present. The objectives of this review were to determine whether:

- The Southeast District performed the annual inspection reviews for all petroleum tank compliance inspection contracts issued in their district; required that corrective action

plans, if applicable, be submitted timely and adequately addressed findings; and performed follow-ups to ensure the corrective action plans were implemented.

- The Southeast District performed the necessary steps as set out in the Department's procedures and the Department's Enforcement Manual to address and enforce compliance for significant violations noted by the counties' compliance inspectors.
- The Southeast District adequately monitored the counties to ensure that the counties actually performed the required inspections and provided a copy of the inspection report to the owner/representative.

The Southeast District conducted all annual program reviews. The Southeast District generally acted on all significant violations to bring the facilities into compliance. There were no noted instances in which facility inspections were reported but not actually conducted.

The OIG had no findings or recommendations at the time of the report.

**V-0910DEP-090 Review of the Northwest District's Effectiveness in Administering the Petroleum Tank Compliance Program**

The scope of this review included an examination of the Department of Environmental Protection's (DEP) Northwest District's (NWD) effectiveness in administering the Petroleum Tank Compliance Program. The period of review was July 1, 2008 through June 30, 2009. The OIG conducted interviews with the NWD program staff, examined appropriate program records, and conducted other procedures as were considered necessary under the circumstances. The objectives of this review were to determine if:

- The NWD performed the annual inspection reviews for all petroleum tank compliance inspection contracts issued in their district; required that corrective action plans, if applicable, be submitted timely and

adequately addressed findings; and performed follow-ups to ensure the corrective action plans were implemented.

- The NWD performed the necessary steps as set out in the Department's procedures and the Department's Enforcement Manual to address and enforce compliance for significant violations noted by the counties' compliance inspectors.
- The NWD adequately monitored the counties to ensure that the counties actually performed the required inspections and provided a copy of the inspection report to the owner/representative.

The OIG determined that all contractors have had their 2008/2009 annual program review. No contractor scored less than seventy-five (75), so no corrective action plans were required or submitted. The results of the OIG testing indicated that although the NWD generally complied with their own internal policies, the Department's policies and practices, the contract terms and guidelines, and the Department's Enforcement Manual not all referrals were processed on a timely basis. It was noted that because there is a backlog of open referrals, the NWD has to prioritize referrals and work those that have the most potential for environmental damage. The OIG did not disclose any instances where reported inspections were not actually conducted.

The OIG had no findings or recommendations at the time of the report; however, the OIG considers timely enforcement and prioritization of cases to be an issue management should monitor to ensure that there are not adverse environmental consequences resulting from any delays.

**V-0910DEP-118 Review of Southwest District's Management of County Site Inspection Contracts**

The scope of this review included an examination of the Department of Environmental Protection's (DEP) Southwest District's effectiveness in administering the Petroleum Tank Compliance

Program. The period of review was July 1, 2008 through present. The objectives of this review were to determine whether:

- The Southwest District performed the annual inspection reviews for all petroleum tank compliance inspection contracts issued in their district; required that corrective action plans, if applicable, be submitted timely and adequately addressing findings; and performed follow-ups to ensure the corrective action plans were implemented.
- The Southwest District performed the necessary steps as set out in the Department’s procedures and the Department’s Enforcement Manual to address and enforce compliance for significant violations noted by the counties’ compliance inspectors.
- The Southwest District adequately monitored the counties to ensure that the counties actually performed the required inspections and provided a copy of the inspection report to the owner/representative.

The Southwest District conducted all annual program reviews. The Southwest District generally acted on all significant violations to bring the facilities into compliance. However, it was noted that the Southwest District had a backlog of referred enforcement cases which they had to prioritize as to potential for environmental damage. There were no noted instances in which facility inspections were reported but not actually conducted.

The OIG had no findings or recommendations at the time of the report, however, the OIG considers timely enforcement and prioritization of cases to be an issue management should monitor to ensure that there are not adverse environmental consequences resulting from any delays.

**V-1011DEP-008 Review of the Remediation Contractor’s (Arcadis) Performance on Selected Work Orders and a Task Assignment Division of Waste Management**

The scope of this review included an examination of supporting documents for selected Pre-Approval work orders and a task assignment to determine variances between the template guidance and the remediation contractor’s performance and documentation on work orders and a task assignment completed between July 1, 2008 and March 1, 2010. The objectives were to compare selected events to the Bureau of Petroleum Storage Systems templates to actual labor time and costs; and verify deliverables received.

The OIG determined that ARCADIS, USA performed the remediation work as outlined in the ten work orders and task assignment.

There were no findings or recommendations.

**V-1011DEP-035 Review of Florida Inspection Reporting for Storage Tanks (First)**

The scope of this review included an evaluation of FIRST internal controls and the reliability and validity of the information provided in the Performance Measure Data Calculation (PMDC). The time period of data reviewed was from July 2008 through March 2011. In addition, specific system performance was reviewed at the request of management. The specific objectives were to determine if there were adequate internal controls and the information reported was accurate and supported.

The master listing of password accounts did not indicate a problem with dated accounts. However, the password access controls could be improved. The FIRST inspection reports were uploaded to the Oculus database. The PMDC were accurate and supported.

The OIG recommended that the Bureau of Petroleum Storage Systems develop exception reports to track the following conditions: inspectors who had no inspection activity entered into FIRST

during the previous quarter; and identification of user accounts where activity has occurred that does not agree with privileges granted. In addition, the Bureau of Petroleum Storage Systems should work with the Waste Program Administrators, Task Managers, and other district program management to establish goals for the number of QA/QC inspection activities by contract. The exception reports should be issued to the DEP task manager in the district as a tool to help performance.

**V-1011DEP-053 Review of South District's Management of County Site Inspection Contracts**

The scope of this review included an examination of the Department of Environmental Protections (DEP) South Districts effectiveness in administrating the Petroleum Tank Compliance Program. The period of review was July 1, 2009 through present. The objectives of the review were to determine whether:

- The South District performed the annual inspection reviews for all petroleum tank compliance inspection contracts issued in the district; required that corrective action plans, if applicable, be submitted timely and adequately addressed findings; and performed follow-ups to ensure the corrective action plans were implemented.
- The South District performed the necessary steps as set out in the Departments procedures and the Departments Enforcement Manual to address and enforce

compliance for significant violations noted by the counties compliance inspectors.

- The South District adequately monitored the counties to ensure that the counties actually performed the required inspections and provided a copy of the inspection report to the owner/representative.

The South District conducted all annual program reviews. The South District generally acted on all significant violations to bring the facilities into compliance. There were no noted instances in which facility inspections were reported but not actually conducted. The OIG determined that all contractors, if required, have had their 2007/2008, 2008/2009 and 2009/2010 annual program review. No contractor scored less than seventy-five (75), so no corrective action plans were required or submitted. The South District does not require the contractors to submit written responses to the final program review report as required by the contract unless there is a major issue. With the South Districts premise that its primary objective is to bring the facilities into compliance as quickly as possible, the results of our tests disclosed that the District generally complied with their own internal policies, the Departments policies and practices, the contract terms and guidelines, and the Department's Enforcement Manual. The OIG sample did not disclose any instances where reported inspections were not actually conducted.

The OIG had no findings or recommendations at the time of the report.

## **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 Director of Auditing 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**

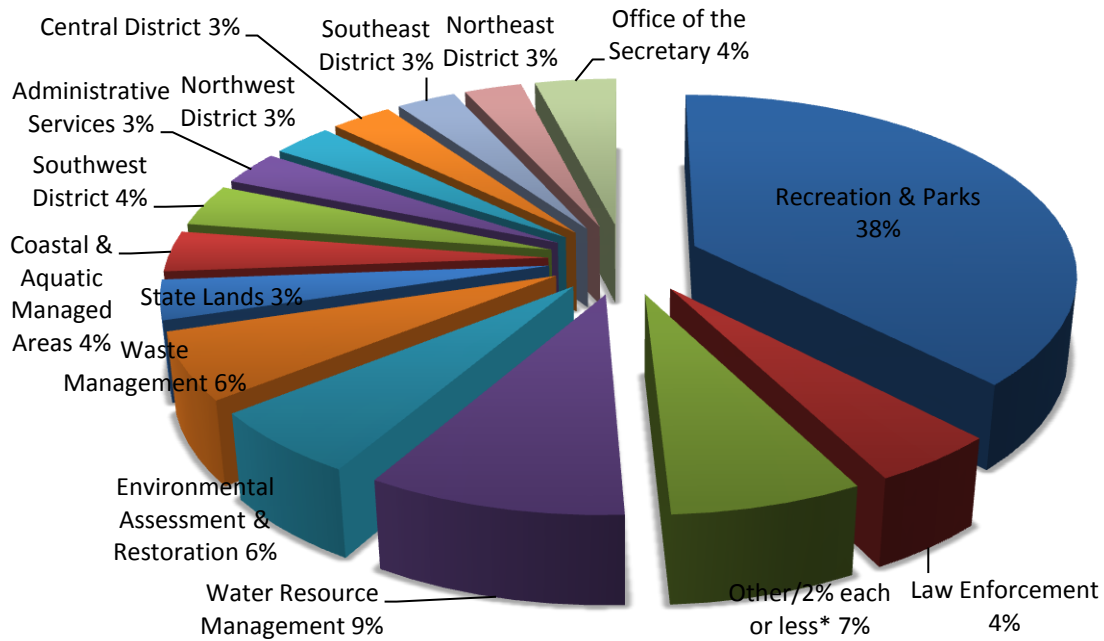
The Internal Investigations Section (IIS) receives complaints that address many aspects of departmental activity from a wide variety of sources ranging from the Governor’s Office, through the Chief Inspector General or the Whistle-blower Hotline, to a member of the general public. Other sources of complaints 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.



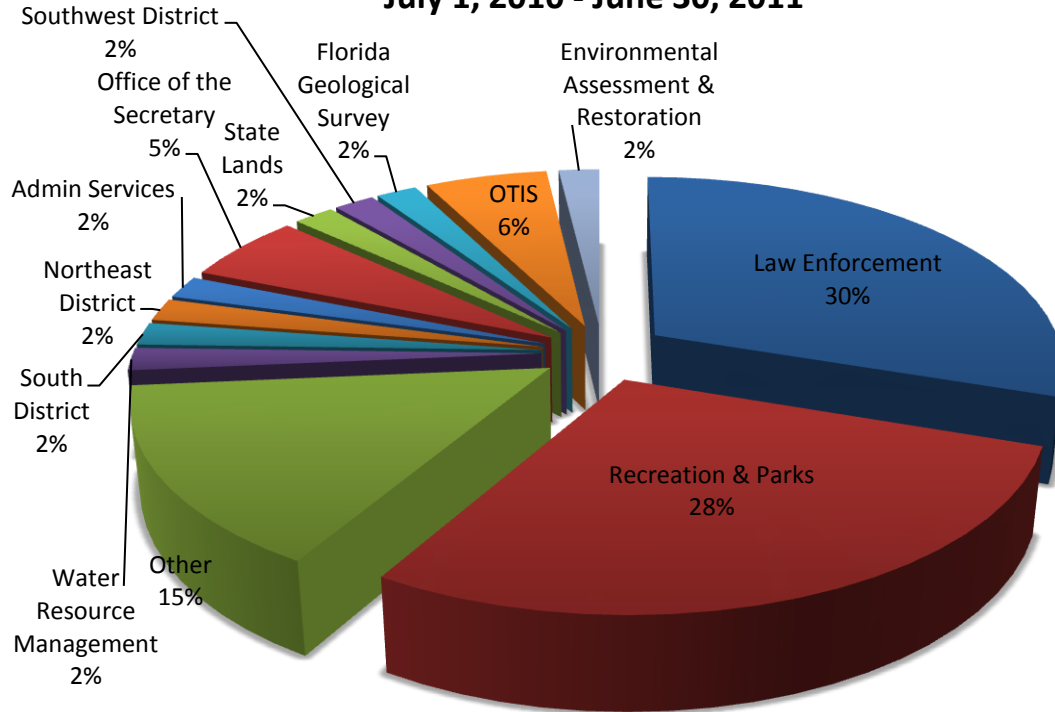
## DEP Total Positions by Program Area



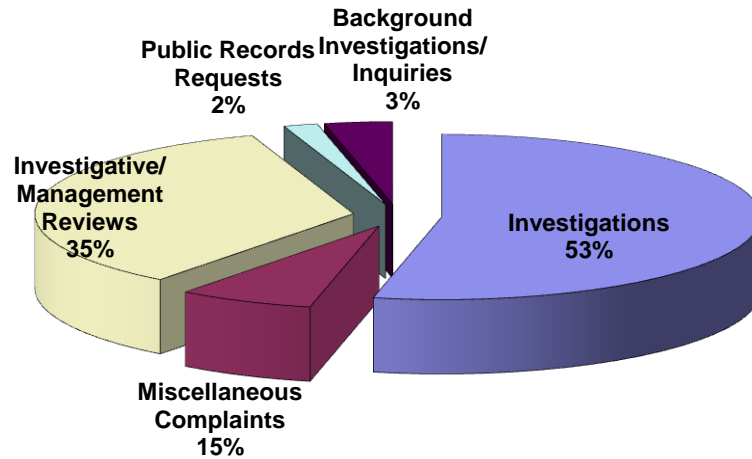
(\*Other Areas include: Siting, Office of Technology & Information Services , Florida Geological Survey, Air Resources Management, South District.)

## Investigative Issues Initiated by Program Area

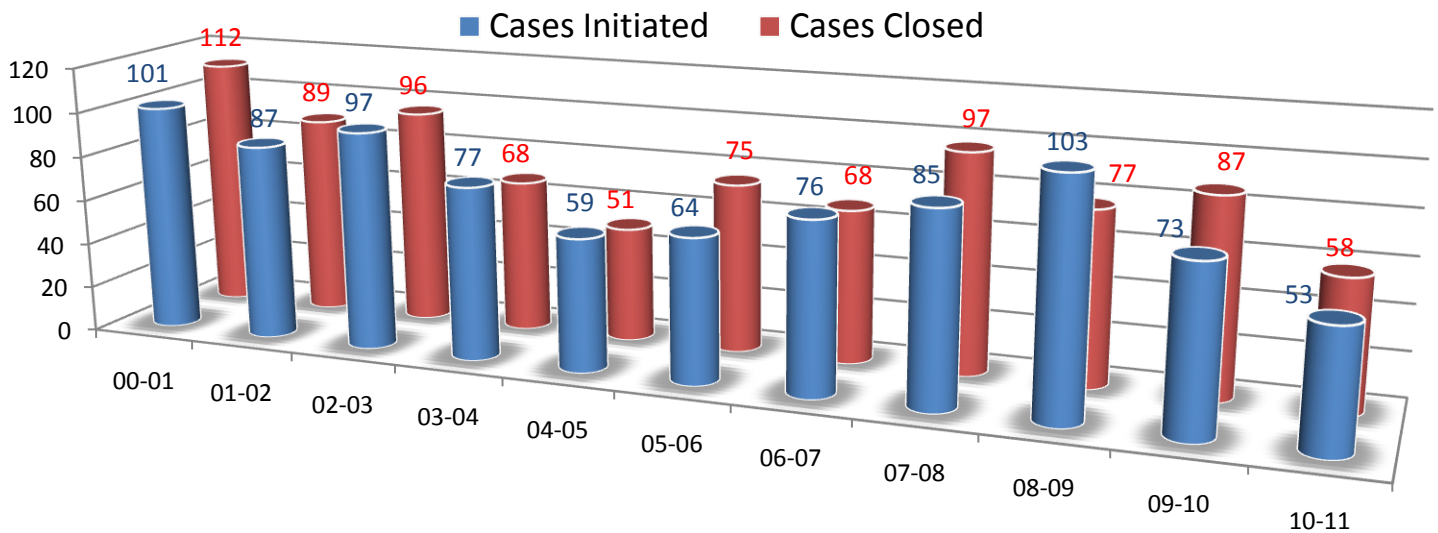
July 1, 2010 - June 30, 2011



## INTERNAL INVESTIGATIONS SECTION ACTIVITIES Fiscal Year 2010 – 2011



## CASES INITIATED AND CLOSED Eleven-Year Trend INVESTIGATIVE FINDINGS

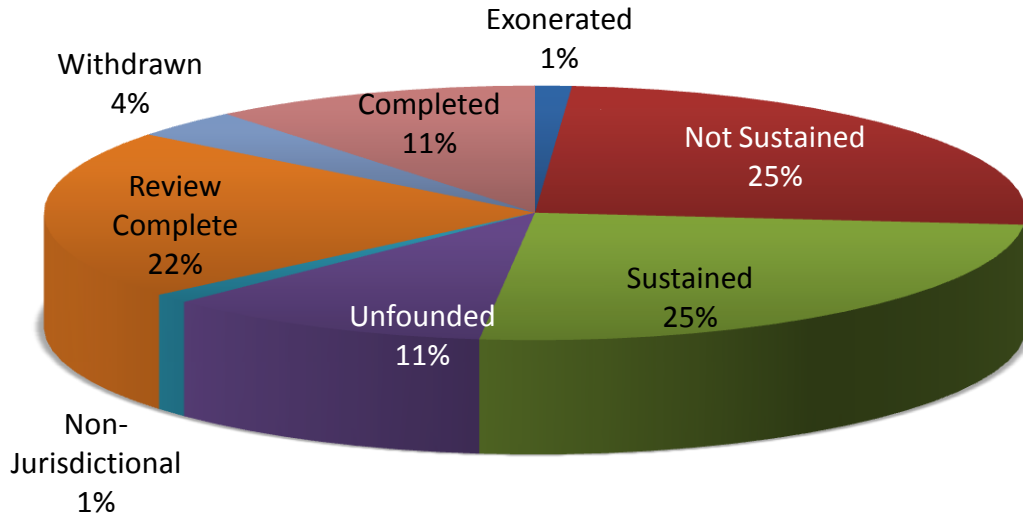




July 1, 2010 – June 30, 2011

Total Closed – 58

Total Findings – 85



### 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.

*Florida Department of Environmental Protection  
"Enhancing Public Trust in Government"*

The table below depicts the number of issues completed by the Internal Investigations Section for the FY 2010-2011 **within each program area** of the Department of Environmental Protection.

<b>DIVISION/DISTRICT</b>	
Law Enforcement	16
Recreation and Parks	19
Water Resource Management	1
State Lands	3
Other	0
Office of the Secretary	4
Waste Management	0
Administrative Services	1
Coastal & Aquatic Managed Areas	1
Office of Greenways & Trails	3
South District	1
Northeast District	1
Northwest District	0
Southwest District	2
Environmental Assessment & Restoration	1
Southeast District	0
Air Resource Management	0
Central District	1
Office of Beaches & Coastal Systems	1
Office of Technology & Information Systems	1
Water Management District	1
Florida Geological Survey	1
<b>Total Number of Cases Closed</b>	<b>58</b>

The table below depicts the **type of issues completed** by the Internal Investigations Section for the FY 2010-2011 of the Department of Environmental Protection.

<b>ACTIVITY</b>	
Investigations	31
Miscellaneous Complaints	4
Investigative Reviews/Management Reviews	20
Public Record Requests	1
Background Investigation/Inquiry	2
<b>Total Number of Issues Completed</b>	<b>58</b>

### 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 – A.**

#### II-01-10-2007-032 Concerns of possible theft on a State Purchasing Card

It was reported to the OIG that management had concerns of possible theft by a former employee. After the employee’s departure from DEP, it was found that there were unexplained purchases made on the employee’s State purchasing card. This investigation included a search warrant which was done with the assistance of the Georgia Bureau of Investigations. The warrant was served at the employee’s home in Georgia where \$10,000.00 worth of property was impounded. It was concluded that the employee had made questionable purchases over a fourteen month period that totaled approximately \$30,000.00. As a result, the Investigator was able to obtain thirty six arrest warrants. The warrants were broken down into the following: Seventeen Grand Theft, Three Uttering Forged Instruments and Sixteen Falsifying Records. All of the evidence resulted in the finding of **Completed-Closed by Arrest**. This included the employee’s arrest, sixty days at a work camp, three years’ probation and restitution of \$19,262.49 back to DEP.

#### II-01-07-2009-011 Theft and Discrimination

This complaint was initiated by a former OPS employee against two employees that allegedly were taking building materials and state owned tools home for personal use. It was also stated that the former employee was being discriminated against by his fellow co-workers because he has tattoos, is a biker and has a loud motorcycle. After the Investigator traveled to the construction sites

and spoke with managers and other employees, the idea of theft of building materials and tools was dispelled. The allegation of discrimination was also not confirmed. No information was given to the Investigator to support any of the allegations therefore, giving both allegations a **Not Sustained** finding.

#### II-03-03-2009-017 Review of Lack of Enforcement

A private citizen contacted the Office of the Chief Inspector General for possible resolution by our Department regarding his loss of his rights as a waterfront homeowner. This is a result of Lake Geneva being “distressed” due to extreme drought conditions. These low levels are exposing much of the lake’s dry bed which is attracting 4WD ATV’s. The citizen’s concern was that the use of the ATV’s will not only damage the lakebed but the wetland vegetation as well. Our Department did place signage discouraging use of anything that would harm the vegetation. The Office of Inspector General determined this would be better addressed by the Clay County Sheriff’s Office who had a more prominent presence in the area. Our case was closed as **Review Complete**.

#### II-03-07-2009-031 Bid Process for Vendor Contract

This complaint came from a Private Citizen and a company alleging that a concession contract that was issued at one of DEP’s State Parks, was improperly issued violating rules in place that govern the awarding of this type of contract. A review of the

procedures resulted in no such violations and ended in a **Review Complete**.

**II-01-07-2009-040 Financial Fraud**

This complaint came from one of our audit staff while an audit was being conducted. There were alleged findings of financial fraud against Parks from a Finance & Compliance Audit that was done by DEP's internal audit section. An Investigation along with an Audit was conducted into the vendor's financial dealings. As a result, the audit revealed numerous concerns. The Investigator and Auditor traveled to Oklahoma to interview a former employee of the concessionaire. As a result of the new information obtained from the witness, it was determined that there were numerous falsifications on the concessionaire's financial paperwork. Because this particular state park was located in Ft. Lauderdale, continuing with the investigation and filing of charges which must be done in that jurisdiction, created a logistical issue. This case was then transferred to the Florida Department of Law Enforcement in South Florida. Therefore, our case had findings of **Closed/Leads Exhausted and Closed-Referred to FDLE**.

**II-03-19-2010-004 Contaminated Groundwater**

This complaint was delivered from the U.S. Environmental Protection Agency from Tallevast neighbors. The concerns were regarding contaminated groundwater in the Tallevast Community. It was alleged that DEP was not doing enough to monitor and regulate the cleanup processes at the site and that Lockheed staff was given too much freedom and not being held accountable in the cleanup. A careful review of the situation revealed the exact opposite. It was determined by DEP that Lockheed was the

best choice because their on-site experts and technicians would have the most current and accurate data and information on a daily basis. DEP also observed that Lockheed staff went above and beyond to clean the site as well as keep the neighborhood informed. It is the determination of the Office of Inspector General that this complaint is the result of a perspective fed by miscommunication rather than a fact based allegation. This Management Review was closed as **Review Complete**.

**II-03-19-2010-008 Discrimination & Retaliation**

This complaint came from an employee who felt they were the victim of harassment (gender) and retaliation. This complaint included feelings of double standards that women are treated better than men, preferential promotions, and spoke to in a degrading way. None of the allegations made by the employee met the definitions of discrimination, harassment or retaliation. The allegations in this complaint are without merit and this Investigative Review has a finding of **Unfounded**.

**II-01-07-2010-013 Conduct Unbecoming a Public Employee**

An anonymous complaint was received regarding concerns at a State Park. It was alleged that community service workers were being solicited for sex by a DEP employee. The complaint also referenced a time period of three years but with no names of alleged victims or any other information. It was also alleged that the same employee had stolen tools and supplies from the park. Upon checking with the Bureau of Park Police, there were no reports for missing and/or stolen park property. Due to the inability to contact the complaint source for more information, this case was **Closed as Completed**.

**II-01-07-2010-015 Illegal drug use**

This complaint came from an OPS park employee stating that a Park Ranger was involved in illegal drug use, borrowing money from co-workers and taking enjoyment away from the park. The complainant stated that the allegations were heard through innuendo and rumor. The park employee decided she was not interested in pursuing the complaint. As a result, there was no additional information to support the allegations. This case was closed with a finding of **Unfounded**.

**II-01-08-2010-025 Conduct Unbecoming a public employee**

This complaint was from a private citizen against a Law Enforcement Officer being too rough in an arrest of the citizen's daughter including slamming her into the wall, using profanity, and saying inappropriate comments. The Officer did arrest a 14 year old girl; however, the girl was said to be the aggressor and the Officer was said by numerous eye witnesses to have handled the aggression towards him properly. This resulted in the Officer being **Exonerated**.

**II-01-07-2010-030 Discrimination & Harassment**

Two park employees made complaints about each other regarding inappropriate actions, texts and behavioral issues. They both felt they had been subject to acts of rudeness and discrimination/sexual harassment in the workplace. As a result of the investigation, there was no corroborating evidence that either one of them provided a discriminating/hostile work environment for each other. Therefore, all allegations were **Not Sustained**.

**II-01-08-2010-032 Violation of law or agency rules**

This is an alleged complaint of a Law Enforcement Officer and his failure to perform his job by not responding in a timely manner, failing to contact the perpetrator, and inadequately documenting an alleged offense. The citizen states there was damage done to his vehicle in the campgrounds. It was alleged the officer did not handle the situation appropriately and did not protect the citizen. As an end result, both parties had conflicting stories of what happened and there were no witnesses to the suspected crash. Therefore, the violations were **Not Sustained**.

**II-01-08-2010-033 Conduct Unbecoming a Public Employee**

A private citizen alleges that a Law Enforcement Officer initiated a verbal argument with her after she asked him not to throw objects at her fence or dogs. In this argument, the Officer made statements to which the citizen felt threatened. The citizen further alleges that the Officer attempted to initiate a verbal argument with her juvenile son as well as verbally taunting him. Testimony indicates that there was a verbal dispute between neighbors. It was also indicated that harsh statements were made by both adults involved. The Officer however, did make an apology to the citizen and the citizen stated she was satisfied with the apology. The entire situation was a dispute between neighbors and a duty-related nexus cannot be substantially established which gives a finding of **Not Sustained**.

**II-13-03-2010-034 Sexual Battery**

We were contacted by the Sheriff's Office saying one of our employees was being sought for sexual battery on a minor child. Our employee was located, arrested and transported to the jail. Our employee was

placed on administrative leave while an internal investigation was taking place. However, during the investigation, the employee resigned. The findings were **Sustained** for Sexual Battery on a child. The criminal case was pursued by local law enforcement authorities.

**II-01-08-2010-038 Conduct Unbecoming a Public Employee**

We received a complaint of improper driving including operating a vehicle without a tag. The Officer has resigned from the agency and is no longer a DEP employee. His separation from the agency rendered this case to be **Non Jurisdictional**.

**II-07-01-2010-039 Background Check**

This was a background check for Pre-employment with the Office of Inspector General in the Audit Section. The background covers the essential elements of a "position of trust" employee's background check. There was **no record** found on this individual.

**II-03-25-2010-040 Illegal Lighting**

We received a complaint from a private citizen of alleged illegal lighting for the turtles on Hillsboro Beach as well as illegal lighting to the beach from the City of Hollywood Boardwalk. An Investigative Review was done to determine if guidelines were followed. As a result, it was found that DEP was within the set guidelines and issued permits in conjunction with FWC. It was also determined that the Office of Beaches and Coastal Systems had probably gone beyond the reasonable expectations to accommodate the complainant and his concerns. Therefore, this review is **Complete**.

**II-03-16-2010-041**

**Compliance/Enforcement**

A private citizen reported that the Northeast District had sent him a Warning letter regarding unauthorized placement of fill material on his property in Florida. The citizen advised that he did not agree with the assessment/enforcement efforts. The review showed that there is insufficient evidence to conclusively determine whether the ditch was part of a permitted area's drainage system. The filling of a ditch within uplands on his property is determined to not be an actionable violation within our Department. The private citizen's concerns were fully and properly addressed by the District. The case was closed with a finding of **Review Complete**.

**II-01-08-2010-042 Code of Ethics**

We were notified by a Sheriff's Office that a gun was found during a search warrant that was possibly linked to one of our Law Enforcement Officers. It was in the possession of someone who was currently in jail for narcotic trafficking and home invasions. An investigation was conducted to determine whether our Officer who was linked with the firearm, was maintaining an improper association with persons in violation of the Division's Code of Ethics. The evidence proved that the firearm was purchased and qualified with by our Officer; however, the Officer made a private transaction, selling the firearm to a friend with indirect family ties. The Officer's involvement ended upon the conclusion of this private sale. The allegations against the Officer were **Unfounded**.

**II-01-26-2010-043 Safety Issues**

A DEP Diver reported that in the Buoy Mooring Program located in the Upper Keys, there were serious safety violations as well as violations of DEP Policy being

committed by personnel within the Dive Program. The Investigation showed that there were no specific rules in place that prohibited the use of DEP diving equipment by DEP divers on their own time. Therefore, the allegations were **Not Sustained**. However, as a result of this investigation the rules for the diving program were reviewed and significantly strengthened.

**II-01-10-2010-044 Theft**

Our office was contacted about the possibility of theft of gasoline, boat battery, and trading heavy equipment tires off of state vehicles and reselling them for personal gain. After further review and having spoken to office personnel, the allegations seemed to be “office gossip” and no credible evidence was found to link the subject to any internal criminal activity. The case was **Unfounded**.

**II-13-02-2010-045 Harassment**

A DEP Employee received two harassing phone messages. The Sheriff’s Office assisted our employee with the case. Our office assisted with retrieving the voice messages. This case is **Completed as Closed**.

**II-01-08-2010-046 Conduct Unbecoming a Public Employee**

A Park Manager and DEP Officer were accused of being rude and overbearing when they were enforcing rules at one of the State Parks. Two citizens were observed kayaking through a “swim only” area and continued to do so after being warned not to kayak through the area. Both subjects were verbally uncooperative with the Officer and were issued citations, warnings and trespass warnings as a result of their behavior. The trespass warnings ended up being lifted as the citizens agreed to follow all park rules in the future. This case is **Completed**.

**II-03-07-2010-047 Harassment & Racism**

We were notified by the Office of the Governor of a complaint by a former OPS employee that had been subjected to harassment and racism by the park management where she had worked. The employee felt as though she was wrongfully terminated. A Management review showed that the Park had a lawful reason to terminate employment due to budget deficit. No credible information was found to support allegation of hostile work environment or that she was terminated for discriminatory reasons. The allegations against management were found to be without merit and unsubstantiated. Therefore, the finding is **Unfounded**. It was also noted that the Park had re-advertised the position and the complainant had the opportunity to reapply for the position and had chosen not to apply.

**II-01-07-2010-048 Code of Ethics, Discrimination & Harassment**

We received a complaint in one of our parks with an allegation that the park manager was having a workplace affair with a subordinate staff member. It was also alleged that the staff member had received preferential treatment in the workplace due to the romantic involvement with the supervisor. Both subjects admitted to the affair and both resigned from their positions at the Park. This case is **Closed** with **Sustained** findings.

**II-03-03-2010-049 Investigative Review**

This complaint came in from a citizen who believes the Department has failed to take enforcement action in the theft of his boat which was docked at a marina over sovereign submerged land. The catamaran was not secured properly, as a friend was trying to move it for the citizen and FWC picked up the boat. The marina stated they had a dockage lien on the boat. The citizen

then reported the boat as stolen. The Sheriff's Office worked with the marina regarding the boat. DEP had no involvement in the handling of the missing boat or any other aspect of the case. It was determined that this issue would be best handled in civil courts. This case is **Closed as Complete**.

**II-03-07-2010-050 Hostile Work Environment**

A Park Ranger filed a complaint that he had been treated negatively and targeted for harassment by Park Management after his return from active duty for the military. He had various incidents in which he referenced including a reprimand he received that he felt was inappropriate. This review of the circumstances and chain of events around the performance of the Ranger and his subsequent receipt of disciplinary action does not reveal evidence of discrimination nor hostile management practice in the actions challenged by the Ranger. This issue is **Closed as Complete** with no evidence of a violation or any discriminatory practice by management.

**II-01-08-2010-051 Conduct Unbecoming a Public Employee**

It had been alleged that a DEP Officer had treated a probationary reserve officer unfairly and had not trained the recruit properly during the Field Training Officer program. It was also alleged that the Officer had a negative attitude at work and verbally criticized his supervisors and the Department to other officers and the public. The evidence gathered in this case showed the Officer conducted himself on the job in a manner that brought discredit and embarrassment to the Department and the Division of Law Enforcement. The Officer also verbally expressed negative comments about the immediate supervisor which

caused serious concern to staff under their command. Additionally, the Officer publicly criticized the department and its members in a defamatory manner that undermined the effectiveness of the division. The findings are **Sustained** in this case.

**II-13-01-2010-052 Child Porn Issue**

The Office of Inspector General was requested to assist the Computer Crimes Center with Florida Department of Law Enforcement. The suspect was found to work at DEP; however, the criminal allegations were not associated with his job at DEP. Our office assisted with the employee being transported and booked into jail as well as seizing his work computer. The employee was given his dismissal letter in jail. This complaint is **Complete**.

**II-01-07-2010-053 Sexual Harassment**

It had been alleged that two park employees had been engaging in inappropriate sexual conduct while on duty at the park. It had also been alleged that their inappropriate behaviors had been witnessed by other park staff, volunteers and visitors. All witnesses shared numerous independent accounts of inappropriate incidents involving the two employees. Testimony also showed that the employees were engaged in a pattern of inappropriate sexual behaviors and contact while in the workplace. The allegation of Conduct Unbecoming a Public Employee was **Sustained** for both employees; however, Sexual Harassment was **Not Sustained** as it failed to prove that the conduct was severe or pervasive enough that one would consider intimidating, hostile or abusive.

**II-03-08-2010-054 Officer shooting**

DEP Special Agent was shot during a courtesy assist for a traffic stop initiated by an officer with another agency (FWC). The



agent was attacked and ended up getting shot in both hands. He was very instrumental in saving the other Officer's life. This case is **Review Complete**. The Special Agent was ultimately the recipient of Departmental and State commendations and awards.

**II-01-08-2010-055 Conduct Unbecoming a Public Employee**

A Park Ranger alleged that a Law Enforcement Corporal, made derogatory remarks about her to two lifeguards that worked at the park. Each person's account conflicted to some degree as to what was said and where the information came from. The Officer admitted to making a statement to the lifeguards in response to a statement made to him by those lifeguards regarding the Park Ranger's conduct. None of the statements could be confirmed. This case is **Not Sustained**.

**II-01-08-2010-056 Domestic Violence**

A Law Enforcement Officer was involved in an off-duty domestic violence confrontation with her estranged husband who is a Deputy. Based on the evidence provided by the Sheriff's Office and the Investigation done by our office, there was not sufficient evidence to prove or disprove that a violation occurred due to the "she said/he said" nature of the allegations. The fact remains that the Investigation brought insufficient evidence that any General Orders were violated due to conflicting testimony. Therefore, the finding is **Not Sustained**.

**II-01-01-2010-057 Code of Ethics**

A private citizen submitted a complaint regarding a Deputy Secretary with the Department. The citizen alleged that the employee violated the Department's code of ethics policy by not recusing himself from a project to which was directly associated with

the employee's brother. The evidence in this case failed to prove that the allegations were true. There was no evidence found to support that the employee acted improperly or made any decisions based on a bias because of his brother. The allegations were found to be false and not supported by fact and therefore the finding in this case in **Unfounded**.

**II-07-01-2010-058 Background Check**

This was a background check for Pre-employment with the Office of Inspector General in the Audit Section. The background covers the essential elements of a "position of trust" employee's background check. There were no problems found with the Background investigation.

**II-03-08-2010-059 Investigative Review**

Alleged misconduct of a Law Enforcement Lieutenant using state issued equipment inappropriately via email in an effort to deceive others, sending inappropriate pictures in an email, disclosing confidential information, assigning his duties to his wife for completion and negligence regarding his keys to his assigned car. After a careful review of the allegations/facts presented, there is sufficient evidence to support an internal investigation; however, the Lieutenant is currently on military leave. This inquiry is suspended and the **review is Complete**.

**II-03-07-2010-060 Investigative Review**

This case involved an alleged complaint of racial discrimination between a Park Ranger and Assistant Park Manager. The Park Ranger alleged that the Manager made a negative comment about him to an outside contractor doing work at the park. The manager denied making the negative comment and the ranger reported he heard about the comment second hand from the contractor. This Investigative Review is

**Complete** as the issue was appropriately handled by park management.

**II-01-06-2010-061 Theft**

It was reported that a Cisco POE Switch or VOIP Switch designated for one of the District Offices went missing. A search was done trying to find the equipment as well as a grand theft report was filed with the police department. Due to the lack of any solvability factors and the identity of the suspect unknown, this case is **Closed as Completed**.

**II-01-08-2011-001 Conduct Unbecoming a Public Employee**

A private citizen reported alleged misconduct against a Law Enforcement Corporal who pulled a sixteen year old over for a traffic citation including threats, a burn to the teenager, and making inappropriate comments. The citizen had questions regarding the burn that her son had received during the stop for speeding. After further discussion with the Lieutenant, the citizen decided she was satisfied and did not want to pursue anything further; therefore, this case was **Withdrawn** by the complainant.

**II-03-29-2011-003 Management Review**

An anonymous letter came in alleging that the Bureau of Labs had been involved in favoritism with unfair promotions and hiring processes, poor management and wasteful and unethical business practices. It was also alleged that a bureau employee was committing time sheet fraud and that the act was condoned by management. A preliminary inquiry found no facts to predicate the initiation of a formal investigation. There was no evidence found to support time sheet fraud, wasteful purchases of lab equipment, poor management or unfair promotions/hiring

processes. Therefore, this **Review is Complete**.

**II-03-08-2011-004 Management Review**

A reported allegation of inappropriate hiring practices came into our office. After a careful review, it was determined there was a technical violation with the way the specific job was posted; however, it caused no harm to any individual that applied for the position, all applicants were considered equally. The finding for this case is **Review Complete**.

**II-03-07-2011-005 Investigative Review**

A private citizen reported concerns involving a Contractor's Business that had a contract with one of the State Parks. The complaint was regarding the submission of W-2's and using "illegals" on state-funded projects. This review revealed that the issues at hand are outside the jurisdictional authority of the Department. This case is **Closed** with no violation identified.

**II-03-17-2011-007 Investigative Review**

A private citizen reported a complaint against the Waste Management in one of our districts. The citizen states that she was told by DEP that if she did not sign a contract agreement with DEP to accept responsibility for any work-related injuries to employees working on her property, DEP would not clean up her property. After a thorough review, the Investigator found no violations of policy, procedures or misconduct on the part of the District or any of its employees. This case is closed as **Review Complete**.

**II-01-08-2011-011 False Report & Conduct**

This allegation arose from circumstances around a traffic accident in which the responsible law enforcement officer was involved in the reporting of damage to her

assigned law enforcement vehicle. The employee was observed by other departmental employees having backed into a tree. The officer later reported through FHP that her vehicle had been involved in a hit and run accident in front of her home. It was found that the employee had parked her vehicle improperly to make the hit and run, which did not occur, possible at that location. It was determined that the employee had **Sustained** violations for filing a False Report, Violation of Law or Agency Rules, the Division of Law Enforcement’s Code of Conduct (2 counts), and Failure to Cooperate and Give Truthful Information in an Internal Investigation.

**II-01-08-2011-012 Conduct Unbecoming a Public Employee**

It was alleged that a Park Police Officer made inappropriate sexual comments and engaged in inappropriate conversations with two park concession employees while on duty. There was insufficient evidence to prove that the conversations cited occurred as alleged due to the fact those alleged conversations were not witnessed by a third party. The finding in this case is **Not Sustained**.

**II-01-07-2011-013 Marijuana Cultivation**

Our office was notified regarding a Federal Search Warrant and subsequent arrest of a DEP employee relating to a narcotics investigation. After a review of information, a finding of **Sustained** was given for Violation of Law or Department rules for being arrested. The arrest could have brought discredit and embarrassment to the Department as well as his credibility and integrity as an employee. Therefore, the finding for Conduct Unbecoming a Public Employee was also **Sustained**. The Conviction of any Crime, including a plea of nolo contendere and plea of guilty with adjudication withheld was **Not Sustained**

due to the fact that it is unclear as to whether the employee had to enter a plea in order to attend drug court.

**II-01-07-2011-014 Violation of Law or Department Rules**

It was alleged that a Park Manager was borrowing funds from the park and paying them back at a later date. The comment was clarified by the ranger that said it and indicated that the manager was borrowing funds from one park to use for expenses of another park not for personal gain. As a result, the case was **Withdrawn**.

**II-01-14-2011-015 Pornography**

An employee dropped off his state-issued computer laptop for repairs. While the laptop was being repaired, internet history was discovered that had possible pornographic content. A thorough review of his internet history was done and revealed that the employee intentionally searched for and accessed pornographic, sexually-explicit, and sexually suggestive internet content. All three allegations were **Sustained** in this case.

**II-01-11-2011-016 Conflict of Interest**

The Office of Inspector General was requested by the Office of the Secretary to do an investigation into the circumstances around a controversial hiring by the South Florida Water Management District (District). This request was made after the Secretary was approached by a member of the District Board of Directors brought concerns to the Secretary about media coverage alleging an Ethics Violation had occurred. It was alleged that an Engineer had been hired by the District because of a relationship with the Executive Director for the District. The investigation revealed that the Engineer was hired and that there was a relationship between him and the Executive Director. However, the testimonial and

documentary evidence showed that the Executive Director was not responsible for the hiring and the Engineer had been hired into the District by The Inspector General. It was further demonstrated that there was no reporting relationship between the Executive Director and the position filled by the Engineer. It was further demonstrated by the documentation provided that the questioned Engineer was in fact uniquely qualified for the position he received due to his experience and his past working relationship with the Army Corps of Engineers. The position was designed to be a liaison and troubleshooter between the District and the Corps. The investigation found that the District had done the due diligence to avoid the appearance of a conflict, but they had not done a good job of documenting those efforts when there was a likelihood that the decision might be questioned. The allegations were **Not Sustained**.

**II-03-10-2011-019 Internet Usage Review**

Our office received a request for a full internet usage review for a Division. Our Investigator was asked to provide management internet usage in violation with the directive. The information was given to management who advised that corrective action would be taken. This **Review is Complete**.

**II-01-07-2011-020 Conduct Unbecoming a Public Employee**

A complaint was reported that two Park Rangers were allegedly hunting feral hogs on the grounds of the park. This area is reportedly off-limits and exotic animal removal is prohibited due to there being civilian population in the immediate area. After reviewing the testimonies, no evidence could be found to establish any breach of policy. Although four hogs were shot and

killed, the rangers were not involved in any illicit hunting activity. It is important to note that permission was given to remove feral hogs from the park grounds. This case is **Unfounded**.

**II-03-07-2011-021 Theft**

A theft of a bank deposit was reported missing from the floor safe at one of our parks. The Sheriff's Office was notified as well as our office to handle the administrative side. It was determined that there was no violation when the deposit was made. However, an employee resigned abruptly after the disappearance of the deposit which leaves many unanswered questions. The **Review is Complete** as there were no further leads or physical evidence to pursue.

**II-01-07-2011-022 Theft**

A money clip was found in one of the parks which contained credit cards and cash. The clip was placed in the office safe to secure it until the owner could claim it. When the owner came to claim his property, it could not be found. The money clip with all contents ended up being found in a maintenance personnel truck. It was mixed in with other items that were removed from the safe accidentally. This case is **Closed and Unfounded**.

**II-03-27-2011-024 Internet Usage Review**

Our office received a request for a full internet usage review for a Division. Our Investigator was asked to provide management internet usage in violation with the directive. No Pornography, inappropriate websites, or illegal content was observed. This **Review is Complete**.

**II-01-20-2011-025 Information Resources Security Policies & Standards**

An anonymous complaint came in alleging that an employee made inappropriate comments and posts on facebook regarding DEP employment and Governor Rick Scott. A review was done of the employee’s internet history and it revealed that facebook was not accessed on work time. It was determined that while the employee does identify himself as a state employee, the comments did not rise to the level that would cause embarrassment or bring discredit to the agency. The comments were considered “free speech” and not a violation of DEP policies. This allegation is **Not Sustained**.

**II-03-07-2011-027 Management Review**

A former Volunteer filed a complaint regarding his dismissal from his duties. The volunteer felt he was verbally abused and then thrown out of the park by his supervisor. He stated he would be willing to forget the situation if he received a written letter of apology. He then contacted our office letting us know he wanted to withdraw his complaint in order to save the taxpayers by having to pay for an investigation. This case is **Withdrawn**. A preliminary review of the issue strongly supported the actions taken by the Park were good business practice and did not constitute a violation.

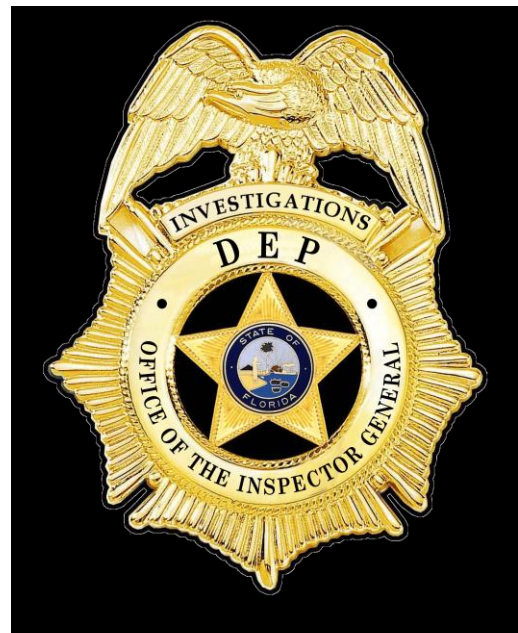
**II-13-08-2011-030 Request for Assistance**

Our office received a request for assistance with the transfer and return of an employee’s, issued DEP property while he was on deployment with the Army. One of our investigators met a non-DEP employee friend who had the key to the absent employee’s storage unit where his issued DEP property was stored. The investigator returned the equipment to the DEP Division

of Law Enforcement. This case is **Closed as Completed**.

**II-08-08-2011-031 Public Records Request**

Our office received a request for production of extensive records for a lawsuit involving a former DEP employee. Our office provided the records and the case is **Completed**.



## **PROGRAM REVIEW & IMPROVEMENT**

Program Review and Improvement (PRI) is a component of the Office of Inspector General dedicated to providing consulting services. 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.

## **Significant Project Summaries**

### **C-1011DEP-015 Administrative Directive DEP 710 Revision**

OIG Final Report C-0910DEP-039, Dive Program Safety Review, dated January 15, 2010, included 24 findings and recommendations. The management of the Divisions/Districts/Offices that collectively comprise the Dive Program agreed to all 24. Secretary Michael W. Sole appointed Deputy Secretary of Land and Recreation Bob Ballard to act as champion of the Department's efforts to restructure and improve the Dive Program following distribution of the report. Deputy Secretary Ballard subsequently requested open-ended consulting services from the OIG to support the efforts by the Divisions/Districts/Offices to address the recommendations included in the report.

The activities of PRI, in addition to general management consulting, included new language with respect to the organization and governance of the DEP Dive Program and revision of Administrative Directive 710, Workplace Safety and Loss Control Management. Administrative Directive 710 was approved by Secretary Mimi Drew and became effective September 16, 2010. The revision of DEP Directive 710 Workplace Safety and Loss Control Management will help to reduce the Department's risk exposure, and improve safety across the Department.

**C-1011DEP-022 State Park Entrance Policy Review**

The Office of Inspector General (OIG) conducted a review of the extent of the Department and Division’s authority to establish state park use rules and to assess penalties for violation. This review was conducted at the request of Bob Ballard, Deputy Secretary Land and Recreation following several incidents of unauthorized entry to state parks bordering on bodies of water.

All state parks have been established for the protection and preservation of their natural features or historic significance and for public use and enjoyment of the areas and facilities. The goal of the several rules governing the use of the state parks is to provide maximum public use consistent with the preservation of the natural features and historic value.

Our finding with respect to the extent of the authority delegated to the Department and Division to adopt state park use rules, is that Rule 62D-2.013, F.A.C. delegates general authority to the Department and Division related to state park property and resources; and Rule 62D-2.014 (1), F.A.C. delegates specific authority to the Department and Division to “prohibit or regulate any activity that lessens the safety or recreational experience of the visiting public or lessens the natural or cultural value” of a state park. Rule 62D-2.014, F.A.C also authorizes the department to determine that “all recreational activities will occur at such locations as designated for specific uses by the Division.”

Our finding as to the extent of the authority delegated to the Department and Division to assess penalties for violation of park use rules, is that Department and Division may impose fines provided that any person violates rules under the provisions of Chapter 258, Florida Statutes (F.S.). Rule 62D-2.015, F.A.C., provides civil penalty schedules for violations of the provisions in Rules 62D-2.013 and 62D-2.014, F.A.C. Chapter 258.008, F.S., authorizes the penalty provisions set forth in Rule 62D-2.015, F.A.C.

In addition, we would like to alert DEP Management to the rapidly growing popularity of canoeing and kayaking in Florida, and the challenge this presents to the Division’s effort to meet the mandate to provide maximum public use of the state parks consistent with the preservation of the natural features and historic value. For example, the Florida Circumnavigation Saltwater Paddling Trail (commonly referred to as “The CT”) traverses 37 Florida Aquatic Preserves and 47 Florida State Parks. The Department has created and actively marketed the saltwater paddling trail to the public, and therefore can expect that those persons utilizing the trail may seek water access to at least some of the 37 state parks along the trail. We believe that park water access issues are the true finding of this report. Our summary recommendation is that the Division should develop ways to accommodate canoe and kayak enthusiasts who seek access to Florida’s State Parks.

**C-1011DEP-041 DEP Dive Program Snorkeling Policy**

The purpose of this policy was to establish guidelines for the planning and safe conduct of snorkeling/skin diving by Department of Environmental Protection (DEP) employees, employees of other agencies and entities authorized by DEP, and volunteers. The project was conducted at the request of Jeff Loflin, DEP Safety Administrator and Dive Safety Officer.

The project included the review and development of snorkeling / skin diving guidelines for the Department Dive Program. In addition documents were reviewed and developed regarding approval, medical release, dive plans, and dive logs.

The policy was implemented and included in the DEP Underwater Operations Manual.

**C-1011DEP-044 DEP Underwater Operations Manual Review**

The purpose of this manual was to establish a comprehensive manual covering all aspects of Department Dive Program operations. This review was conducted at the request of the DEP Safety Administrator and Dive Safety Officer.

The purpose of the review of the Manual was to ensure that all diving under the auspices of DEP is conducted in a manner that will maximize protection of divers from accidental injury and/or illness; provide policies and procedures that will enable DEP Diving Program participants to function safely in local diving environments and conditions as well as to comply with the requirements of DEP Directive 710; and set forth standards for training and evaluation which will allow a working reciprocity between various units within DEP and with outside organizations.

Overall we found the manual to meet industry accepted standards for the performance of diving operations.

#### **C-1011DEP-049 How to Measure Performance**

The purpose of the *Measuring Performance Handbook, Volumes 1 and 2* was to improve the ability of DEP Programs/Districts/Offices to carry out their mission and address the vital public needs of the Department’s customers and stakeholders.

The handbook provides information and offers guidance to DEP managers and staffs with respect to ways to establish performance-based processes by setting appropriate goals and objectives, efficiently and effectively measuring performance against those goals and objectives, reporting publicly on their progress, and making appropriate corrective changes when such actions are indicated.

#### **C-1011DEP-018 DEP Standard Contract Review**

The purpose of this project was to conduct a management review of the contract language included in construction contracts used by the Division of Recreation and Parks (R&P), Office of Coastal and Aquatic Managed Areas (CAMA) and the Office of Greenways and Trails (OGT). The review was carried out at the request of Bob Ballard, Deputy Secretary for Land and Recreation (L&R). Objectives of the review were to closely examine a sampling of contracts used by R&P, CAMA, and OGT to ascertain if they include the key elements generally accepted as exemplary of a good contract, and to determine if the Florida

Department of Environmental Protection (Department) is potentially liable or at risk as a result of payment disputes between contractors and subcontractors providing goods or services to the State. The project included a review of Florida statutes and rules, Department directives and procedures to identify the sources that guide the development of Department construction contracts, and an examination of the contract language included in five recent construction contracts used by R&P, CAMA, and OGT.

In summary, we found that each of the contracts sampled included language that matches or approximates the key elements generally accepted as exemplary of a good contract. The contracts include clauses that address the right to audit, the termination of contracts for cause and without cause, and exemption from liens. The contract language addressed payment and non-payment, contractor obligation for using subcontractors and provisions for purchasing insurance and bonds. We also found that the contract templates and contracts examined may limit the liability of the State and the Department in the event of disputations over payments for goods and services between the contractor and subcontractor. It should be noted that some contract templates have been in use for four years, and were being revised at the time of our review. There are contracts currently enforced that do not contain the same language as the contracts examined for this review, and which may not meet the criteria for good contracts.

#### **C-1011DEP-020 Welcome Desk Management Advisory**

The Program Review and Improvement Section evaluated a proposal for staffing the Welcome Desk put forward by the Office of Ombudsman & Public Services at the request of the Office of the Secretary. The Welcome Desk was established at the main entrance of the Douglas Building and is staffed by a “Welcome Desk Coordinator.” The Department’s intent is for staff assigned to the Welcome Desk to greet and direct guests, answer questions, and provide assistance during a number of defined circumstances. The Welcome Desk was



established without designated staff to attend the desk. Currently the only FTE assigned as the primary Welcome Desk Coordinator is an Administrative Assistant I (AAI) provided by the Office of the Ombudsman & Public Services.

Additional staff is needed because the Welcome Desk requires coverage from 7:45 a.m. to 5:00 p.m. on all regular work days. A “volunteer pool” of occasional attendants from offices within the Douglas Building has been utilized, which has created issues with respect to availability, scheduling, and management oversight. The proposed plan continues to utilize staff that has primary work assignments in offices with missions that require the services of those staff. Temporarily re-assigning those staff as occasional attendants at the Welcome Desk may negatively impact the capability of those offices to effectively carry out their missions. Furthermore, the use of staff from several offices results in a complex schedule which requires considerable management oversight and numerous changes to meet the needs of those offices and the Welcome Desk. The plan also expects volunteer staff to rely on the Welcome Desk Standard Operating Procedure to inform their actions in response to a variety of emergent situations. This is an area of potential risk that management should consider in making a decision with respect to the most efficient and effective plan for intermittent or regular coverage of the Welcome Desk.

We found that the proposed staffing plan using a “volunteer pool” offers a “stop gap” solution for the issues created by the need to provide intermittent coverage for the Welcome Desk; however, it does not address the inefficiencies, risks, or hidden cost of using staff with primary assignments in other offices associated with the plan.

Our office recommended that the use of OPS funds to enable assignment of an attendant with the requisite training for the Welcome Desk to provide coverage for the Douglas and Carr office buildings. The times of lunch and other breaks should be coordinated to allow a single OPS attendant to provide coverage at the two buildings.



## **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.

## **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).

Audit members received a variety of professional training to meet The Institute of Internal Auditors' standards and to enhance the knowledge and skills necessary to provide meaningful audit results. Training is also a useful way to obtain the competencies required to obtain professional certifications endorsed by the profession including the Certified Internal Auditor and Certified Fraud Examiner. The OIG Internal Auditors received approximately 728 hours of training in fiscal year 2010-11. 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, process mapping, data collection and analysis, risk-based audit planning, and various IT Security courses. In addition, staff attended training for the Pollution Act of 1990 (OPA) to assist in the review of the oil spill cleanup process.

The audit staff attended professional lectures at the Institute of Internal Auditors, Association of Inspectors Generals, 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 area of Contract Management.

The Investigation Section has received a variety of training ranging from enhancement of computer skills to leadership workshops and into specific areas of investigation. In total the Investigative Unit received over 256 hours of formalized training. This training included the Department's mandatory training courses as well as the mandatory refresher courses for all DEP employees. In addition all sworn Investigators received the mandatory training hours to satisfy the Florida Law Enforcement training requirements. There was recertification for CJIS licenses to continue access to the Criminal Justice Information Systems. They successfully completed the Law Enforcement Firearms Qualification instruction course and range qualification. There were numerous specialized courses directed at improving individual skill sets attended by all of the individuals in the Investigative Section. Many of these classes were selected and attended by individual members due to personal interest in the topic and some were made available to all. This effort to stay in touch with the expectations of not only the office but the best practice standards in the law enforcement profession are a credit to the personnel within the unit. In addition there was training that was attended to better familiarize members with new topics to the unit such as Accreditation and the use of new equipment and practices introduced into the Division of Law Enforcement such as the Smart Cop communication utilization. The members of the unit were able to attend this current and professional training at a minimum expense to the agency while keeping all professional certifications current.

## 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:

- Four (4) Certified Internal Auditors
- Four (4) Certified Fraud Examiners
- One (1) Certified Government Auditing Professional
- One (1) Certified Public Accountant
- 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 Certified Fraud Examiners
- Tallahassee Association of Inspectors General
- Big Bend Fraud Task Force
- Infragard

#### Investigations Section:

- Tallahassee Association of Inspectors General
- Florida Internal Affairs Investigator's Association
- State Law Enforcement Chiefs Association
- International Association of Chiefs of Police
- Board of Directors for the Commission for Florida Accreditation for Law Enforcement Commission 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

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• **APPENDIX – A**

**Investigation Cases Closed for  
Fiscal Year 2010-2011**

Case Number	Allegations	Findings
II-01-10-2007-032	F.S. 817.61 Fraudulent Use of Credit Cards	Closed by Arrest
II-01-07-2009-011	1.Violation of law or agency rules 2.Violation of law or agency rules. To Wit: Racial Harassment 3.Violation of law or agency rules 4.Violation of law or agency rules. To Wit: Racial Harassment	Not Sustained Not Sustained Not Sustained Not Sustained
II-03-03-2009-017	Investigative Review	Review Complete
II-03-07-2009-031	Investigative Review	Review Complete
II-01-07-2009-040	Violation of law or agency rules	Closed, Referred to FDLE
II-03-19-2010-004	Management Review	Review Complete
II-03-19-2010-008	Investigative Review	Unfounded
II-01-07-2010-013	Conduct Unbecoming a Public Employee	Completed
II-01-07-2010-015	DEP 420 Drug-Free Workplace & Drug Testing	Unfounded
II-01-08-2010-025	Conduct Unbecoming a Public Employee	Exonerated
II-01-07-2010-030	1.DEP 436 Discrimination & Harassment 2.DEP 436 Discrimination & Harassment 3.DEP 436 Discrimination & Harassment 4.DEP 436 Discrimination & Harassment 5.Conduct Unbecoming a Public Employee 6.Conduct Unbecoming a Public Employee	Not Sustained Not Sustained Not Sustained Not Sustained Sustained Not Sustained
II-01-08-2010-032	Violation of law or agency rules. To Wit: DLE General Order 4-16, Investigation Guidelines; Policies & Procedures	Not Sustained
II-01-08-2010-033	Conduct Unbecoming a Public Employee	Not Sustained
II-13-03-2010-034	1.Violation of law or agency rules. To Wit: F.S. 794.011 Sexual Battery on a child 2.Violation of law or agency rules. To Wit: F.S. 827.071 Photographing sexual performance of a child/Possession of photographic material containing sexual acts by a child/travel to meet or the use of a computer to lure a child for sexual activity.	Sustained Sustained
II-01-08-2010-038	Conduct Unbecoming a Public Employee	Non Jurisdictional
II-07-01-2010-039	Background Investigation/Inquiry	Completed
II-03-25-2010-040	Investigative Review	Review Complete
II-03-16-2010-041	Investigative Review	Review Complete
II-01-08-2010-042	Violation of law or Department rules. To Wit: Division of Law Enforcement General Order 2-1 (EE) Code of Ethics	Unfounded

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Case Number	Allegations	Findings
II-01-26-2010-043	Violation of law or agency rules	Not Sustained
II-01-10-2010-044	F.S. 812.014 Theft	Unfounded
II-13-02-2010-045	Miscellaneous Complaint	Completed
II-01-08-2010-046	Conduct Unbecoming a Public Employee	Completed
II-03-07-2010-047	Management Review	Review Complete
II-01-07-2010-048	1.DEP 436 Discrimination & Harassment 2.Conduct Unbecoming a Public Employee 3.DEP 202 Code of Ethics 4.Conduct Unbecoming a Public Employee	Sustained Sustained Sustained Sustained
II-03-03-2010-049	Investigative Review	Review Complete
II-03-07-2010-050	Management Review	Review Complete
II-01-08-2010-051	1.Conduct Unbecoming a Public Employee 2.Violation of law or agency rules. To Wit: General Order 2-1 (HH)	Sustained Sustained
II-13-01-2010-052	Miscellaneous Complaint	Completed
II-01-07-2010-053	1.Conduct Unbecoming a Public Employee 2.DEP 436 Discrimination & Harassment 3.Conduct Unbecoming a Public Employee 4.DEP 436 Discrimination & Harassment	Sustained Not Sustained Sustained Not Sustained
II-03-08-2010-054	Investigative Review	Review Complete
II-01-08-2010-055	Conduct Unbecoming a Public Employee	Not Sustained
II-01-08-2010-056	Division of Law Enforcement General Order 2-1.4 Code of Conduct	Not Sustained
II-01-01-2010-057	DEP 202 Code of Ethics	Unfounded
II-07-01-2010-058	Background Investigation/Inquiry	Completed
II-03-08-2010-059	Investigative Review	Review Complete
II-03-07-2010-060	Management Review	Review Complete
II-01-06-2010-061	F.S. 812.014 Theft	Completed
II-01-08-2011-001	Conduct Unbecoming a Public Employee	Withdrawn
II-03-29-2011-003	Management Review	Review Complete
II-03-08-2011-004	Management Review	Review Complete
II-03-07-2011-005	Investigative Review	Review Complete
II-03-17-2011-007	Investigative Review	Review Complete
II-01-08-2011-011 A & C	1.Violation of law or Department rules. To Wit: F.S. 316.067 False Reports 2.Violation of law or Department rules. To Wit: F.S. 316.195 (1) Additional Parking Regulations 3.General Order 2-1.4 (RR) Code of Conduct 4.General Order 2-1.4 (NN) Code of Conduct 5.DEP 290.7 (J) Internal Investigations	Sustained  Sustained Sustained Sustained Sustained

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Case Number	Allegations	Findings
II-01-08-2011-012	Conduct Unbecoming a Public Employee	Not Sustained
II-01-07-2011-013	1.Violation of Law or Department rules 2.Conduct Unbecoming a Public Employee 3.Conviction of any Crime, including a plea of nolo contendere and a plea of guilty with adjudication withheld	Sustained Sustained Not Sustained
II-01-07-2011-014	Violation of law or Department rules. To Wit: Theft	Withdrawn
II-01-14-2011-015	1.DEF 390 Internet Acceptable Use 2.DEF 202 Code of Ethics 3.Conduct Unbecoming a Public Employee	Sustained Sustained Sustained
II-01-11-2011-016	1.Section 120-4. South Florida Water Management District Ethics Policy & Florida Statutes Chapter 112, Part III Code of Ethics for Public Officer and Employees. 2. Section 120-4. South Florida Water Management District Ethics Policy & Florida Statutes Chapter 112, Part III Code of Ethics for Public Officer and Employees. 3. Section 120-4. South Florida Water Management District Ethics Policy & Florida Statutes Chapter 112, Part III Code of Ethics for Public Officer and Employees.	Not Sustained  Unfounded  Not Sustained
II-03-10-2011-019	Investigative Review	Review Complete
II-01-07-2011-020	1.Conduct Unbecoming a Public Employee 2.Conduct Unbecoming a Public Employee	Unfounded Unfounded
II-01-07-2011-022	F.S. 812.014 Theft	Unfounded
II-03-07-2011-021	Investigative Review	Review Complete
II-03-27-2011-024	Investigative Review	Review Complete
II-01-20-2011-025	DEF 390 Information Resources Security Policies & Standards	Not Sustained
II-03-07-2011-027	Management Review	Withdrawn
II-13-08-2011-030	Miscellaneous Complaint	Completed
II-08-08-2011-031	Public Records Request	Completed



## **Current OIG Staff Directory**

**Candace “Candie” M. Fuller**

*Inspector General*

**Valerie Peacock**  
*Director of Auditing*

**Roy C. Dickey**  
*Law Enforcement Major*

**Landon “Heath” Barfoot**  
*Management Review Specialist*

**Andrew McClenahan**  
*Law Enforcement Captain*

**Linda Huck**  
*Management Review Specialist*

**Raiford Rollins**  
*Law Enforcement Captain*

**Don Hurst**  
*Management Review Specialist*

**Amy Schmidt**  
*Law Enforcement Captain*

**Tiffany Hurst**  
*Management Review Specialist*

**Gary Wisner**  
*Law Enforcement Captain*

**J. Scott McAnally**  
*Management Review Specialist*

**Sarah Fulford**  
*Crime Intelligence Analyst II*

**Carmen Saras**  
*Management Review Specialist*

**Hyatt Sudano**  
*Management Review Specialist*

**Karen Preacher**  
*Professional Accountant Supervisor*

**Amanda L. Marsh**  
*Operations & Management Consultant Manager*

**Randal C. Stewart**  
*Management Review Specialist*

**Michelle Kelley**  
*Staff Assistant*

**Willard Remien**  
*Senior Management Analyst II OPS*

**Thomas “TJ” Walker**  
*Senior Management Analyst II OPS*

**Vacant**  
*Senior Management Analyst II OPS*

**Vacant**  
*Audit Administrator*

The Office of Inspector General is a positive change agent seeking significant enhancements in agency programs and operations.