



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

OFFICE OF
INSPECTOR GENERAL

JAMES ZEHRINGER, DIRECTOR

2011 DEC 15 PM 3:08

December 14, 2011

Mr. Randall J. Meyer
Ohio Inspector General
Office of the Inspector General
30 East Broad Street, Suite 2940
Columbus, OH 43215-3414

Re: Report of Investigation 2010-113
Aaron Ireland & Josh Zientek

Dear Mr. Meyer:

Per your request in the above-referenced report, issued October 13, 2011, the following are the responses of the Ohio Department of Natural Resources (ODNR) to the recommendations made by your office.

Summary

This matter concerns multiple persons employed by ODNR's Division of Wildlife (DOW). The report outlines the activities of Wildlife Officers Aaron Ireland and Josh Zientek in assisting two conservation officers employed by the State of Indiana to obtain Ohio resident fishing licenses using the address for the Ohio DOW District #5 office as the home address of the applicants. This activity took place in June, 2007. Officers Zientek and Ireland stated they were authorized to do so by a former supervisor, though that former supervisor did not work for DOW at the time the authorization was given. When this activity was discovered in September, 2008 by District #5 Supervisor Todd Haines, he discussed the situation with various DOW personnel, including Human Resources Manager Michele Ward-Tackett. The consensus was to handle this action administratively and, as a result, Officers Zientek and Ireland were issued verbal reprimands and told that providing such assistance in acquiring an Ohio resident license was against DOW policy and should not be repeated.

Your office reviewed the matter and reached the conclusion that the fundamental issue was ODNR and DOW's failure to proceed with any criminal investigation of the provision of false information on the fishing license application, which was a violation of Ohio law. You found reasonable cause to believe that a wrongful act or omission occurred, and were critical of DOW's failure to notify ODNR leadership, in the person of then-Director Sean Logan, of suspected criminal activity. You were also critical of DOW's determination to proceed with administrative action instead of a criminal investigation. As a consequence of your investigation, you made four separate recommendations for action. We will restate your recommendations and provide our response, as requested.

Inspector General Recommendation #1

ODNR should internally review the actions of all employees involved in this report to determine whether their conduct and practice warrants further administrative action or training.

ODNR Response #1

As noted in the investigation, the Officers in question, Aaron Ireland and Josh Zientek were both subjected to the administrative discipline process and received verbal reprimands for failure of good behavior. As they have already been punished for this event, no further administrative action can be taken against them. Several additional DOW personnel were aware of the actions of Officers Zientek and Ireland, including DOW District #5 Manager Todd Haines, Human Resources Manager Michele Ward-Tackett, Assistant Chief Randy Miller and Chief David Graham. They all acknowledged that providing false information on the license application was a crime, but they chose to proceed administratively instead, without providing notice to ODNR Human Resources personnel. Since Assistant Chief Miller and Chief Graham are no longer employed by ODNR, nothing further is recommended with respect to them. As for District Manager Haines and Human Resources Manager Ward-Tackett, their failure to recommend a criminal investigation in this matter was made part of an administrative disciplinary investigation against both Haines and Ward-Tackett, which resulted in the imposition of one day working suspensions for both employees. It should be noted that the administrative discipline imposed on Haines and Ward-Tackett covered their actions with respect to this matter, and their actions with respect to DOW Officer Allan Wright (IG File Number 2009-340). Since they have already been administratively disciplined, no further action in that regard is warranted.

With respect to any additional training for this activity, it will be covered by the development of policy requiring DOW employees to acknowledge that using a false address to obtain a license is a violation of law. This will be explained further in ODNR Response #3. In addition, all new cadets in training to become Law Enforcement Officers with DOW will be specifically trained on this issue, and advised that providing a license to any person using any type of falsification of address, etc. is illegal and improper. Every other new employee of DOW will receive the same training and instruction during new employee orientation. Finally, ODNR will develop a policy document for department-wide application, reminding all employees of the obligation to follow state law and department policies in the issuance of all licenses.

Inspector General Recommendation #2

ODNR should create a uniform administrative investigation policy so the department will have a record of all investigations, regardless of severity, conducted by the various divisions and develop a corresponding electronic database.

ODNR Response #2

The department Human Resources leadership, working with representatives from each division with the department, created an administrative disciplinary action checklist, to be used for each

and every suspected case of employee wrongdoing. The checklist requires the division in question to list the various action or behaviors in question. If the alleged action fits the category for an administrative investigation, the Division Chief forwards the form to the department Office of Human Resources, and begins an administrative investigation. If the alleged action fits into a category that could possibly lead to the need for a criminal investigation, the Division Chief is to forward the form to the Department Chief Legal Counsel and the Department Chief of Law Enforcement. The Division Chief will take no other action on the allegation until directed by the Chief of Law Enforcement. The Chief Legal Counsel and the Chief of Law Enforcement will jointly consider the allegation submission and determine if a criminal investigation is justified, or if the matter should be handled with an administrative investigation. If a criminal investigation is warranted, the Inspector General, State Highway Patrol, and Governor's Office of Legal Counsel are notified and a decision is made as to what agency will conduct the investigation.

As you can see, in all instances, the department Human Resources office will have a record of all investigations being conducted. This will allow closer monitoring of investigation status, and offer an ability to better understand the scope of issues throughout the department. Though this record is currently in paper form, the Human Resources office is working with our Information Technology office to create an electronic version of the form, and a database to electronically track information.

Inspector General Recommendation #3

ODNR should develop and issue a policy requiring personnel to recognize and acknowledge that the use of false addresses to obtain resident wildlife licenses or permits is a violation of state law.

ODNR Response #3

DOW has developed a policy on hunting, fishing and trapping license purchases, which will be included in the policy manual for the division governing the actions of all employees. The policy states plainly that Ohio law requires a non-resident license for all persons not a resident of the State of Ohio. It also states that DOW employees shall not advise or assist any person in the purchase of any license contrary to state law. Employees are also advised that if they are aware of anyone acquiring a license in violation of the law, the information is to be documented and forwarded to the District Law Enforcement Supervisor for action. In addition to posting this new policy statement in the policy manual for DOW, the new policy will be sent via email to all DOW employees, with an electronic acknowledgement of receipt required.

Inspector General Recommendation #4

ODNR should regularly review wildlife license databases to identify anomalies in the dataset. Queries such as state-owned property addresses, multiple addresses, and DOW employees' addresses would allow ODNR to identify licenses needing further review.

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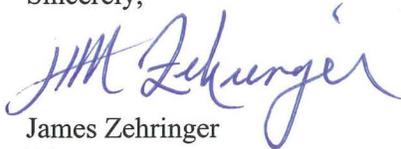
ODNR Response #4

ODNR's Office of Information Technology will, on a semi-annual basis, perform a query of licenses issued and cross-reference that list of licenses with the addresses of ODNR and DOW facilities, and the home addresses of DOW employees. Any report generated will be forwarded to the ODNR Chief of Law Enforcement, who will look for any inconsistencies or anomalies that require further investigation and review.

I trust that when you review this submission you will see that this department has been responsive to the concerns as outlined. We value your agency's input as we put in place systems, policies, and procedures that will help ensure that we honor our mission to Ohio citizens in its entirety.

If you have any additional questions or comments, please contact our department Chief Legal Counsel, Bill Damschroder, at (614) 265-6882.

Sincerely,



James Zehringer
Director

JZ/wrd