

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO STATE DENTAL BOARD
FILE ID NO.: 2016-CA00016
DATE OF REPORT: NOVEMBER 3, 2016

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

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Randall J. Meyer
Ohio Inspector General



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REPORT OF INVESTIGATION

FILE ID NUMBER: 2016-CA00016

SUBJECT NAME: Lili Reitz

POSITION: Executive Director (former)

AGENCY: Ohio State Dental Board

BASIS FOR INVESTIGATION: Agency Referral

ALLEGATIONS: Breach of Confidentiality

INITIATED: April 13, 2016

DATE OF REPORT: November 3, 2016

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On March 11, 2016, the Office of the Ohio Inspector General received a complaint from the Ohio State Dental Board regarding former Executive Director Lili Reitz and a former board member. During a search of records, the dental board found emails between Reitz and the former board member regarding a possible complaint that was not handled in the traditional manner. According to emails provided as part of the complaint to the Office of the Ohio Inspector General, a voicemail complaint was received by a dental board employee that provided information regarding a former board member. The person who left the voicemail message with the dental board did not leave their name or contact number. The dental board alleged Reitz instructed Jeremy Kimble, an investigator for the board, to determine who made the call and then provide her with the information which she forwarded to the former board member. The dental board stated complaints received are confidential pursuant to Ohio Revised Code §4715.03(D). It was also alleged Reitz never opened a formal investigation into the anonymous complaint.

Additionally, the dental board alleged Reitz blind copied the former board member on emails between herself, other dental board members, and the Ohio Attorney General's Office, after the former board member's term on the dental board had ended. Lili Reitz served as the executive director of the board from May 1996 until her resignation in September 2015.

BACKGROUND

Ohio State Dental Board

The Ohio State Dental Board (board or dental board) is responsible for examining and licensing dentists, dental hygienists, and dental assistant radiographers for practice in the state of Ohio. In addition, the board administers and enforces Chapter 4715 of the Ohio Revised Code and Chapter 4715 of the Ohio Administrative Code and adopts rules establishing standards for the safe practice of dentistry and dental hygiene. The board is responsible for acting on complaints through investigations, inquiries, and inspections and holding adjudication hearings pursuant to Chapter 119 of the Ohio Revised Code. The board is also responsible for monitoring the continuing education compliance of its licensees. The board keeps a register of all licenses and all disciplinary action taken against licensees.

Applicable Rules, Policies and Procedures

The following rules, policies and procedures were reviewed as part of this investigation.

Ohio Revised Code §4715.03(D), *Board organization – examinations*, states,

... proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of this chapter has occurred are confidential and are not subject to discovery in any civil action.

In the Ohio State Dental Board *Access to Confidential Personal Information Policy*, it references the applicable Ohio Revised Code sections and states in Section (E), *Statutory and Other Legal Authority for Confidentiality*, "...information received by the board during an investigation is confidential and not subject to discovery in any civil action."

INVESTIGATIVE SUMMARY

While sharing resources and information with other federal and state investigative agencies, the Office of the Ohio Inspector General primarily focused on the actions taken by Lili Reitz as described in the complaint received from the dental board. In partnership with those other investigative agencies, the Office of the Ohio Inspector General secured electronic copies of the Outlook email mailbox previously assigned to Reitz, as well as the mailbox assigned to dental board investigator Jeremy Kimble for review. Investigators also requested that board staff research their records and the complaint database¹, to determine if a formal investigation into the complaint was ever initiated or entered into the database.

The Office of the Ohio Inspector General identified several emails between Kimble and Reitz and between Reitz and the former board member regarding the anonymous complaint. On January 21, 2015, Kimble emailed Reitz a summary of events that occurred that morning. In the summary, Kimble explained he was informed of an anonymous complaint received via voicemail on a dental board employee's state office phone. Kimble summarized that he asked Reitz if she had heard of the events described in the voicemail and Kimble indicated Reitz asked him to

¹ The Ohio State Dental Board utilizes MATRIX CMS as its case management system database for tracking complaints and investigations.

research the matter further. Kimble then stated he was able to identify a name associated with the phone number from which the call was received. He forwarded the information to Reitz as part of the summary.

On January 26, 2015, Reitz emailed the former board member the summary of the events regarding actions taken to determine the identity of the anonymous caller. Several times throughout this email, Reitz stated the research into the identity of the caller was done at her request.

Additional emails were also located where Reitz sought guidance from the former board member as to how Reitz should proceed in her efforts to determine the identity of the anonymous caller.

On June 28, 2016, the Office of the Ohio Inspector General interviewed Jeremy Kimble. Kimble was asked to explain the procedures the board would follow when it received a complaint. Kimble explained that when a complaint was received, it would be reviewed, entered into the database, and assigned to an investigator. Kimble stated this was very similar to the process used when Reitz served as the executive director of the board. Kimble said Reitz, at that time, ultimately decided whether or not to open a formal investigation of the complaint.

Investigators asked Kimble about the events and his actions on the day the anonymous complaint was received. Kimble said when he arrived at the dental board office that day, another employee made him aware of a voicemail left on the board's telephone system, and the employee asked Kimble for assistance as to whom to direct the message. Kimble said he did some initial research at different news websites seeking information about the content of the call and then notified Reitz of the call. Kimble said he was then "... directed to discover who the phone number belonged to that left the voicemail." Kimble confirmed Reitz gave him this direction.

Kimble said this type of research was not normal and stated, "... it's the first time and the only time I ever got told to look up a phone number." Kimble said he could only recall one past instance while employed at the dental board where he attempted to learn the identity of an anonymous caller. Kimble said, in that instance, the caller had made a threatening statement and

Kimble attempted to identify the number and caller so he could pass the information to law enforcement.

Kimble next explained the process he used to determine the name associated with the phone number from which the call originated. Upon learning the caller's supposed name, Kimble forwarded the information to Reitz. Kimble later learned the original information he provided Reitz was incorrect, and after further research, he was able to identify the actual number where the call originated and person associated with that number.

Investigators asked Kimble if he knew Reitz was in contact with the former board member regarding the information Kimble was providing to her. Kimble replied he was never informed directly but knew Reitz was in contact with the former board member, "...because I was --- I'm right next to her and I can walk into the office and I knew that they were talking about the information."

With regard to an investigation being opened into the complaint received, Kimble said, "There was, there was never any uh direction by her to open up an investigation against [redacted],² based off of the information from the voicemail. No."

At the conclusion of the interview, the Office of the Ohio Inspector General was provided an affidavit by the dental board chief legal counsel confirming a search of its records found no indication the complaint had been logged into the database nor was an investigation opened into the matter.

CONCLUSION

The Office of the Ohio Inspector General received a complaint from the Ohio State Dental Board regarding former Executive Director Lili Reitz. The complaint alleged Reitz provided confidential information regarding a complaint the dental board received to a former board member who was also the subject of a complaint. During the course of the investigation, emails

² The subject of the complaint received by the dental board has been redacted in accordance with Ohio Revised Code §4715.03(D).

showed that Reitz directed a dental board employee to determine the source of the complaint received and then Reitz forwarded the information to the former board member. Emails also showed Reitz asked for input from the former board member on how to proceed with identifying the caller. It was later determined by the investigative team that the former board member provided the confidential information to his attorney who in turn contacted the complainant and threatened legal action. The dental board confirmed Reitz did not open a formal investigation into the complaint nor was it documented in any official board records.

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

RECOMMENDATION(S)

The Office of the Ohio Inspector General has determined that no recommendations are warranted for this report of investigation.

REFERRAL(S)

This report of investigation will be provided to the Columbus City Attorney's Office for consideration.



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NAME OF REPORT: Ohio State Dental Board

FILE ID #: 2016-CA00016

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
November 3, 2016

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