

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF
INVESTIGATION**



**AGENCY: OHIO DEPARTMENT OF TRANSPORTATION
FILE ID NO.: 2013-CA00020
DATE OF REPORT: OCTOBER 8, 2013**

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

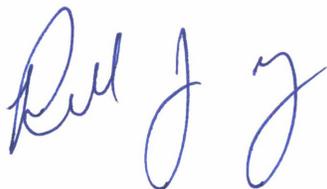
“Safeguarding integrity in state government”

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: 2013-CA00020

SUBJECT NAME: Debra Speakman

POSITION: Administrative Professional 2

AGENCY: Ohio Department of Transportation

BASIS FOR INVESTIGATION: Agency Referral

ALLEGATIONS: Operating a business or private interest on state time; misuse or abuse of state property or equipment.

INITIATED: April 16, 2013

DATE OF REPORT: October 8, 2013

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On April 10, 2013, the Office of the Ohio Inspector General received a referral from the Ohio Department of Transportation (ODOT) Office of Investigative Services alleging that Administrative Professional 2 Debra Speakman, assigned to the ODOT Division of Finance in the central office, was conducting a private business on state time and misusing state equipment. The referral stated that on March 26, 2013, the ODOT Office of Investigative Services received an anonymous letter containing multiple allegations of misconduct by Debra Speakman who is a notary public for the State of Ohio. It was alleged that Speakman was performing notary business, for profit, on state time, and using state equipment (computer, printer, copier, and telephone). Included with the anonymous complaint were printer and copier logs documenting several days of alleged printer and copier misuse. The ODOT Office of Investigative Services conducted a preliminary administrative investigation, but due to the frequency and volume of the alleged misuse, referred the matter to the Office of the Ohio Inspector General.

On April 16, 2013, the Office of the Ohio Inspector General opened an investigation.

BACKGROUND

Ohio Department of Transportation

The Ohio Department of Transportation (ODOT) is responsible for maintaining the state's system of highways, as well as overseeing the state's rail, aviation, and public transportation systems. The department has 12 districts along with a central office located in Columbus, Ohio. The director is appointed by the governor and confirmed by the Ohio Senate. The majority of ODOT's funding comes from federal and state taxes on motor fuels.¹

¹ Source: Biennial budget documents.

INVESTIGATIVE SUMMARY

On April 10, 2013, the Office of the Ohio Inspector General received notification from the Ohio Department of Transportation (ODOT) Office of Investigative Services (OIS) of an employee suspected of misconduct. Included with the notification was an anonymous letter received by the chief legal counsel for ODOT, which summarized the allegations. Also attached to the anonymous letter were print and copy logs for several days generated in March 2013, documenting some of Debra Speakman's activity. ([Exhibit 1](#))

The Office of the Ohio Inspector General viewed Internet sites FASSNotary.com and NotaryCafe.com on April 15, 2013. Both sites were referenced in the initial anonymous complaint and were found to be primarily for use by notaries to obtain notary signing jobs. A screen shot was saved of the login page of FASSNotary.com, a website that offers title and closing services for real estate transactions. FASSNotary is provided by the First American Title Insurance Company. ([Exhibit 2](#)) A screen shot was saved of the NotaryCafe.com's website and a copy made of the date entered in Debra Speakman's profile #66661. NotaryCafe.com is a site for notary's to manage their notary profile and to connect to online signing services across the nation. Speakman's NotaryCafe.com profile introduction states, "I work for the State of Ohio, been on the job for 20+ years" On Speakman's NotaryCafe.com profile page, in the field for "work phone," the number listed is 614-466-5031, which is the desk phone at Speakman's ODOT work station. ([Exhibit 3](#))

The Office of the Ohio Inspector General conducted a search of Speakman's fourth floor work space in the Finance Division of the Ohio Department of Transportation, located at 1980 West Broad Street Columbus, Ohio. On April 16, 2013, Speakman was advised of the reason for the search and asked to leave the workspace at 9:00 a.m. Speakman's desktop computer located in her workspace was seized as was a copy of her National Notary Association (NAA) Certified and Background-Screened Notary Signing Agent certificate. ([Exhibit 4](#))

Computer Forensics

A forensic analysis ([Exhibit 5](#)) of Speakman's computer hard drive was conducted by the Office of the Ohio Inspector General. The analysis supports the allegation that Debra Speakman was operating her private notary business during state time and using her state-assigned desktop computer. The analysis also showed that Speakman logged into notary websites related to her notary business from her state computer on 48 different occasions between March 1, 2013, and April 15, 2013. Additionally, Speakman used her state device to view and manage upcoming notary signings through her personal yahoo.mail account, on 28 different occasions between March 1, 2013, and April 15, 2013.

Speakman's desktop computer contained a history of Internet usage indicating Speakman logged on to multiple notary websites and managed upcoming notary signings for multiple clients. One example revealed a client list for www.FASSNotary.com. ([Exhibit 6](#)) Speakman's Internet history showed her signing into notary websites such as: www.nationalnotary.org, vendor.FASSNotary.com, and www.notarycafe.com. Speakman's desktop computer also contained numerous indicators showing file access history related to real estate and notary services.

Debra Speakman

The Office of the Ohio Inspector General interviewed Debra Speakman on April 16, 2013. Speakman stated that she is employed as an Administrative Professional 2 in the Finance Division of ODOT. Speakman said she has held her current position for approximately five years and has been employed by ODOT since November 16, 1992. Speakman described her daily duties as: running reports to upload vouchers into OAKS, debit vouchering in the ODOT accounting system, processing payment cards and EDI's (Electronic Data Interchange), and handling the mail on a rotating basis. Speakman summed up by saying, "Basically, I pay bills all day."

Speakman was asked if she was aware of any policy requiring ODOT employees to report secondary employment. Speakman replied that she was not aware of any such policy and had never completed any form notifying her employer. An Office of the Ohio Inspector General

review of ODOT work rules/policies found that, although ODOT formally prohibits employees from conducting personal, for-profit business during work hours, ODOT does not require employees to notify the employer about secondary employment.²

Speakman stated that she had a side business she worked on in the evenings – a notary business that she had since November or December 2012. Speakman also said that her current position at ODOT did not require she be a notary. Speakman stated that she notarized re-finance documents for title companies; specifically, home mortgage refinance documents. Speakman said that she received the documents through her personal email, and checks the status of pending jobs on the notary websites using her email and password login. Speakman noted that sometimes the documents are sent directly to customers, using Federal Express.

Speakman admitted to accessing her personal email account, FASSNotary, and NotaryCafe.com accounts while at work, but claimed some of it was done on her break time. She also admitted to downloading and printing client closing documents while at work using the ODOT printer. Speakman could not recall the specific number of times, but believed two or more times a week since December would be accurate. Speakman also admitted that she used the copier to duplicate documents, but did not recall how often, saying she didn't keep track. When Speakman was shown a print log ([Exhibit 7](#)) listing 98 instances, from March 1-April 15, 2013, where a total of 1,702 pages of documents related to her private business were printed using state equipment, she admitted that the print jobs listed were hers, and all were related to her personal business.

Speakman was shown a screen shot of the NotaryCafe.com information on her business. The screenshot identified Speakman as a State of Ohio employee and indicated Speakman's work phone number as "614-466-5031" which is Speakman's ODOT work phone number. Speakman expressed surprise at this, first stating, "I didn't put the number there," and then claiming she did

² ODOT Policy and Procedures, Directive WR-101; (section I7) prohibits unauthorized/misuse of State equipment or vehicle; (section I28) prohibits engaging in activities for personal profit during paid work hours, including break times.

not remember entering it and had received no personal business-related calls on the ODOT phone.³

Speakman admitted that she received a fee for her services. When asked about her fee schedule on NotaryCafe.com, Speakman indicated it was merely there to give clients an idea of what she charged. Speakman noted that the title companies determined the fee for each job.

Speakman stated she did not recall using the ODOT fax or scanner to transmit documents related to her business, but speculated she may have used the devices once or twice. However, Speakman said she had downloaded closing document orders from the FASSNotary.com site and printed maps from MapQuest of the signing locations. Speakman stated that she was paid for all her services.⁴

Speakman was again shown the printer log, Internet history, and notary-completed signings order sheet from her computer. ([Exhibit 6](#) & [Exhibit 7](#)) She stated that “it was stupid and I know it,” “I should have known better,” “I don’t want to lose my job,” and “I will stop doing it.” Speakman finished by explaining that she was recently divorced and a single parent. Speakman insisted that she was only doing the notary business to provide the extras for her daughter because she could not make it on her salary alone. Speakman provided no income figures related to her notary business, opting to not answer.

Alana Haberman

The Office of the Ohio Inspector General interviewed Alana Haberman, Speakman’s supervisor in the Division of Finance. Haberman stated that Speakman had been the subject of several disciplinary actions during 2012 due to her performance. Haberman indicated that Speakman’s performance had improved towards the end of 2012, but had regressed back to a 3- to 5-percent error rate in 2013, which Haberman said was “unacceptable.” Haberman described Speakman’s errors as requiring more resources to fix; “it seems like 4-5 different staff members always need

³ A Call Detail Report for extension 466-5031 did not indicate any volume of non-ODOT related telephone activity.

⁴ ODOT Policy and Procedures, Directive WR-101; (section I7) prohibits unauthorized/misuse of State equipment or vehicle; (section I28) prohibits engaging in activities for personal profit during paid work hours, including break times.

to be involved in order to correct her mistakes.” To demonstrate the type of errors Speakman made, Haberman showed the Office of the Ohio Inspector General an invoice that Speakman processed for a legal ad in the Manchester Signal newspaper in June 2012. Though the invoice was in the amount of \$62.10, Speakman generated a voucher for the invoice in the amount of \$16,700.

When asked if she was aware of any policy requiring ODOT employees to report secondary employment, Haberman stated that ODOT did not have such a policy. Haberman said she had never received official notification from Speakman about working a secondary job.

Haberman said she became involved in the investigation in late March 2013 when she was approached by ODOT Office of Investigative Services (OIS). She collected the printer logs for OIS. Haberman also began to hear from co-workers complaining about Speakman’s use of the printer and her loud telephone conversations on non-ODOT matters. Haberman said she didn’t recall observing Speakman using the ODOT fax or scanner to transmit documents related to her business, but said she did pick up a Notary Café page next to the printer that was Speakman’s. Haberman provided the page to OIS.

Haberman stated she was aware that Speakman was a notary public, but that it was not required for her position at ODOT. Haberman recalled an occurrence when Speakman notarized a document during work hours, but it was for another employee and not for payment. Haberman believed it was a payroll or PERS document. Haberman said that Speakman was not permitted to use the ODOT computer, printer, and copier, or fax machine for her notary business. Haberman did indicate that employees are permitted to browse websites before and after work and during lunch breaks, on a limited basis. Browsing for the purpose of conducting a personal, for profit, business is not permitted by ODOT policy (WR-101, I28).

CONCLUSION

The Office of the Ohio Inspector General found evidence supporting the allegation that ODOT Administrative Professional 2 Debra Speakman was performing activities associated with a private notary business during her work hours at the Ohio Department of Transportation. While

at work, using a state-issued desktop computer, Speakman accessed notary documents from a personal email account and printed documents related to her notary business on state-owned or leased printers. Speakman also used her state-assigned desk phone as a point of contact for the notary business. During the time period March 1, 2013, and April 15, 2013, the Office of the Ohio Inspector General documented 98 instances, over 15 days, when 1,702 pages related to Speakman's notary business were printed. ([Exhibit 7](#))

Debra Speakman was terminated from her employment with ODOT, effective July 12, 2013.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.

RECOMMENDATIONS

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

1. Review existing policies to require periodic supervisory review of staff use of the agency's computer systems, printers, and fax machines.
2. Develop an ODOT policy requiring all employees to report secondary employment, outside income, and proprietary interests annually, in order to eliminate potential conflicts of interest. The Office of the Ohio Inspector General made the same recommendation to ODOT on two previous occasions (OIG reports of investigation No. 2007-100 and No. 2010-404). In ODOT's April 23, 2012, response to the recommendations made by the Office of the Ohio Inspector General for Report of Investigation No. 2010-404, ODOT noted that the department was currently working with its directors to expand ODOT policy on employment disclosures to include any secondary employment or sources of income. As of the date of this report, ODOT has not yet submitted a satisfactory plan as to how this recommendation has been implemented.

REFERRALS

A copy of this report will be forwarded to the Office of the Columbus City Attorney, the Office of the Franklin County Prosecuting Attorney, and the Ohio Ethics Commission for consideration.

[\(Click here for Exhibits 1 – 7 combined\)](#)



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RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Transportation

FILE ID #: 2013-CA00020

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
October 8, 2013

MAILING ADDRESS

OFFICE OF THE INSPECTOR GENERAL
JAMES A. RHODES STATE OFFICE TOWER
30 EAST BROAD STREET – SUITE 2940
COLUMBUS, OH 43215-3414

TELEPHONE

(614) 644-9110

IN STATE TOLL- FREE

(800) 686-1525

FAX

(614) 644-9504

E-MAIL

OIG_WATCHDOG@OIG.STATE.OH.US

INTERNET

WATCHDOG.OHIO.GOV