

STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF  
INVESTIGATION**



**AGENCY: OHIO DEPARTMENT OF COMMERCE, STATE FIRE MARSHAL  
FILE ID NO.: 2013-CA00030  
DATE OF REPORT: MARCH 4, 2014**

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

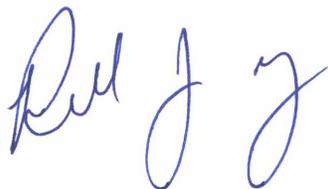
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Randall J. Meyer  
Ohio Inspector General



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2013-CA00030

**SUBJECT NAME:** Dale Dittrick  
Dennis Dupree  
William "Tim" Spradlin

**POSITION:** Fire Training Officer 2  
Fire Training Supervisor  
Deputy Director 2 / Bureau Chief - Investigations

**AGENCY:** Ohio Department of Commerce, State Fire Marshal

**BASIS FOR INVESTIGATION:** Agency Referral

**ALLEGATIONS:** Misuse or abuse of state property or equipment;  
Management and supervision

**INITIATED:** May 14, 2013

**DATE OF REPORT:** March 4, 2014

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

On May 3, 2013, the Office of the Ohio Inspector General received an anonymous complaint that was forwarded to the Office by the Ohio Department of Commerce (Commerce). The complaint alleged two employees of the State Fire Marshal's Office, a division of Commerce, had been living at the Ohio Fire Academy (OFA) dorms located at 8895 East Main Street, Reynoldsburg, Ohio, for at least two years. The employees, Dale Dittrick (Fire Training Officer 2) and Dennis Dupree (Fire Training Supervisor), were alleged to have received permission to live at the facilities from their supervisor, Gerald Robinson (Deputy Superintendent).

The complaint also alleged that William "Tim" Spradlin (Deputy Director 2), the chief of the State Fire Marshal's Fire and Explosion Investigation Bureau, has "never worked a full week in the office" and "he is at home on the farm working."

An investigation was opened on May 14, 2013.

## **BACKGROUND**

### *Ohio Department of Commerce*

The Ohio Department of Commerce is responsible for consumer protection and establishing various regulations for industries and businesses in the state. The department is comprised of seven divisions: Financial Institutions, Industrial Compliance and Labor, Liquor Control, Real Estate and Professional Licensing, Securities, the State Fire Marshal, and Unclaimed Funds. The director, who acts as the agency's chief executive officer, is appointed by the governor and confirmed by the Ohio Senate. Commerce is funded through fees and charges on the industries and businesses they regulate.<sup>1</sup>

### *Ohio Division of State Fire Marshal*

The Ohio Division of State Fire Marshal (SFM) is a division within the Ohio Department of Commerce and is responsible for enforcing the Ohio Fire Code and providing fire safety education to the public. Other duties include investigating the cause and origins of fires and

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<sup>1</sup> Source: Biennial budget documents.

explosions, regulating underground storage tanks, and training firefighters. Training is conducted at the Ohio Fire Academy located in Reynoldsburg, a suburb of Columbus, Ohio.<sup>2</sup>

## **INVESTIGATIVE SUMMARY**

### *Alleged misuse of the Ohio Fire Academy Dormitory*

Based on the allegations received regarding two State Fire Marshal employees living at the Ohio Fire Academy dormitory facilities, the Office of the Ohio Inspector General requested and received the following information from the SFM: any applicable policies and procedures, timesheets, key card access records, dormitory room assignment records, instructor class assignments, instructor logs, and emails. The two policies and procedures relating to the Ohio Fire Academy dormitories were titled “Residential Quarters Student Policy” and “Non-Student Residential Quarters Policies.” These policies specified that students and state employees who are not working for the Ohio Department of Commerce are to be charged \$30 per night. A review of the non-student policy found it did not address when staff were permitted to stay in the dorms, just the rules and guidelines to be followed after staff members were assigned a room.

### **(Exhibit 1)**

A review of emails show a new policy was issued on February 26, 2013, (revised on October 3, 2013) and was provided to the two employees in question, Dale Dittrick and Dennis Dupree, via an email from their supervisor, Gerald Robinson, on March 5, 2013. The new policy outlines when employees are permitted to stay in the dorms. The policy states use of the dorms is limited to when staff and instructors “are participating in a multiday course where the course is scheduled to occur or continues into the evening and the class schedule requires the employee to be available early the next morning of the multiday course.” Other events including inclement weather “... or other extreme events or emergencies may also necessitate the need ...” for stays in the dorms. **(Exhibit 2)**

On July 25, 2013, the Office of the Ohio Inspector General interviewed Frank Conway, former superintendent<sup>3</sup> of the Ohio Fire Academy and current chief of the Ohio Bureau of Fire

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<sup>2</sup> Source: State Fire Marshal website.

<sup>3</sup> Conway served as the superintendent between 2000 and 2012.

Prevention. Conway stated that before Dittrick and Dupree were hired in February 2010 and August 2010, respectively, both were asked if there would be any problems working at the OFA given the distance they lived from the Academy. According to Conway's recollection, both were given permission to stay at the dorms by former Chief Deputy Don Cooper for two to three weeks while they became familiar with the area and found other living arrangements.

Conway stated that in early 2011, it came to his attention that at least Dittrick was still staying in the dorms. Conway recalled having a meeting in his office with OFA Deputy Superintendent Scott Walker, and Robinson, where the issue was addressed. Conway stated Robinson assured him it would be taken care of and Conway "... thought it was addressed and handled at that point." Conway did not follow-up with Robinson to ensure Dittrick was no longer staying at the Academy. Also, Conway did not bring the issue to anyone else's attention, as he felt "confident" the matter would be resolved.

In regard to staff staying at the dorms for extended periods of time, Conway stated he was told it was an acceptable practice and also described the time former Fire Marshal William Bell<sup>4</sup> had stayed there after first being appointed to the position. Conway was "not sure" why the situation was acceptable and did not question it further.

On July 24, 2013, the Office of the Ohio Inspector General interviewed Gerald Robinson, deputy superintendent of the OFA. Robinson stated that the practice of staff staying at the dorms for extended periods of time had been occurring since he began with the OFA in October 2000. Robinson described instances where former fire marshals occupied a dorm room for weeks or months at a time while they looked for living arrangements in the area. However, Robinson said the fire marshals "didn't live in the dorms such as these guys did," referring to Dittrick and Dupree. Before the change in policy, if you were a staff member and requested a room, you would get one. After the policy change, one had to be instructing a class late or needed to be there early the next day in order to stay in the dorms. Under both policies, formal approval from one's supervisor was not required or needed. When asked why the policy was changed, Robinson replied it was "essentially directed" to Dittrick and Dupree.

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<sup>4</sup> Bell was state fire marshal from 2007 until the end of 2009.

Robinson stated both employees were given rooms at their request because of where they lived. Dupree lives in Wellston, located in southern Ohio, and Dittrick lives west of the Dayton area. According to Internet mapping tools, Dupree's one-way commute would be 76 miles from his home, which would take approximately 1 hour and 40 minutes to reach the Fire Academy in Reynoldsburg. Dittrick's one-way commute would be 95 miles from his home, which would take approximately 1 hour and 30 minutes to reach the Fire Academy in Reynoldsburg. Robinson stated he believed Dittrick had relatives in the Reynoldsburg area that he was currently staying with, but described Dittrick as staying at the OFA late into the evening almost every day.

On September 30, 2013, Robinson was re-interviewed by the Office of the Ohio Inspector General. Robinson could not recall former OFA Superintendent Frank Conway telling Robinson or Walker to address the issue of Dupree and Dittrick staying in the dorms. When asked if Conway could have made such a request, Robinson said that it was possible it could have been brought up by Conway, but Robinson did not recall such a conversation. If it had been brought up by Conway, then Robinson would have been the person to handle it since Dupree and Dittrick were his subordinates.

On July 24, 2013, Scott Walker was interviewed by the Office of the Ohio Inspector General. Walker is responsible for the day-to-day operations of the facility and is in charge of the key card security system used by OFA. Walker stated the access given to the staff is based on approved access control forms. Staff may have 24/7 access to the facilities or access could be restricted to normal working hours. Some employees may also have access to the individual dorm rooms using their main key cards. In order for most employees to gain access to the individual dorm rooms, they would need a separate key card that is assigned to each room.

Walker described the dorm room key cards as being stored in a three-ring binder left in an unsecured area in the registrar's office. All instructors would have access to this office as it is located next to their office area. Walker stated it would be possible for someone to take a room key for an unoccupied room without the access being assigned in the system, but he knew of no instances where this scenario had occurred.

In regard to the change in policy, Walker stated he asked Dana Smith, current superintendent of the OFA, why the change occurred. He recalled Smith commenting that the fire marshal had been informed that Dittrick and Dupree were staying at the dorms during the week and they should not be doing so. Walker had assumed the two were given approval for staying there and did not think it was a “secret.” He stated that former Fire Marshal William Bell had stayed in the dorms for a few weeks after being appointed to the position while he looked for living arrangements in the area. Walker also described seeing Dittrick at the OFA long after regular work hours had ended.

On September 30, 2013, Walker was re-interviewed by the Office of the Ohio Inspector General. Walker said that Dupree and Dittrick saved on the cost of their daily commute, as well as the time spent on their commute. Walker could not explain why OFA instructors that worked at the OFA would stay at the dorm if there was no valid reason to, except as a matter of convenience. But, there could be valid reasons, such as working late, or being required to be at the OFA early the next morning, that would allow personnel to stay in the dorm. Walker noted that the SFM and the OFA did not benefit by Dupree and Dittrick staying in the dorm, but their stay was approved with the knowledge of the OFA management. Walker did not recall a managers meeting when Conway directed Walker or Robinson to stop Dupree and Dittrick from staying in the dorms.

On September 26, 2013, an interview was conducted with Dana Smith, superintendent of the OFA.<sup>5</sup> In February of 2013, Smith stated he learned from speaking with Dittrick, that Dittrick was staying in the OFA dorm; and not for course or work-related reasons. Smith said he was aware that state employees were not allowed to use state property or facilities for their own personal use, and he felt that Dittrick’s stays in the dorm could be considered a misuse. Smith also learned that Dupree was staying in the dorm. Both lived about two hours away from the OFA and could therefore be staying in the dorm for their own convenience. Smith believed Dittrick may have stated he had been staying in the dorm since his employment began at the SFM. Smith said he was unaware there was no SFM/OFA policy governing the use of the

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<sup>5</sup> Smith became superintendent in late August 2012.

dorms, and that he spoke with the administration regarding the matter, who agreed to institute a policy.

Smith learned staff used the dorms when out-of-town instructors came to the OFA, when employees worked at the state fair, and also when OFA staff had to work late or be at work early. This would include the water rescue class which takes place outside of the Columbus area. Smith stated that if class coordinators were not instructing, they should not be staying in the dorm.

A new dorm policy was issued in February 2013, which was given to all of the OFA staff. Smith acknowledged that the new policy was not formatted, dated, or signed; however, Smith stated that he informed staff of the new policy at an OFA staff meeting on March 11, 2013. The dorm policy has since been amended and formatted, with the signed approval by the marshal. Smith said he was not aware of any previous dorm policy; including a general policy that was shown to Smith. OFA personnel informed him there was never a dorm policy and Smith referred to this as “an unregulated situation.”

On August 8, 2013, and September 26, 2013, the Office of the Ohio Inspector General interviewed Kenny Thompson, an Administrative Professional 2 with the OFA’s Registrar’s office. Thompson’s job duties include assigning dorm rooms to students and OFA staff. Typically, when OFA employees request a room, Thompson enters the arrival and departure dates for the employee in the OFA’s “dorm map.”

Thompson stated Dittrick stayed in the dorm almost as if it was his residence. At one point, Dupree asked Thompson for a dorm room and said he did not need a dorm room key, which made Thompson suspect Dupree had dorm room access because he was a supervisor. This occurred shortly after Dittrick and Dupree began working for the OFA. Thompson confirmed Dupree and Dittrick requested dorm rooms after the release of the new policy in March 2013. Thompson assigned rooms to them but he had no idea if they actually stayed in the rooms.

Prior to Smith issuing a dorm policy in February 2013, Thompson stated there were no procedures in place governing when SFM employees could stay in the dorm. In actuality, Thompson stated employees didn't need a reason to stay in the dorm. He partially blamed the OFA managers for the current situation, as he had spoken with former OFA Superintendent Conway about people staying in the dorm. Conway told Thompson that the registration of employees staying in the dorm was not his (Conway's) concern, but was the responsibility of Thompson.

On September 26, 2013, the Office of the Ohio Inspector General interviewed Deborah Storts, who works in the OFA's registrar office. Storts said she was not aware of the new dorm policy until after the investigation began. It was standard for employees to ask for a dorm room, and their requests were accommodated. Dupree and Dittrick stayed in the dorm for an extended period of time, but even though they were assigned rooms, she did not know if they actually stayed in the rooms. Former OFA Superintendent Conway and deputy superintendents Robinson and Walker knew that Dupree and Dittrick stayed in the dorm rooms. Storts knew of no dorm policy that was in effect prior to March 2013. Storts said management is responsible for implementing rules and policies, and in many instances employees are unaware of a new rule or change to an existing rule until an issue arises.

The Office of the Ohio Inspector General separately interviewed Dittrick and Dupree on August 8, 2013. Dupree reported that, prior to the policy change, he did stay at the OFA dorms but that "it was hit and miss." He stated, "I assumed I had permission" but it "seems like it wasn't as freely open as I thought." After the policy change, Dupree believed he had stayed at the dorms four or five times, and each time had received permission. Dupree said he was informed that certain people were told they had to ask permission, while others could stay without seeking permission.

In regard to accessing the dorm rooms, Dupree said he would sometimes get a dorm room card but would typically just use his regular access card. As a supervisor, he was granted 24/7 access to the facility, including the dorm rooms.

Dupree acknowledged that he knew Dittrick "... stays here and does a lot of work after hours." The Office of the Ohio Inspector General informed Dupree that Dittrick's timesheets typically showed he worked 8:00 a.m. to 5:00 p.m. almost every day and that he did not report much overtime. Dupree said Dittrick stayed on his own time and did not seek overtime.

Dittrick stated during the interview that he stayed at the dorms a "fair amount of time" during the winter months, and since the new policy was issued has stayed twice. When shown swipe records showing he was in the dorm areas late at night on more than two occasions since March 2013, Dittrick replied he could not recall the exact circumstances of why he was in that area but it could have been on days when he was a student in one of the classes. Dittrick further stated that if he had stayed at the dorms since the new policy was issued, it was in following with the new guidelines; but again, Dittrick could not recall specific instances, such as teaching or inclement weather, that would have permitted him to stay. Dittrick was asked if he had been living in the dorms prior to the new policy and he replied, "I had been." Dittrick said his stays at the dorm were mostly during the winter and Conway knew about him being there.

In regard to Dittrick staying at the OFA after his duty hours, he claimed he was there for a variety of reasons, including staying to help with an evening class, answering questions from students, cleaning up after a class or handling paperwork. When asked how often he stays late, Dittrick replied, "quite frequently." Dittrick admitted to not claiming the extra time worked as overtime. Dittrick also stated security knew he was there as he was helping with other circumstances such as building maintenance issues.

The Office of the Ohio Inspector General conducted an analysis of the dorm room logs and instructor schedules/logs against Dittrick and Dupree's timesheets between March 2013 and August 2013 to determine if the two were staying in the dorms after the policy had changed. The analysis of Dittrick's records found: 21 days where Dittrick was listed as having a dorm room reservation; one instance where Dittrick was listed as an instructor on the schedules or logs; three occasions where Dittrick listed working 12-hour days, all on Saturdays, and had a dorm reservation the day before, day of, and day after; and for all other days, Dittrick reported working a normal 8:00 a.m. to 5:00 p.m. schedule or reported not working at all.

For Dupree, the analysis found: 41 days where Dupree was listed as having a dorm room reservation and 18 days where he accessed the dorms with his regular key card for a total of 59 days; one instance where Dupree was listed as an instructor for a two-day training course; four instances where Dupree worked more than eight hours and stayed at the dorms the day before or after; and on all other days Dupree reported working a normal 8:00 a.m. to 5:00 p.m. schedule, did not work, or used leave time the day before or after staying in the dorms.

Of the total number of stays at the OFA dorms listed above for Dittrick and Dupree, an analysis showed Dittrick stayed at the dorms 17 times and Dupree 54 times in which their timesheets and instructor logs showed they were not working late the day before or early the next day that would have necessitated their need to stay in the dorms. The analysis was unable to determine if inclement weather or other emergencies required the stays, as the February 2013 version of the policy<sup>6</sup> did not require written approval or a reason to be noted when staying in the dorms. Since further documentation was not provided to the Office of the Ohio Inspector General, it was determined that these stays by Dittrick and Dupree were not in accordance with the new policy and should not have occurred.

#### *Alleged Misuse of Time by Spradlin*

The Office of the Ohio Inspector General analyzed SFM Fire and Explosion Investigation Bureau Chief William Spradlin's time reports for the period of January 1, 2012, through June 14, 2013. The Inspector General's analysis determined that 854 hours out of 3,207.7 hours or 26.6 percent of Spradlin's time was reported as leave time consisting of vacation, sick leave, personal leave, holidays, and comp time used. Further analysis revealed that Spradlin had approximately 38 full or partial days that were training and/or conference-related days, where Spradlin instructed or participated in training and/or conferences that corresponded to the SFM functions and responsibilities.

On September 19, 2013, the Office of the Ohio Inspector General interviewed Spradlin and he stated that as chief of the SFM's investigation bureau, his official duty station is the SFM office in Reynoldsburg but he primarily works in the field and has an office at his residence.

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<sup>6</sup> The policy was revised in October 2013 stating written permission is to be included when requesting a dorm room.

According to Spradlin, his duties include supervising the investigators, the supervisors, and the support staff; representing the SFM regarding matters pertaining to homeland security, the ATF, and at local fire chiefs meetings; attending funerals for fallen firefighters; developing and presenting fire and explosives training courses; training state, federal and local personnel; attending the six regional training committee meetings; teaching the basic course two times a year and the advanced course once or twice a year; and responding to emergencies and high-profile matters. Spradlin also attends weekend conferences and training sessions and he also works on weekends, during which he earns comp time or flexes his duty hours. Spradlin has a laptop, with a docking station at the SFM office, his residence, and in his state-issued vehicle, as well as a Blackberry and a two-way radio. As chief, he is on call 24/7 and is the on-call supervisor two nights a week as well as every third weekend.

The Investigations Bureau is the only SFM bureau without a supervisor working out of the SFM's Reynoldsburg facility. The two chief investigators who served prior to Spradlin worked exclusively at the SFM office. When Spradlin was hired by former State Fire Marshall Bell in 2008, it was understood that Spradlin would work in the field. During the interview process, Bell asked Spradlin about moving to the Columbus area and Spradlin said he would not. Spradlin asked that he be considered for an investigator position instead of the chief. Bell hired him as chief knowing that Spradlin would be in the field working with the investigators and performing SFM duties. Both former SFM Bell and current SFM Flowers have supported his management of the Investigations Bureau.

Spradlin logs all of his work locations and meetings in his Outlook calendar and the administrative staff has access to his calendar. He earns six weeks of vacation a year, based upon his 30 years of service. Spradlin also earns comp time one hour for one hour and typically uses his comp time, not leaving much of a balance. It is very common for him to work over 40 hours due to the phone calls that come in 24/7 as well as performing other duties. Spradlin agreed with the analysis of his leave and comp time uses accounting for about 25 percent of his time, during about a 1½-year period reviewed. Spradlin classified the allegation that he is not working a full week as "absolutely false."

On September 26, 2013, the Office of the Ohio Inspector General interviewed Administrative Professional 2 Debbie Carter, with the Fire and Explosion Investigation Bureau. Carter related that she runs the administrative side of the office and works directly for Spradlin. The chief checks in with her every day or gives her advanced notification as to where he will be working. Spradlin also informs her when he will be off or when he will be flexing his duty hours, which typically occurs when he works on weekends. Carter has no doubt that Chief Spradlin is working and fulfilling his required work hours.

Spradlin is in contact with Carter by email, telephone, or in person when the chief is in the office. Carter described Spradlin as a hands-on manager and is out in the field the majority of the time, which is contrary to the last two chiefs, who were in the office all of the time. Generally, there are no managers from the Investigations Bureau in the office unless an assistant chief or Spradlin is in the office. Spradlin is typically in the office when he has to attend a meeting at the SFM or is instructing at the OFA.

On October 2, 2013, the Office of the Ohio Inspector General spoke with State Fire Marshal Larry Flowers who said he is aware and approves of Chief Spradlin working outside of the SFM office, and that Spradlin's job duties and responsibilities require him to primarily work in the field.

## **CONCLUSION**

In May 2013, the Office of the Ohio Inspector General was forwarded allegations regarding two State Fire Marshal employees, Dale Dittrick and Dennis Dupree. It was alleged the two employees were living at the dormitories located at the Ohio Fire Academy. An investigation was opened to determine if the employees were in fact staying at the dorms contrary to policy.

The investigation found the Ohio Department of Commerce or the State Fire Marshal did not have a policy governing times or instances when staff members were permitted to stay at the dormitory prior to February 2013. Before the policy change, it was known by several senior officials, including the former superintendent of the OFA, that Dittrick and Dupree were living at

the dorms. Both employees admitted to staying at the dorms believing they had permission to do so.

After the new policy was instituted, analysis conducted by the Office of the Ohio Inspector General found the OFA records show Dittrick and Dupree continued to request dorm room assignments. Dittrick and Dupree stated that they only stayed in the dorm when they attended training classes, either as a student or when they were instructors or class coordinators for OFA training classes that occurred during weekends, or when their classes required them to be present for training classes that required a need to stay late the day before and be at the OFA early the next morning. However, the time records and student schedules show the majority of the times this was not the case.

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

In addition, the complaint also alleged that William “Tim” Spradlin, chief of the SFM investigations bureau, failed to work a full-duty week and did not come to the SFM office except on rare occasions.

The investigation determined that between January 1, 2012, and June 14, 2013, 26.6 percent of Spradlin’s time was reported as leave time consisting of vacation, sick leave, personal leave, holidays, and comp-time used. Further analysis revealed that Spradlin had approximately 38 full or partial days that were training and/or conference-related days, where Spradlin instructed or participated in training and/or conferences that corresponded to the SFM functions and responsibilities. In addition, the investigation found that Spradlin routinely notified his administrative assistant of his work schedule and that she was aware of where Spradlin intended to work. In addition, State Fire Marshal Flowers stated that he supported Spradlin’s management style and agreed that Spradlin’s job responsibilities require him to work outside of the office. State Fire Marshal Flowers stated that he had no concerns regarding Spradlin’s work.

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

On October 3, 2013, the SFM issued a revised dorm policy, signed by the State Fire Marshal. This policy issuance required all SFM employees to acknowledge receipt of the policy.

[\(Exhibit 3\)](#)

### **RECOMMENDATION**

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

- 1) Review the actions of the employees named in this report and take the appropriate administrative action.

### **REFERRALS**

This report will be provided to the Ohio Ethics Commission and the Licking County Prosecutor's Office for further consideration.

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



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Commerce, State Fire Marshal**

**FILE ID #: 2013-CA00030**

**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 4, 2014**

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