

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO COMMISSION ON FATHERHOOD
FILE ID NO.: 2011-092
DATE OF REPORT: MARCH 12, 2013

The Office of the Ohio Inspector General ... The State Watchdog

“Safeguarding integrity in state government”

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Randall J. Meyer
Ohio Inspector General



STATE OF OHIO

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REPORT OF INVESTIGATION

FILE ID NUMBER: 2011-092

SUBJECT NAME: Tracy Robinson

POSITION: Executive Director (resigned)

AGENCY: Ohio Commission on Fatherhood

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Abuse of Office/Position;
Theft in Office

INITIATED: June 8, 2011

DATE OF REPORT: March 12, 2013

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On May 11, 2011, the Office of the Ohio Inspector General received an anonymous complaint alleging Tracy Robinson, executive director of the Ohio Commission on Fatherhood (OCF), had entered into secondary employment in conflict with his position as executive director. The complaint alleged Robinson was operating a personal business enterprise providing grant writing and management services to grantees who may have applied for and received grants issued by OCF. The Office of the Ohio Inspector General opened a preliminary inquiry to obtain additional information. From this inquiry, the Office of the Ohio Inspector General found that Robinson could not account for discrepancies in his work time-keeping records at OCF; leading to the possibility that Robinson had engaged in a theft of time, and a failure to report secondary outside employment to OCF. The Office of the Ohio Inspector General opened a full investigation on June 8, 2011.

Robinson was hired as the executive director of OCF on July 7, 2008, and resigned on January 13, 2012.

BACKGROUND

The Ohio Commission on Fatherhood was established on July 1, 1999, and is housed within the Ohio Department of Job and Family Services (ODJFS). The commission's mission is to enhance the well-being of Ohio's children by promoting responsible fatherhood. Funding is received through Temporary Assistance for Needy Families (TANF) federal block grants administered by the U.S. Department of Health and Human Services, and the Ohio Governor's Office of Faith-Based and Community Initiatives. The commission is composed of 20 members including:

- Four bi-partisan members appointed by the speaker of the Ohio House;
- Two bi-partisan members appointed by the president of the Ohio Senate;
- The governor, or his/her designee;
- Representative from the judicial branch appointed by the chief justice of the Ohio Supreme Court;
- The directors of the Ohio Department of Health, Ohio Office of Job and Family Services, Ohio Department of Rehabilitation and Correction, Ohio Department of Alcohol and Drug Addiction Services, Ohio Department of Youth Services, and the

superintendent of public instruction for the Ohio Department of Education, or their designees;

- Representative of the Ohio Family and Children First Cabinet Council; and
- Five representatives of the general public appointed by the governor.

During the course of this investigation, the 129th Ohio General Assembly passed House Bill 153, changing Ohio Revised Code §5101.341, which empowered the governor to appoint the executive director of the commission. The executive director serves at the pleasure of the governor and reports to the director of the Ohio Department of Job and Family Services, or the director's designee. Part of the duties of the commission involves providing competitive grants to fatherhood programs across the state. According to the commission's annual report, more than \$4 million dollars have been awarded to 19 programs since 2008. In addition, fatherhood program training is provided annually across the state.¹

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General obtained from the Ohio Department of Job and Family Services (ODJFS) timesheets showing beginning and ending work times, parking records, emails, state office phone records, state-issued cell phone records, and Outlook² calendar appointments for Tracy Robinson. Additionally, ODJFS provided policies related to secondary employment and a list of fatherhood programs that were awarded grants since 2008. Also, investigators obtained bank account information, specifically, deposits made since Robinson was appointed executive director, and financial disclosure statements filed with the Ohio Ethics Commission (OEC) from 2008 to 2010.

After several unsuccessful attempts to contact Robinson by phone to schedule an interview, the Office of the Ohio Inspector General went to Robinson's home on November 19, 2012 and Robinson consented to be interviewed.

¹ Source: ORC §5101.34 and Ohio Commission on Fatherhood annual reports.

² Outlook is a software application produced by the Microsoft Corporation used to record and manage calendar appointments.

Deposits

A review of the deposits into Robinson’s bank accounts did not reveal any payments made by any OCF grant awardees as alleged by the complainant. However, the following checks made payable to Tracy Robinson or to Tracy Robinson & Associates were deposited into Robinson’s bank account but not reported on financial disclosure statements Robinson had filed with the Ohio Ethics Commission:³

Source	*CY2008	*CY2009	*CY2010	Total
California Hydrocarbons Corp.		\$400.00	\$500.00	\$900.00
Center for Urban Families Inc.			3,456.90	\$3,456.90
Federation of Asian Indian Assoc. of Central Ohio		500.00		\$500.00
First Baptist Church			100.00	\$100.00
Greater Linden Development Corp.	\$270.00			\$270.00
Henry Evans			150.00	\$150.00
Lighthouse Ministries			50.00	\$50.00
Mt. Vernon Ave. AME Church			150.00	\$150.00
National Fatherhood Initiative			500.00	\$500.00
Ohio Men’s Fellowship			150.00	\$150.00
Second Baptist Church of the City of Columbus	300.00			\$300.00
St. John Baptist Church		200.00		\$200.00
TOTALS	\$570.00	\$1,100.00	\$5,056.90	\$6,726.90

*CY = Calendar year

The Office of the Ohio Inspector General asked Robinson about the details of the payments reflected in his bank deposit records. Robinson stated he could not recall the reasons why he received the funds or what work he had completed to receive the payments. Investigators asked Robinson if he had attended any training events provided by the Ohio Ethics Commission (OEC). Robinson said he had attended OEC trainings at least once a year and, sometimes, twice a year, and stated he was aware of OEC reporting requirements. When asked why he did not report the payments received as either income or gifts when filing his financial disclosure statement with the Ohio Ethics Commission, Robinson blamed it on “sloppy record keeping.”

The Office of the Ohio Inspector General also discovered several cash deposits into Robinson’s bank accounts but was unable to determine the source of the funds or who actually made the

³ Individuals who submit a financial disclosure statement to the Ohio Ethics Commission are required to list all sources of income, sources of gifts worth more than \$75.

deposits.⁴ The biography posted on Robinson's personal website⁵ noted that he was active in his church and was available to speak at other churches. Robinson stated he would have accepted checks, not cash, for speaking at churches, and the deposits listed above might be payments received for speaking services.

Training

According to the commission's annual report, Robinson had created and presented a training program entitled "Engaging the Non-Resident Father." A review of Robinson's personal business website featured the same training and a nearly identical description as shown on the commission's website. While Robinson confirmed he created the training while employed with OCF, Robinson said the training was not offered through his personal business. However, the verbiage on his personal website promoting the training did not mention the commission or ODJFS in the training's description, nor did Robinson's website direct individuals to the commission's website to sign up for the training. The Office of the Ohio Inspector General asked if the training was the property of OCF and Robinson stated he did not know. Robinson was also asked if he had received permission from OCF to use the training materials for his personal business. Robinson said he had no comment.

Unaccounted Work Hours

During an interview conducted by the Office of the Ohio Inspector General, Robinson explained the state of Ohio did not provide to him a state-issued vehicle; however, he had the ability to access a state of Ohio fleet car. Robinson also said the state paid for parking of his personal vehicle at the City Center Parking Garage in downtown Columbus. According to Internet mapping tools, the distance between the parking garage and Robinson's office building is 0.2 miles.

The Office of the Ohio Inspector General compared Robinson's ODJFS timesheets and Outlook calendar appointments against parking records which showed when Robinson entered and exited the City Center Parking Garage. The analysis excluded times when Robinson was out of the

⁴ Robinson had a joint account with his wife.

⁵ Robinson's personal website was related to his business, Tracy Robinson and Associates, and listed the services he offered, including grant writing and management services, and training related to fatherhood issues.

office attending commission-related functions and, therefore, was entitled to claim time worked. A review of Robinson's ODJFS Outlook calendar showed the calendar function was routinely used to list personal appointments or phone calls, including his children's school events and church functions. From the analysis of Robinson's ODJFS timesheets and Outlook calendar appointments, investigators found 173 instances when Robinson was not engaged in commission business and he claimed regular or compensatory time worked for the state of Ohio. The 173 instances when Robinson was not engaged in commission business and he claimed regular or compensatory time totaled 548.75 hours.

Robinson was presented with a copy of the analysis for one month showing the discrepancy of the records as outlined above. Robinson refused to review the document in detail. When asked to explain the discrepancy in unaccounted hours, Robinson stated he had no comment.

Investigators asked Robinson to explain the occurrences when he reported time at work and parking records indicated he did not access the garage. Robinson stated it may have been because he did not drive to work that day and explained that his wife may have driven him or he might have taken the bus.

Based on this information, the Office of the Ohio Inspector General revised its analysis and removed all dates when parking records indicated Robinson did not access the garage. The revised analysis resulted in the removal of 61 instances representing a total of 289 hours where Robinson did not access the parking garage at any point during the day and he reported time worked for the state. However, this revised analysis still showed 112 instances where Robinson parked a vehicle in the garage at some time during the day for a total of 259.75 unaccounted hours, resulting in a potential loss of wages to the state of \$9,805.56.⁶

Failure to Report Outside Employment

A review of the supporting documentation for deposits into Robinson's bank account showed numerous payroll checks from The Women's Clinic of Columbus (TWC). The Office of the Ohio Inspector General contacted TWC and obtained the timesheets Robinson submitted related

⁶ Robinson's pay rate as the executive director was \$37.75/hour. The potential loss was calculated by multiplying Robinson's pay rate times the unaccounted hours ($\$37.75 \times 259.75 = \$9,805.56$).

to these payroll checks from August 2010 to August 2011. These documents were then compared, for the same time period, to timesheets Robinson submitted to ODJFS and parking records.

An analysis of these records indicated 126 instances, totaling 250.75 hours, when Robinson claimed he was working concurrently for the commission and The Women's Clinic. In most of these instances, City Center Parking Garage records showed Robinson had accessed the garage at the same time he reported working for TWC as indicated on timesheets provided by the clinic. The Women's Clinic is physically located approximately five miles from the City Center Parking Garage. Additionally, the analysis revealed several occasions where Robinson's Outlook calendar appointments specified he was out of town attending training events for the commission, and at the same time, his TWC timesheets indicated he was working for and being paid by TWC.

During an interview conducted by the Office of the Ohio Inspector General, Robinson was asked to characterize the type of work he performed for the clinic. Robinson stated he conducted outreach to expectant fathers, but did not elaborate further. According to a TWC newsletter published on the clinic's website at the time of the investigation, Robinson was hired by TWC to be a part-time fatherhood director and to create a fatherhood program which was funded by a grant received from the Care-Net and the National Fatherhood Initiative.⁷ The program "consists of one-on-one fatherhood coaching, workshops and group classes."

Robinson was asked how it was possible to record time working for TWC when his parking records showed he had accessed the City Center Parking Garage, and his completed time keeping records showed he was working for ODJFS. Robinson stated he had probably engaged in poor record keeping when filling out the TWC timesheets and noted he did not work set hours for TWC.

⁷ The mission of the National Fatherhood Initiative is to improve the well-being of children by increasing the proportion of children growing up with involved, responsible, and committed fathers.

A review of Robinson's work email and phone records did not reveal evidence Robinson used state equipment or resources while working on matters involving TWC. Robinson stated he did not perform any work for TWC during times working for, and being paid by, the state of Ohio. According to ODJFS policies and procedures, employees are required to report any outside employment by delivering a completed "Notification of Outside Employment" form to their supervisor for approval. If it is determined the outside employment does not interfere with an employee's normal job duties and the supervisor approves of the employee's intention to hold outside employment, the form is then placed in the employee's personnel file. Updates are only made if there has been a change in an employee's outside employment status.

A review of Robinson's personnel file provided by ODJFS did not find a completed and approved "Notification of Outside Employment" form. Robinson stated he was not aware of any ODJFS policies regarding outside or secondary employment and said no one had ever spoken to him about the reporting requirement.

CONCLUSION

The Office of the Ohio Inspector General found no evidence to support the initial allegation that Robinson profited by receiving payment for assisting entities with preparation of applications, or the administration or awarding of grants for Ohio Commission on Fatherhood grantees while Robinson was in charge of awarding grants and serving as the executive director of the Ohio Commission on Fatherhood. However, while reviewing bank records to determine if Robinson received any payments from the entities that received grants from OCF, payments to Robinson from other sources were discovered. The payment checks indicated on their memo lines Robinson completed work for "website development," "consulting fees," speaker fees, and other activities. None of these payments were recorded by Robinson on his financial disclosure statements as either income or gifts. Though Robinson stated he attended several ethics trainings, sometimes twice a year, he could not explain as to why he failed to report the outside income, other than to say it was "sloppy record keeping."

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

Robinson indicated on his personal business website that he provided a training course entitled “Engaging the Non-Resident Father.” According to Ohio Commission on Fatherhood’s 2011 annual report, this training was developed by Robinson during his tenure as executive director and was provided by OCF. Robinson’s website did not state the training was either the property of or conducted by OCF, and did not provide a link to OCF’s website for individuals to sign up for the training. Robinson stated he did not teach the course through his personal business when he was employed by OCF. Moreover, Robinson did not have permission to use this training for personal purposes nor was he authorized to post it on his personal website.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

A review of Robinson’s timesheets showed numerous instances where he claimed he was working for OCF and his parking records indicated he did not access the garage and there was no appointment on his Outlook calendar. Robinson used his Outlook calendar for both business and personal appointments on a regular basis. Robinson stated he did not drive into work every day and his wife may have dropped him off or he took the bus. Factoring these statements into the analysis, any instances where the parking records indicated Robinson did not access the garage at any point in the day were removed. The revised analysis indicated there were 259.75 hours unaccounted for with a potential loss of \$9,805.56 in wages to the state. Swipe or key card records showing access to the building where Robinson worked were unavailable from the former Ohio Building Authority (now a function of the Ohio Department of Administrative Services). Robinson refused to comment or provide an explanation as to why he would have reported he was working on days when he did not access the parking garage and he did not have an outside appointment recorded in his Outlook calendar.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

The Office of the Ohio Inspector General was unable to determine if Robinson ever performed work for TWC at the same time Robinson reported on ODJFS time keeping records he was working for the commission. Parking records show Robinson accessed the garage across the street from the OCF office; however, TWC timesheets completed by Robinson report he was working for TWC at the same time. A review of Robinson's email and phone records did not provide evidence that Robinson used state property or resources to conduct work for TWC. In some instances, Robinson's Outlook calendar indicated he was out of town participating in an OCF training event and Robinson's TWC timesheet records show he was working for TWC for the same periods of time.

Robinson's financial disclosure statement reported receipt of income from The Women's Clinic of Columbus. However, an approved "Notification of Outside Employment" form, as required by ODJFS' policies and procedures manual, was not found in Robinson's personnel file. Robinson stated he was not informed of the requirement to report any outside employment except at the time when he filed his financial disclosure statement. No completed form was found in Robinson's personnel file acknowledging his review or receipt of the ODJFS policies and procedures manual when hired by the commission.

Accordingly, the Office of the Ohio Inspector General does not find reasonable cause to believe a wrongful act or omission occurred in this instance.

Robinson resigned from the Ohio Commission on Fatherhood on January 13, 2012.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendations and asks the Ohio Department of Job and Family Services to respond within 60 days with a plan detailing how these recommendations will be implemented. ODJFS should:

- 1) Obtain copies of the financial disclosure statements filed by all employees and review them for possible instances of outside employment. If the financial disclosure statement provides evidence of outside employment, ensure the employee's personnel file contains

an approved “Notification of Outside Employment” form and confirm the employee’s outside job duties do not interfere or conflict with any ODJFS work duties or interests.

- 2) Review the personnel records of the agency to confirm each employee has acknowledged review and receipt of the most recent editions of the ODJFS policy and procedures manuals, including any policy and procedure manuals specific to a division of ODJFS where employees might have additional requirements.

REFERRALS

The Office of the Ohio Inspector General will forward this report to the following for consideration:

- 1) The Franklin County Prosecutor and City of Columbus Prosecutor’s offices related to the possible theft in office allegation; and
- 2) The Ohio Ethics Commission related to the allegation of not reporting sources of income and/or gifts on the financial disclosure statement.



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RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Commission on Fatherhood
FILE ID #: 2011-092

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
March 12, 2013

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