

Fish images © Diane Rome Peebles

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
OFFICE OF INSPECTOR GENERAL
2011-2012 ANNUAL REPORT



Mission Statement

The mission of the FWC Office of Inspector General (OIG) is to provide leadership in the promotion of accountability and integrity in state government.

Vision Statement

The vision of the FWC OIG is to enhance public trust in government.

General Information

The Florida Fish and Wildlife Conservation Commission (FWC), Office of Inspector General (OIG), is located in the Farris Bryant Building in Tallahassee, Florida. The Inspector General Act of 1994 created an Office of Inspector General in each state agency. The purpose of the OIG is to act as a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. Section 20.055, Florida Statutes, defines the duties and responsibilities of each Inspector General.

The FWC OIG actively participates in the Florida Inspectors General (FIG) network, which was established by the Office of the Chief Inspector General, Executive Office of the Governor. This organization is composed of Offices of Inspectors General throughout Florida government. The mission of the FIG is to provide leadership in the promotion of accountability and integrity of state government. The vision of the FIG is enhancing public trust in government.

The FWC OIG has adopted the generally accepted principles and quality standards approved by the Association of Inspectors General (formally approved on May 16, 2001). These principles and standards have been adopted insofar as they do not conflict with statute, regulation, executive order, or other policy of the office.

Statutory Requirement

Section 20.055, F.S., requires that each state agency Office of Inspector General submit an annual report of significant activities during the preceding state fiscal year to the agency head. The report must include, but is not limited to, the following:

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



OIG Staff

The FWC OIG prides itself on maintaining a highly trained and motivated staff. The professional staff of the OIG includes the Inspector General, a Director of Investigations (law enforcement Major), four investigative Captains, a Management Analyst (certified crime analyst), the Director of Auditing, an Internal Auditor II, a half-time Internal Auditor II and a full-time Administrative Assistant. One hundred percent of the ten full-time positions in the OIG possess college degrees from an accredited college or university, and four of those possess graduate degrees as well. The five law enforcement sworn positions have over 100+ years of law enforcement experience.

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

- The National Association of Inspectors General
- The Institute of Internal Auditors
- The National Internal Affairs Investigators Association
- The Florida Bar
- Infragard
- The American Institute of Certified Public Accountants
- The Florida Association of Police Attorneys

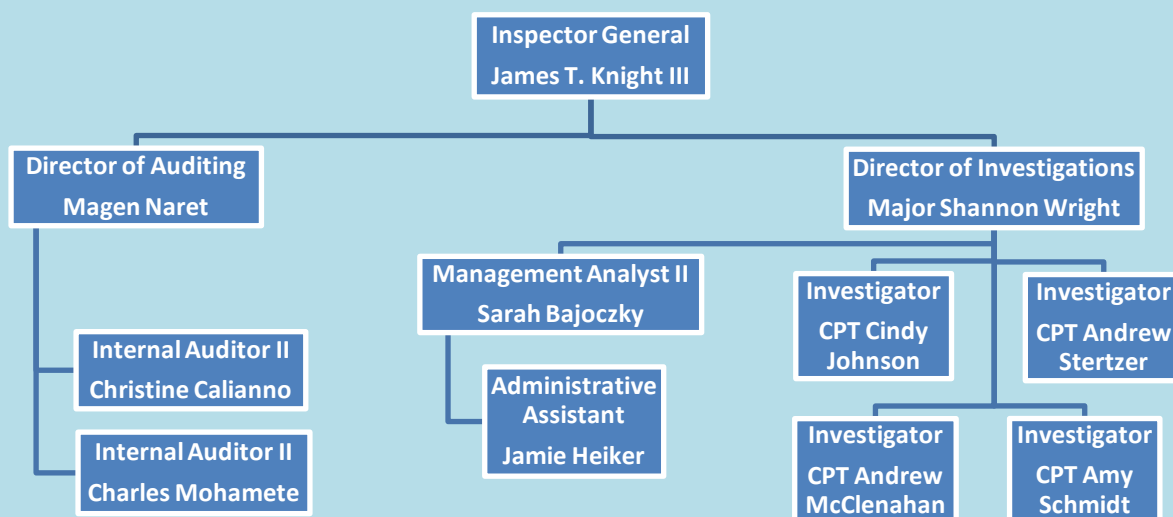
Staff members also possess the following professional certifications:

- Certified Inspector General
- State of Florida sworn law enforcement officer
- Certified Inspector General Investigator
- Certified Inspector General Auditor
- Certified Law Enforcement Analyst

Some of these certifications are mandated by Florida law in order to be employed in the OIG. Virtually all certifications require regular mandatory training courses, such as annual in-service training for law enforcement officers, and continuing education courses for the Certified Internal Auditor certification and membership in the Florida Bar (Florida attorney). Our internal audit staff have years of accounting and auditing experience, as well as Information Technology experience. They possess extensive training accomplishments in the fields of accounting, auditing, fraud, risk assessment, and financial management.



Charles Mohamete, Shannon Wright, Drew Stertz, Jamie Heiker, Andy McClenahan, Cindy Johnson, Christine Calianno, Sarah Bajoczky, Jim Knight, Magen Naret, Amy Schmidt



Review of Audit Activities

The role of internal auditing is to provide an independent, objective assurance and consulting activity designed to add value and improve the organization's operations. The OIG Internal Audit Section helps the FWC accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. We provide assurances to senior management that all reviewed operations are working in a manner that is consistent with established organizational objectives, policies, and procedures.

Our internal audits and reviews are conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* and the *Principles and Standards for Offices of Inspector General* and are generally carried out in accordance with an annual work plan approved by the Executive Director.

The FWC OIG Internal Audit Section consists of two full-time employees, the Director of Auditing and an Internal Auditor II, and a half-time Internal Auditor II employee. A full-time OPS Administrative Assistant is shared with the Investigations Section.

In the Fiscal Year 2011-2012, the Audit Section completed nine audit advisory or management reviews, seven information technology reviews, and provided considerable audit assistance in three internal investigative reviews. In addition, they continued to provide technical assistance to the Florida Department of Law Enforcement and the Attorney General's Office of Statewide Prosecution (OSP) regarding the investigation of several former FWC employees. A brief summary of each completed project is as follows:

Information Technology Resource Compliance Review IA-1108

In coordination with an investigation, a forensic examination was performed of an employee's computer hard drive and e-mail archive. The evidence collected from the examination included seven e-mails containing objectionable material and fifty-eight objectionable images found on the individual's FWC computer hard drive.

Review of P-Card Usage in the South Region IA-1109

The audit section reviewed yellow Purchasing Card (P-Card) envelopes for a sample of cardholders in the South Region. The primary objectives of this review were to determine if the use of the P-Card was consistent with applicable laws, rules, agency policies, and good business practices, and whether proper internal controls were in place to prevent fraud, waste and abuse. Overall, the review disclosed that P-Card record keeping was adequate; however, some instances of control weaknesses were identified. These include, lack of original documentation, lack of supporting documentation, inadequate/vague item descriptions, sharing of a P-Card, and lack of supervisory approval. These issues have since been addressed with the implementation of the Automated Purchase Request (APR) system in October, 2011.

Review of P-Card Usage in the Northeast Region

IA-1111

The audit section reviewed yellow Purchasing Card (P-Card) envelopes for a sample of cardholders in the Northeast Region. The primary objectives of this review were to determine if the use of the P-Card was consistent with applicable laws, rules, agency policies, and good business practices, and whether proper internal controls were in place to prevent fraud, waste and abuse. Overall, the review disclosed that P-Card record keeping was adequate; however, some instances of control weaknesses were identified. These include, lack of original documentation, lack of supporting documentation, inadequate/vague item descriptions, and lack of supervisory approval. In addition, one cardholder made online purchases of office consumables and received free promotional items (such as a gym bag, lunch tote, MP4 player and digital camera) as a benefit from the vendor rewards program. Under these circumstances, the state term contract (STC) pricing was not utilized in the purchase and the items were purchased at a higher cost than if they were ordered from the vendor's website for STC business accounts. These issues have since been addressed with the implementation of the Automated Purchase Request (APR) system in October, 2011.

Review of P-Card Usage in the Southwest Region

IA-1201

The audit section reviewed yellow Purchasing Card (P-Card) envelopes for a sample of cardholders in the Southwest Region. The primary objectives of this review were to determine if the use of the P-Card was consistent with applicable laws, rules, agency policies, and good business practices, and whether proper internal controls were in place to prevent fraud, waste and abuse. Overall, the review disclosed that P-Card record keeping was adequate; however, some instances of control weaknesses were identified. These include, lack of original documentation, lack of supporting documentation, inadequate/vague item descriptions, and lack of supervisory approval. In addition, one cardholder made an online purchase of office consumables and received a free promotional item (gym bag) as a benefit from the vendor rewards program. Under these circumstances, the state term contract (STC) pricing was not utilized in the purchase which resulted in an overpayment by the State. The vendor, Office Depot, offers up to a 70% discount off the list price of office consumables. These issues have since been addressed with the implementation of the Automated Purchase Request (APR) system in October, 2011.

Information Technology Resource Compliance Review

IA-1203

In coordination with an ongoing investigation, a forensic examination was performed of an employee's computer hard drive and e-mail archive. The evidence collected from the examination included the storing and alteration of grant related documents. The case was referred to the United States Department of Commerce for investigation.

Information Technology Resource Compliance Review

IA-1204

In coordination with an ongoing investigation, a forensic examination was performed of an employee's computer hard drive and e-mail archive. The evidence collected from the examination included emails referencing the alteration of grant related documents. The case was referred to the United States Department of Commerce for investigation.

IT Mobile Technology Enterprise Project IA-1205

The IT Mobile Technology project was part of an enterprise project conducted by multiple state agencies in coordination with the Executive Office of the Governor. The primary purpose of this project was to identify statewide trends for mobile computing, identify best practices by evaluating mobile computing uses within each agency and determine if the enterprise has defined, established and maintained a mobile computing framework and to determine how each agency has implemented this framework. The FWC OIG facilitated the issuance of two surveys, one to the FWC Chief Information Officer (CIO) and one to FWC employees. The survey results were analyzed by the IT Mobile Technology Enterprise Project team. Their recommendations included the following:

- Agencies should establish specific needs-based criteria for determining which employees should be provided agency-owned mobile devices or allowed to use personally-owned devices for state business purposes. This assessment should, at a minimum, consider the following criteria – travel time, availability, network access and emergency response needs.
- Agencies should ensure that mobile device technologies are identified and tested before being deployed for state business purposes. Ideally, agencies should work together to ensure this process is performed efficiently and without undue duplication.
- Agencies should ensure cost-effective procurement of mobile devices and leverage the purchasing power of the enterprise through the Department of Management Services state term contracts for mobile devices and services
- A workgroup of audit, information technology (IT) and legal professionals should evaluate the mobile workforce to ensure that the legal requirements of record retention and public records laws are fully addressed.
- CIO's should adopt application development standards that ensure new system development accommodates mobile computing while minimizing mobile computing risks.
- Enterprise-wide technologies and agency-specific applications should be developed or modified and integrated with system platforms to accommodate mobile computing.

Office of Statewide Prosecution Assist IA-1206

In response to a request from the OSP, an analysis of certain documentary and information technology evidence provided by the Florida Department of Law Enforcement (FDLE) which was obtained via search warrants in relation to a criminal case regarding former employees of the FWC Fish and Wildlife Research Institute (FWRI). The analysis of the evidence revealed questionable cash transactions totaling approximately \$240,000 that had not previously been disclosed or uncovered. Additionally, the information technology portion of the review showed substantial evidence linking stolen state property to items listed for sale on Craigslist® by the former employees.

**Information Technology Resource Compliance Review
IA-1207**

In coordination with an investigation, a forensic examination was performed of an employee's computer hard drive and e-mail archive based on complaints that the employee had made numerous threats to others in his work group. We did not find evidence of threats being sent in a digital format.

**Information Technology Resource Compliance Review
IA-1208**

In coordination with an ongoing investigation, a forensic examination was performed of an employee's computer hard drive and e-mail archive. The employee had an active arrest warrant regarding two counts of grand theft via embezzlement from his former employer. The hard drive was examined for evidence relating to the theft charges as well as any evidence indicating the employee was committing theft while at the FWC. No evidence was found of either.

**Information Technology Resource Compliance Review
IA-1209**

In coordination with an investigation, a forensic examination was performed of an employee's computer hard drive based on a complaint that the individual may have been viewing objectionable material on a work computer. No evidence of objectionable material on the individual's computer was found.

**Follow-up to Auditor General Operational Audit
IA-1211**

The purpose of this follow-up review was to report on the implementation of the recommendations specified in the Auditor General's Operational Audit of the FWC Office of Licensing and Permitting (Report No. 2011-188). It was determined that the FWC Office of Licensing and Permitting had taken appropriate actions to implement the Auditor General's recommendations; however, some issues will take longer to fix than others. The OIG is working on an additional follow-up.

**Everglades Holiday Park – Revenue/Contract Audit
IA-1213**

The purpose of this audit was to review the concessionaire's financial statements for accuracy, and verify the rent due to FWC. The rent was recalculated based on the income statements and the amount submitted appeared to be appropriate and in accordance with contract provisions.

**Information Technology Resource Compliance Review
IA-1214**

In coordination with an investigation, a forensic examination was done of an employee's computer hard drive and e-mail archive based on complaints that the employee had made numerous threats to others in his work group. No evidence was found of threats being sent in a digital format.

Information Technology Risk Assessment IA-1215

The 2011 Risk Assessment Survey was developed by the Agency for Enterprise Information Technology (AEIT) to gather baseline information across the enterprise and to assist agencies in satisfying the 2011 risk assessment requirement as defined by section 282.318, Florida Statutes. Each agency Inspector General was responsible for reviewing the agency's completed survey package for accuracy and reasonableness prior to the final approval of the agency head.

The OIG validation review process found that the final survey answers were reasonable, and to the best of our knowledge could be relied upon as accurate. It was recommended that the survey be signed by the Executive Director and forwarded to the AEIT.

Audit Plan and Risk Assessment IA-1219

The Audit Section prepared an audit plan and risk assessment for Fiscal Year 2012-2013, and a long term audit plan through Fiscal Year 2014-2016. The main purpose and benefit of conducting this report was to plan audit activities (through a risk-based process and surveys issued to senior management and staff) to provide the most effective audit coverage of the Commission's programs given the resources allocated.

Office of Information Technology Procedural Review IA-1220

In response to a request by the CIO, the audit section reviewed a draft OIT computer purchase procedure to identify areas where improvements could be made. Based on this review, it was recommended that the computer purchase process be referenced in the purchasing section of the agency's IMPP manual. This will allow for a standardized computer purchase process across the agency and will ensure individuals with purchasing authority are aware of the procedures to follow when making a computer purchase.

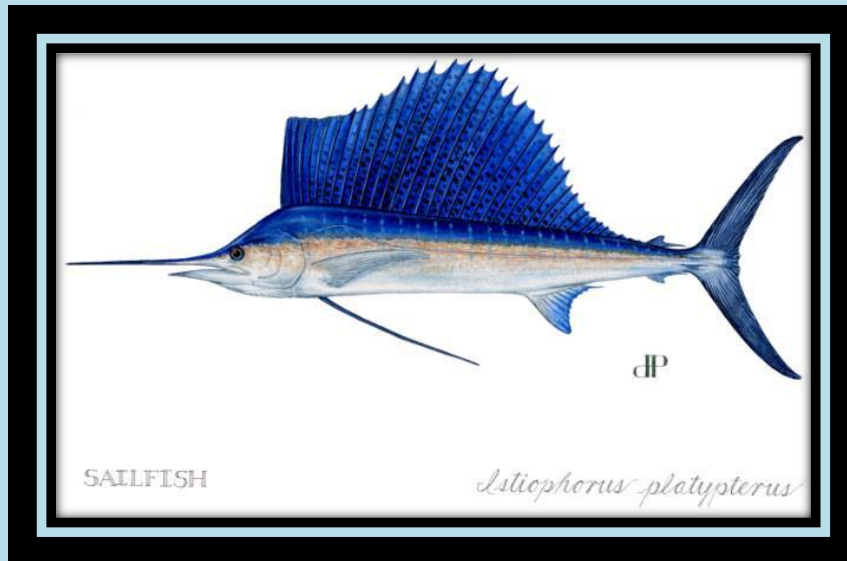
NOTE: The following audit projects were ongoing and incomplete as of June 30, 2012: IA-1210, IA-1212, IA-1216, IA-1217, IA-1218, and IA1221.

Other Audit Section Activities

Some of the advisory services undertaken by the Audit Section are ongoing projects where no reports are issued. These activities include the review of certain proposed contracts to identify risks and insure compliance with both state and federal requirements. Consulting services were provided where necessary, as well as a review of proposed fiscal policy relating to such areas as trust fund management, new system development, financial accounting, and the IMPP. The Director of Auditing also coordinates with external auditors, where appropriate, during their review of Commission programs.

Review of Outstanding Corrective Actions

Management has appropriately addressed all of the major internal audit findings over the past three fiscal years in their corrective action plans, or management has considered our recommendation and elected to accept the identified risks. We consider those findings to be closed.



Review of Investigations Activity

The Investigations Section of the Office of Inspector General (OIG) investigates allegations of misconduct by Commission employees, monitors field investigations, and reviews Use of Force Reports. The OIG also investigates alleged violations of Florida's Whistle-Blower Act and serves as the Commission's Ombudsman to address concerns of employees that cannot be resolved through the normal chain of command. The OIG supervises investigations of sexual harassment allegations in coordination with the Commission's Human Resources Office.

Allegations of employee misconduct constitute major or minor complaints depending on established criteria, and the OIG will decide the appropriate level of investigation. Minor misconduct complaints include allegations of rudeness, use of obscene or profane language, personal appearance, improper operation of a state vehicle or vessel; a citizen complaint that can be resolved in the initial contact; and routine disciplinary action by a supervisor which results in an oral or written reprimand. The originating Division/Office (DO) can conduct the field investigation of a minor complaint after notifying the OIG of the complaint. The OIG will provide supervisory investigative assistance to the DO throughout the investigation and completion of the investigative report.

The OIG Investigations Section will conduct investigations of all major complaints. Major complaints are allegations of criminal misconduct by an employee, misconduct that will result in suspension or dismissal, violation of Florida's Whistle-Blower Act, misconduct that crosses DO lines; or the Commission's Executive Director or Inspector General determines that an investigation is warranted.

The Investigations Section consists of a Director of Investigations (law enforcement Major), four full-time law enforcement investigative Captains, one full-time Analyst and one full-time Administrative Assistant. The Inspector General is James T. Knight III.

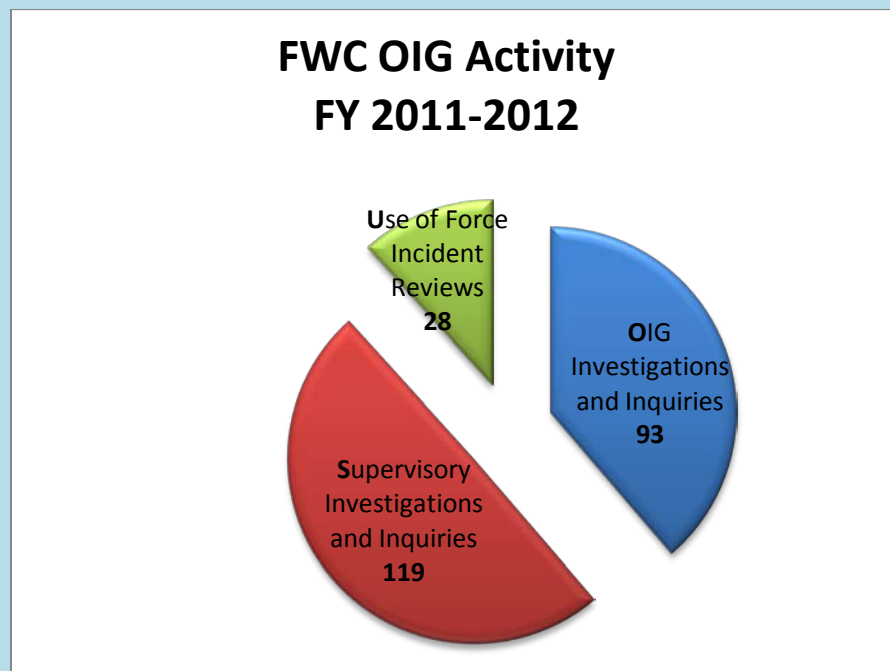
The primary purpose of the OIG Investigations Section is to investigate allegations of misconduct, including the monitoring of field investigations and use of force incidents. The OIG conducts investigations brought under the agency's Ombudsman Program and investigates complaints that fall under the state's Whistle-Blower statute. Reference to these functions may be found in Section 1.8 of the agency's Internal Management Policies and Procedures Manual (IMPP).

Additionally, the OIG investigates complaints involving alleged sexual harassment, as it is defined under state and federal law and Section 6.31 of the IMPP.

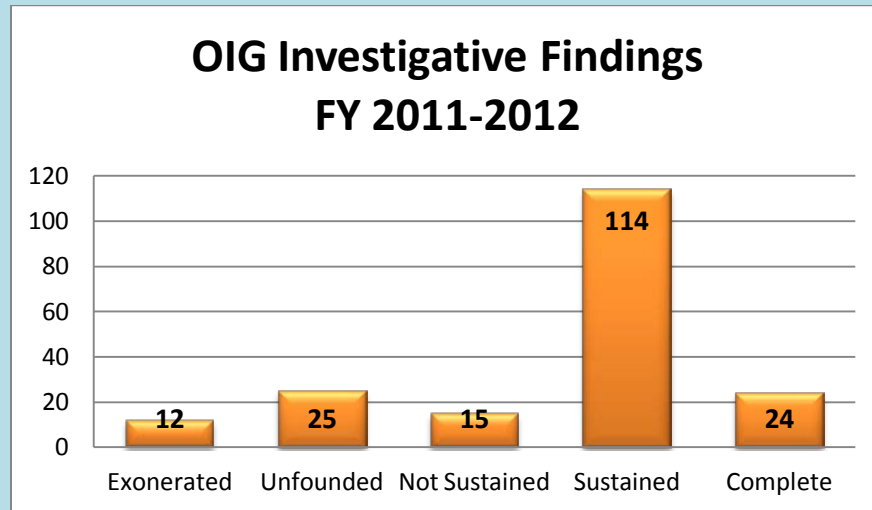
Review of Investigative Findings

During the 2011-2012 Fiscal Year, the OIG completed 240 investigations and reviews, to include:

- Investigations and/or inquiries by an OIG investigative captain, **93**.
- Supervision of investigations and/or inquiries by field investigator, **119**.
- Use of Force Incident reviews, **28**.



The chart shown below illustrates the distribution of investigative findings for the reporting period.



Classifications of Closed Cases:

Exonerated: The alleged conduct occurred, but was lawful and proper.

Unfounded: The complaint was false or baseless.

Not Sustained: There was insufficient evidence to prove or disprove the allegation.

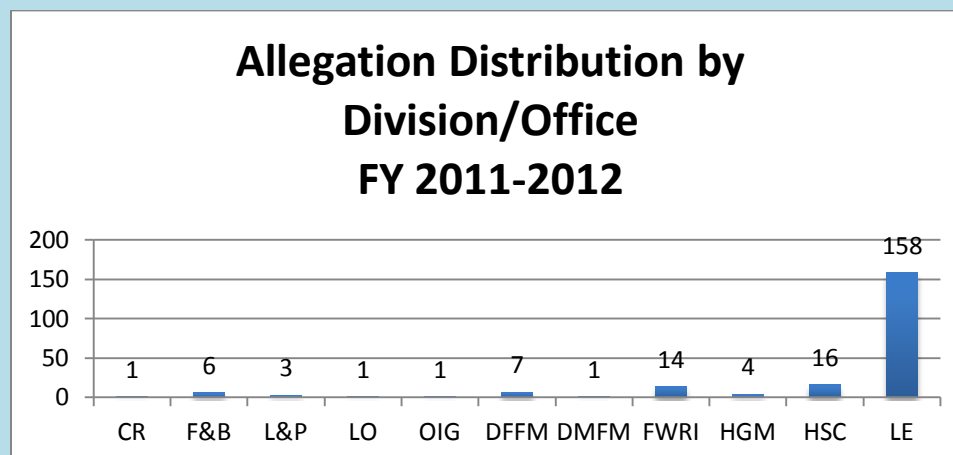
Sustained: The allegation was supported by proper and sufficient evidence.

Complete: Used for instances where no specific wrongdoing was alleged.

Allegation Distribution by DOI for Fiscal year 2011-2012

Seventy-five percent of all investigations and/or inquiries concerned an allegation against a Division of Law Enforcement (DLE) employee. This is due to the large number of contacts the DLE officers have with the public.

The chart below illustrates the number of misconduct investigations (per division/office/institute) completed by the Office of Inspector General during the reporting period.



The OIG will continue to closely monitor and examine investigative findings in an effort to identify any patterns that may need to be addressed.

FY 2011-2012 Investigative Summaries of Significant Cases

Case No. 10-247

A citizen alleged members of the Division of Law Enforcement conducted a flawed investigation against him for destruction of gopher tortoise burrows. The Office of the Chief Inspector General assigned the Department of Business and Professional Regulation (DBPR) OIG to review the citizen's complaint and latest allegation. DBPR OIG issues an investigative report finding no fault with the FWC OIG investigation and recommends three lying allegations by the citizen be investigated by FWC OIG. Those recommendations are the basis for 10-247.

The allegations were unfounded and not sustained for Lying or Failure to Give Truthful or Requested Information or Instructing an Employee to Do So.

Case No. 11-62, 11-158 and 11-159

A citizen alleged that a law enforcement officer ran a criminal history background check, as well as a financial background check on him. The investigation determined that neither the officer nor any other FWC member initiated any criminal inquiries on the citizen (11-62). During the investigation, a forensic review of the officer's computer and FWC email account was conducted to determine if the officer had anything on his computer relative to the allegations. Objectionable material was identified as having been received from and sent to another officer.

Allegations were sustained for Violation of Computer Policy, Information Technologies Resource Usage Policy Standards and Division of Law Enforcement General Order 7, Responsibilities for a Supervisor.

Case No. 11-130

A citizen alleged a law enforcement officer gave alcohol to her underage daughter and an ongoing relationship between the daughter and the officer. The officer developed a friendship with the family after a charter-fishing trip, and then planned a hunting trip to Georgia with the daughter, allowed the daughter to stay at his house for spring break, attended her out-of-state high school graduation and bought her an AR-15 rifle as a gift.

Allegations were sustained for Conduct Unbecoming a State Employee; section 562.11(1), Florida Statutes (providing alcohol to a minor); Lying and Insubordination.

The officer resigned his position with the agency.

Case No. 11-175

A law enforcement officer claimed to be on water patrol when he was not, changed his shift reporting time without notifying his supervisor and operated an FWC vehicle with an expired driver's license.

Allegations were sustained for Insubordination, Lying, Falsification of Records, internal policy for Operation of Commission Vehicles, and Division of Law Enforcement General Order 26 regarding notification to communications centers of changes to in-service status.

Case No. 11-242, 11-243 and 11-244

A citizen alleged that FWC employees entered the Tosohatchee Wildlife Management Area (WMA) to hunt without checking in at the check station. With the assistance of the FWC Division of Law Enforcement, it was discovered that several WMA employees had permits to hunt on the opening day of general gun season. Law enforcement officers worked the area to determine if anyone entered the WMA illegally. Their efforts resulted in employees receiving citations for failure to check in at the check station, warnings for driving on a closed road, and an arrest for possession of a firearm by a convicted felon.

The OIG initiated an administrative investigation. The investigation resulted in sustained allegations of Lying, Abuse of Position, Conduct Unbecoming a State Employee, and violations of Florida Administrative Code and Florida Statutes.

Case No. 12-03

An employee of the Division of Habitat and Species Conservation (HSC) obtained a copy of the final examination, without permission, for the Interagency Basic Prescribed Fire Training (IAPBF) course he was enrolled in. Additional information from the Department of Agriculture and Consumer Services (DOACS) OIG revealed that they had an employee involved in the procurement of the final examination. A joint investigation ensued, which resulted in the HSC employee admitting to having the examination and providing the name of the DOACS employee who had given him the examination.

Instructors expelled the HSC employee from the class. The investigation resulted in sustained allegations of Lying and Conduct Unbecoming a State Employee.

IAPBF instructors changed the course's final examination to prevent the incident from reoccurring.

Case No. 12-35

An HSC biologist engaged in activities that promoted a hostile work environment for coworkers. The employee grabbed and/or pushed coworkers, berated coworkers in the workplace and while in contact with the public, used profanity in front of coworkers and the public, and intimidated coworkers to the point that several coworkers requested permission to work from home.

The employee was placed on administrative leave and restricted from access to the office pending a resolution to the complaint. Allegations were sustained for the following violations of agency policy: Harassment; Conduct Unbecoming a State Employee; Abusive, Threatening or Offensive Language; Unauthorized Possession of or the Failure to Report Careless Use or Display of Knives, Firearms, Explosives or Other Dangerous Weapons; Loafing; and Lying. The employee resigned prior to the imposition of discipline.

Recommendations by OIG

Case No. 11-128

A law enforcement officer performed as an undercover agent in a covert operation and was provided with covert equipment for use in the furtherance of the operation. During the course of the operation, the officer suffered an injury and the operation became inactive. The officer was assigned to dispatch during recovery from surgery. The supervisor learned from the officer that he had been driving the covert truck to dispatch after instructions not to do so. His vessel engine had excessive hours, and the officer's cell phone usage was high and it had been used while he was on sick leave.

The OIG investigator determined:

- There was a significant lack of communication by several individuals involved in the operation and recommended that better communication and supervision would be highly beneficial.
- Reconsideration should be made to the practice of having a case agent complete the undercover agent's paperwork. The undercover agent could document his/her own vehicle and vessel activity for improved accountability.
- The policy does not clearly specify when an Equipment Damage Report needs to be completed and the policy should be readdressed.

Case No. 11-137

During the investigation, two duty officers alleged that another duty officer obtained their personal cell phone numbers from Computer Aided Dispatch (CAD) records. There was no way to verify if the accused duty officer accessed CAD for personal reasons. The OIG investigator recommended that security measures regarding this issue be addressed.

Case No. 11-144

Three citizens in a canoe were stopped by a law enforcement officer for an inspection. When the canoe operator turned the canoe toward the officer, the officer pointed his Taser at them and threatened to use it if they attempted to flee. One of the citizens alleged the officer's use of his Taser was dangerous and not in compliance with the Division of Law Enforcement's General Orders.

The OIG investigator recommended that the Division of Law Enforcement specifically address the display of the Taser as it was used in this instance, to determine if this practice should be reviewed.

Case No. 11-260

During the course of OIG investigations 11-242, 11-243 and 11-244, the OIG investigative captain discovered that a staff assistant created an in-house form for the employees to document their vehicle usage. The staff assistant then transferred the information from the in-house form to the employees' vehicle logs each month. Internal Management Policies and Procedures 5.13(A) states, "Data shall be entered clearly on the Vehicle Cost Report Form daily, totals calculated, and finalized on the last day of the month by **the employee to who the equipment is assigned on that day.**"

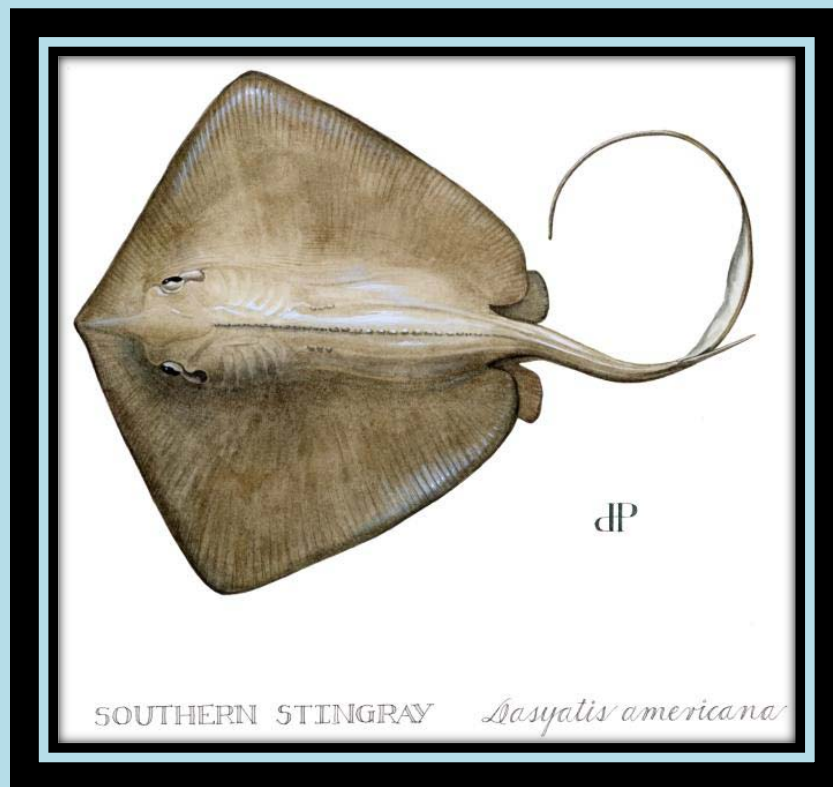
- The OIG recommended that the practice be reviewed for improved accountability.

The supervisor did not review his subordinates' vehicle logs, as he is not required to do so.

- The OIG recommended that policy related to a supervisor's review of a subordinate's vehicle logs be reviewed to avoid discrepancies in the reports, as occurred in this case.

An employee received a warning for driving on a closed road. The supervisor authorized his staff to remove the closed road sign because the road was only closed to the public.

- The supervisor should coordinate with the public hunting area biologist so that a map change can be performed for the area.



*Florida Fish and Wildlife Conservation Commission
Office of Inspector General*

620 South Meridian Street Tallahassee, FL 32399-1600

Phone: (850) 488-6068 Fax: (850) 488-6414

www.myfwc.com