

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF
INVESTIGATION**



**AGENCY: OHIO DEPARTMENT OF HEALTH
FILE ID NO.: 2011-194
DATE OF REPORT: APRIL 25, 2013**

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

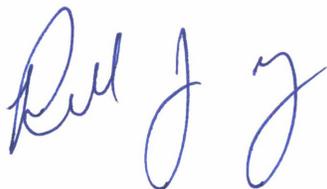
“Safeguarding integrity in state government”

The Ohio Office of the Inspector General is authorized by state law to investigate alleged wrongful acts or omissions committed by state officers or state employees involved in the management and operation of state agencies. We at the Inspector General’s Office recognize that the majority of state employees and public officials are hardworking, honest, and trustworthy individuals. However, we also believe that the responsibilities of this Office are critical in ensuring that state government and those doing or seeking to do business with the State of Ohio act with the highest of standards. It is the commitment of the Inspector General’s Office to fulfill its mission of safeguarding integrity in state government. We strive to restore trust in government by conducting impartial investigations in matters referred for investigation and offering objective conclusions based upon those investigations.

Statutory authority for conducting such investigations is defined in *Ohio Revised Code §121.41* through *121.50*. A *Report of Investigation* is issued based on the findings of the Office, and copies are delivered to the Governor of Ohio and the director of the agency subject to the investigation. At the discretion of the Inspector General, copies of the report may also be forwarded to law enforcement agencies or other state agencies responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies. The *Report of Investigation* by the Ohio Inspector General is a public record under *Ohio Revised Code §149.43* and related sections of *Chapter 149*. It is available to the public for a fee that does not exceed the cost of reproducing and delivering the report.

The Office of the Inspector General does not serve as an advocate for either the complainant or the agency involved in a particular case. The role of the Office is to ensure that the process of investigating state agencies is conducted completely, fairly, and impartially. The Inspector General’s Office may or may not find wrongdoing associated with a particular investigation. However, the Office always reserves the right to make administrative recommendations for improving the operation of state government or referring a matter to the appropriate agency for review.

The Inspector General’s Office remains dedicated to the principle that no public servant, regardless of rank or position, is above the law, and the strength of our government is built on the solid character of the individuals who hold the public trust.



Randall J. Meyer
Ohio Inspector General



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER: 2011-194

SUBJECT NAME: Ohio Department of Health

POSITION: State Agency

AGENCY: Ohio Department of Health

BASIS FOR INVESTIGATION: Office of the Ohio Inspector General Initiative

ALLEGATIONS: Failure to exercise adequate oversight of department functions/activities

INITIATED: October 19, 2011

DATE OF REPORT: April 25, 2013

INITIAL ALLEGATION AND COMPLAINT SUMMARY

The Office of the Ohio Inspector General initiated an investigation based on information regarding allegations of the use of unauthorized software involving the Ohio Department of Health's (ODH) Center for Creative Services. In particular, the information led to allegations of possible network security vulnerabilities and software piracy by ODH Database Administrator 2 Howard Donohue, and Audio/Visual Production Specialist Thomas Wilcox. During the course of the investigation, an additional allegation was developed after the Office of the Ohio Inspector General identified a possible misuse of state property and theft of time by ODH Electronic Design Specialist Lisa Klancher, who appeared to be operating a personal business using state resources during her state working hours.

The Ohio State Highway Patrol's computer forensic unit assisted the Office of the Ohio Inspector General with obtaining Lisa Klancher's computer data, as well as a portion of the forensic analysis in this investigation.

BACKGROUND

Ohio Department of Health

The Ohio Department of Health was established by the General Assembly in 1917. While the initial focus of ODH was to control and prevent the spread of infectious disease, the agency is now responsible for providing preventative medical services, public health education and information, and providing other healthcare services and regulatory duties. The mission of ODH is "to protect and improve the health of all Ohioans by preventing disease, promoting good health, and assuring access to quality health care."¹ ODH works in association with 129 local health departments, healthcare providers, public health associations, and universities.

Ohio Department of Health Center for Creative Services

According to officials at ODH, the Center for Creative Services is a division of the ODH Office of Public Affairs and is responsible for supporting ODH in three areas: publication design, digital media, and web services. Publication design includes the layout and design of both printed and electronic products including reports, brochures, digital signs, displays, and other

¹ Source: Biennial budget documents

graphic materials. Digital media houses a broadcast-quality studio complex where web-casts, eLearning modules, public service announcements, training for health professionals around the state, and health education products for the public can be produced. This group was established to help reduce the cost of travel associated with traditional in-person training events. The web services group is responsible for ODH's internal and external web pages.

Ohio Department of Health Office of Management Information Systems

The ODH Office of Management Information Systems (OMIS) "is responsible for maintaining ODH computer networks and servers and for the development and implementation of strategies that support the current and future technology needs of the agency."² According to ODH officials, the two key areas of OMIS are applications development and enterprise network solutions. The applications development area involves the creation and production of various software products in support of the duties of ODH. The enterprise network solutions area includes the office's information technology help desk and provides computer hardware support.

Ohio Department of Administrative Services Office of Information Technology

The Office of Information Technology (OIT), a division of the Ohio Department of Administrative Services (ODAS), is responsible for establishing policies and procedures governing the purchase, use, and security of computer hardware and software utilized by state agencies, including the Ohio Department of Health. The office is overseen by a state chief information officer who is appointed by the director of ODAS.³ All state agencies, excluding the offices of the statewide elected officials,⁴ are subject to the rules and standards issued by OIT.

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General initiated an investigation into the possible use of unauthorized software by the Ohio Department of Health's Center for Creative Services. As part of the investigation, a review of ODH software and hardware policies was conducted to ensure ODH was following applicable state guidelines established by the ODAS Office of Information

² Source: Ohio Department of Health website.

³ Source: Ohio Revised Code §125.18.

⁴ Elected officials include the offices of the Attorney General, Auditor of State, Secretary of State, and Treasurer of State.

Technology. In the course of this review, additional issues were developed by the Office of the Ohio Inspector General involving a possible misuse of ODH computers and theft of time by an ODH employee.

Failure to Exercise Oversight of Department Functions/Activities

Between May 2010 and March 2011, the ODH Center for Creative Services purchased several Apple Mac Pro computers and various publishing and design software applications at a cost of \$17,726.65. ODH officials explained the reason Apple computers were purchased, rather than Windows-based computer systems, was because they believed Apple computers were more suitable for graphic arts applications. However, employees in the ODAS Office of Management Information Systems were not trained to provide support for Apple computer products.

In order for ODH Center for Creative Services employees to have access to the ODH computer network, each employee was provided a second Windows-based computer. The Apple computers did have an Internet service connection separate and apart from the ODH domain⁵ provided through the ODH Office of Management Information Systems. Employees were also permitted to access the ODH email system through an Ohio Department of Administrative Services website while using the Apple computers.

When using the Apple computers and not being connected to the ODH network, employees within the ODH Center for Creative Services could not share their work product among other ODH employees unless the employees attached electronic files to an email message and sent it over the Internet. An alternative method used to share ODH employees' work product involved saving electronic files to an external storage device, removing the storage device from one computer, reconnecting the external storage device to another computer, and downloading the files.

On June 20, 2012, the Office of the Ohio Inspector General interviewed Robert Jennings, the chief of ODH Office of Public Affairs.⁶ Jennings stated the OMIS division of ODH approved

⁵ A "domain" is a group of computers working together in a digital network set up for an organization.

⁶ The Center for Creative Services is a department within the Office of Public Affairs.

the purchase of the Apple Mac Pro hardware and software, but made it clear to the ODH Center for Creative Services employees that, “we’re not going to support the Macs.” Jennings believed that, as a result, Arlen Pennell, the director of ODH Center for Creative Services, was considered the technical support person for the ODH Center for Creative Services’ Apple hardware and software. Jennings confirmed that, in addition to an Apple-based computer, each ODH Center for Creative Services employee had a second Windows-based computer to access ODH electronic resources, since ODH network access is vital for ODH news, notes, and agency policies and procedures.

During an interview conducted by the Office of the Ohio Inspector General on August 9, 2012, Henry Smith, the ODH network manager, reported working with OMIS for 16 years, and in all that time OMIS did not provide support for Apple products. Smith confirmed the Apple computers have Internet capabilities but are not connected to the ODH network. When asked if OMIS received any calls for support related to the Apple computers, Smith said “they probably would not have called us because they, they figure they’re (sic), they’re an island on their own. They’re doing their own thing.”

On October 5, 2012, a review of ODH’s Apple computers by the Office of the Ohio Inspector General found that security updates issued by Apple in May 2011 and May 2012 had not been uploaded. These updates were necessary to protect the state’s computers and data from security threats by outside entities. Both ODH’s Center for Creative Services and OMIS were unaware of these issues when informed of the security updates. As the Apple computers were not connected to the ODH network, no threat was identified to indicate confidential information was at risk.

ODH Directive 7B, Use and Security of Agency IT Resources, Section 6.2.1, states “device operating systems shall be maintained with the approval of ODH-OMIS using appropriate vendor security patches and updates.” As Smith confirmed, OMIS did not support Apple products, and ODH failed to provide the necessary security patches and updates for the Apple computers to ensure the security of state resources. ([Exhibit 1](#))

Software Licenses

In addition to the Apple computers, the Center for Creative Services purchased various software licenses for use on the computers. On March 26, 2012, the Office of the Ohio Inspector General interviewed Howard Donohue, a Database Administrator 2, in regard to these licenses. Donohue stated he worked with the OMIS division of ODH for 10 years until retiring on January 28, 2012. Donohue was asked about the software licenses maintained by ODH and said, “I would guess if, if I had to be honest about it, I’d say they have no idea what they’re licensed.” In order to track software licenses, Donohue recalled ODH had purchased three computer products: Computrace, HelpStar, and a third he was unable to name. Donohue reported Computrace did not do a good job. Commenting on the HelpStar program, Donohue said, “they never seemed to be able to get that to work.”

Donohue stated he was the software inventory project manager approximately three years prior to his retirement, and was assigned to create and document a process to conduct a software inventory. However, no record could be found showing OMIS conducted an inventory of the software on the Apple computers.

ODH Directive 7B refers to Ohio IT Policy ITP-A.26, Software Licensing. Section 5.3 of the Ohio IT policy states “agencies shall establish procedures for conducting periodic licensed software audits to inspect all services, personal computers, and mobile computing devices under the control” of the agency to “ensure that only authorized software is installed.” ([Exhibit 2](#))

Software Piracy

As part of the process to determine if ODH was accounting for all of the software licenses purchased by the Center for Creative Services, the Office of the Ohio Inspector General requested from Adobe Systems Incorporated, a record of all software installations licensed to ODH and downloaded from March 2011 to January 2012. From the list provided it was noted Adobe PDF software⁷ had been installed through public Internet connections that did not

⁷ <http://www.adobe.com/products/acrobat/adobepdf.html> states that Adobe PDF was developed by Adobe Systems and perfected over 20 years. Portable Document Format (PDF) is now an open standard for electronic document exchange maintained by the International Organization for Standardization (ISO). When you convert documents, forms, graphics, and web pages to PDF, they look just like they would if printed.

correspond to any state of Ohio government agency. A request was made to the Internet service providers identified by Adobe to determine where the software downloads had occurred and the names of the individuals associated with each Internet account.

Records obtained from Adobe and the Internet service providers showed that, on Saturday, July 2, 2011, Photoshop Extended 2.0 was downloaded to an Internet account belonging to Thomas Wilcox. Wilcox was identified as an ODH Center for Creative Services employee and photographer, and the owner of “The Village Photographer Heartland Images,” located at Wilcox’s home address. Wilcox passed away during the course of the investigation; therefore, an interview could not be conducted.

On Sunday, October 2, 2011, and Sunday, January 1, 2012, records revealed Acrobat Professional 8.0 was downloaded over an Internet subscription identified as belonging to Howard Donohue, former Database Administrator 2. During an interview conducted by the Office of the Ohio Inspector General on March 26, 2012, Donohue recalled bringing ODH laptops home for work purposes and sometimes not finding the necessary software loaded, so, Donohue explained, he “probably loaded it.” When asked how he might access the necessary software, Donohue stated he most likely would have contacted the OMIS help desk and expressed a need for the software, and later, someone would come to his desk and hand him a CD containing the requested software. When asked who at the OMIS help desk would have given him the CD, Donohue provided the names of Edward Jones and Anita Blount.

Donohue said he was familiar with the policy about downloading state-owned software for personal use, and stated it was on “an ethics statement or permission of use statement, and we had to renew that every year. So I can clearly say that would not be permissible.” Later in the interview, Donohue said, “what bothers me right now – worries me at this particular point in time, is I know I’ve got it on my – installed on my machine downstairs and I don’t even know what, what version I’ve got, whether I’ve got mine installed or whether I’ve got theirs installed.” Donohue voluntarily consented to a review of his computers by the Office of the Ohio Inspector General, which found that the Adobe software installed on his personal computers was not

licensed to Donohue, but to ODH. Donohue authorized the Office of the Ohio Inspector General to uninstall the ODH licensed Adobe software from Donohue's computers.

On April 10, 2012, the Office of the Ohio Inspector General interviewed Anita Blount and asked if Donohue's assertion was correct, and if she might have provided Donohue the CD to download the Adobe software. Blount stated she did not know how Donohue would have gotten the information necessary to install the ODH Adobe software on his personal computers.

Also on April 10, 2012, the Office of the Ohio Inspector General interviewed Edward Jones, who was identified by Donohue as someone who might have provided the Adobe software. Jones stated he may have provided the software to Donohue and when asked if it was permissible to have given the information to Donohue, Jones said "I'm not aware that it wasn't" and assumed Donohue, as a manager, would be entitled access to the software.

Misuse of State Resources

In addition to the review of the Apple computers related to the software licenses, information was obtained regarding the possibility that Lisa Klancher was operating a personal business using state resources, and was performing duties to the benefit of the business during times when she was at work for the state of Ohio. Klancher worked as an electronic design specialist in the ODH Center for Creative Services from December 7, 2009, until her resignation on November 1, 2012.

On December 15, 2011, the Office of the Ohio Inspector General, with the assistance of the Ohio State Highway Patrol's computer forensic unit, conducted a search of Klancher's work area. Items retrieved included the Apple Mac Pro hard drives for the computer assigned to Klancher, a 300GB external hard drive, and a hard drive identified as being used by a former ODH Center for Creative Services supervisor. All of the items were the property of ODH and had been assigned to Klancher.

The Ohio State Highway Patrol provided a forensic report on the hard drives analyzed and noted files related to LaVelle Metabolic Institute and Medical Metrics. Neither of these entities was

related to or did business with ODH. Another file was found to be Klancher's resume which identified an affiliation with K2 Studios, and that Klancher worked there "less than part time, 6 hrs. (sic) wkly (sic)." A review of the Secretary of State's business filings show K2 Studios was incorporated by John Klancher in July 2003. John Klancher was identified as Lisa Klancher's husband.

The Office of the Ohio Inspector General asked ODH officials to monitor Klancher's Internet activity to determine if she was using state resources to operate her personal business. Reports provided showed Klancher had accessed her personal email accounts and a website called YouSendIt.com during working hours. According to the YouSendIt.com website, the service is a digital file transfer site that allows users to send, receive, and track files.

Information was requested and obtained from YouSendIt regarding the activity on Klancher's account from August 17, 2011, to February 3, 2012. An analysis of the information provided indicated Klancher had used her personal account to access and transfer files during work hours. In addition, information was provided that indicated what Internet provider was used during the transfer of the files. ODH's Internet service was used 21 times out of the 33 instances.

(Exhibit 3)

In an interview conducted by the Office of the Ohio Inspector General on April 27, 2012, Klancher admitted to accessing her personal YouSendIt account and working on non-ODH projects during work hours, but always during break-times or lunch. ODH's Directive 7B, section 13.1 states "personal use of the Internet is permitted on personal time." However, section 13.2 states "ODH staff shall not use the Internet or the agency IT resources for operating a business for personal gain." Klancher also admitted using a YouSendIt account to send ODH files to other ODH employees and explained the reason for this was because sometimes the file size of work documents would be too large to send by email. Klancher also said sending files is easier than saving them to an external storage device and hand-delivering the external drive to the individual.

On March 1, 2012, the Office of the Ohio Inspector General interviewed Klancher's supervisor, Arlen Pennell, the director of the ODH Center for Creative Services. Pennell stated the Center used YouSendIt in the past to deliver ODH's immunization flu campaign video files to various media outlets. Pennell also recalled receiving files from other state agencies using YouSendIt or another similar service. Pennell stated he was unaware Klancher used a personal YouSendIt account in order to work on personal projects during working hours.

CONCLUSION

Throughout this investigation, various Ohio Department of Health officials and employees stated the ODH Center for Creative Services was "an island" when referring to computer hardware and software matters. The Apple computers used were not included on the ODH network, and employees in the ODH Center for Creative Services were assigned a second computer containing a Windows operating system in order to access ODH resources. In addition, employees in the ODH Center for Creative Services were unable to share work product without attaching files to email messages or saving files to an external storage device. This led to the use of a public file sharing service without the knowledge of OMIS. ODH does not have a policy prohibiting the use of these services. The investigation did not reveal that files containing confidential information were uploaded to these sites; only work product related to publications and videos was transferred.

ODH allowed Apple computers and applications to be purchased, but the ODH Office of Management and Information Systems refused to provide support for Apple products. Both OMIS and the Center for Creative Services were unaware of the security upgrades sent out by Apple. ODH policy, Directive 7B, states OMIS is responsible for providing necessary upgrades and patches to software owned by the agency. In addition, the policy makes reference to Ohio IT policy ITP-A.26 which states agencies shall establish a policy to conduct an inventory of all agency-owned software. OMIS admitted they had not conducted an inventory of the software on the Apple computers assigned to the ODH Center for Creative Services. As a result, they were unaware of the software purchased and were unable to make the necessary upgrades and patches as required by ODH's policy.

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

Information provided by Adobe Software indicated licensed software purchased by ODH had been downloaded through Internet addresses not identified with any state of Ohio government agency. One of the addresses was identified as belonging to Howard Donohue, a former ODH employee. Donohue said he thought he had installed the software on an ODH laptop taken home for work purposes, but a review of the computers found the software licensed to ODH had been downloaded on Donohue's personal computer. Donohue stated he obtained the information necessary to download the software from Edward Jones, an ODH help desk employee. Jones admitted giving the information to download the software to Donohue, stating he thought it was permissible since Donohue was a manager.

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

ODH Apple computer hardware assigned to ODH Center for Creative Services employee Lisa Klancher was searched, and was found to have been used to work on projects related to Klancher's personal business. In addition, reports of her Internet activity show Klancher accessed her personal email account and a file sharing account to access documents related to her personal business. ODH's Directive 7B states employees are allowed limited use of the Internet for personal purposes but not to conduct business for personal gain.

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

RECOMMENDATION(S)

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

- 1) Determine if administrative action is warranted for any ODH employees related to this investigation.
- 2) Consider adding the Apple computers to the ODH network and training OMIS personnel to provide support.
- 3) Establish a formal policy regarding the use of file sharing sites by ODH employees.
- 4) Revise ODH Directive 7B to include the new standards established by the State of Ohio IT in April 2011.

[\(Click here for Exhibits 1-3 combined\)](#)



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Health

FILE ID #: 2011-194

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
April 25, 2013

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