

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



**AGENCY: OHIO DEPARTMENT OF NATURAL RESOURCES**  
**FILE ID NO.: 2010-113**  
**DATE OF REPORT: OCTOBER 13, 2011**

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

*“Safeguarding integrity in state government”*

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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.

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**OFFICE OF THE INSPECTOR GENERAL**  
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**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2010-113

**SUBJECT NAME:** Aaron Ireland, Josh Zientek

**POSITION:** Ohio Division of Wildlife Officers

**AGENCY:** Ohio Department of Natural Resources

**BASIS FOR INVESTIGATION:** Referral

**ALLEGATIONS:** Failure to Comply with State Law and/or Regulations and Departmental Rules, Procedures or Policies

**INITIATED:** March 16, 2010

**DATE OF REPORT:** October 13, 2011

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

The former Director of the Ohio Department of Natural Resources (ODNR), Sean Logan, contacted the Office of the Ohio Inspector General on March 12, 2010, to report possible wrongdoing by Ohio Division of Wildlife personnel. Director Logan advised he had just become aware of an incident that occurred on June 8, 2007, involving two Division of Wildlife officers who allegedly assisted out-of-state residents in procuring Ohio resident fishing licenses.

According to Director Logan, Ohio Division of Wildlife officers Aaron Ireland and Josh Zientek allegedly assisted two Indiana conservation officers avoid paying the higher cost of Ohio nonresident fishing licenses. Officers Ireland and Zientek allegedly prompted an Ohio licensing agent to allow the two Indiana officers to falsify their residential addresses on their Ohio fishing license applications. Both Indiana conservation officers were allowed to insert the address of the Ohio Division of Wildlife District 5 Office on their applications rather than their actual Indiana residential addresses in order to receive lower-cost Ohio residential fishing licenses.

The information from the complaint led to the opening of an additional investigation by the Office of the Ohio Inspector General when it became apparent that the Ohio Division of Wildlife administrators failed to properly investigate and report suspected criminal activity involving a Division of Wildlife officer.

## **BACKGROUND**

The Ohio Division of Wildlife<sup>1</sup> is the law enforcement branch of ODNR responsible for enforcing the hunting, fishing, and trapping laws of Ohio. The Division of Wildlife also regulates and issues licenses and permits for the hunting, fishing, and trapping of all legal game in Ohio.

In Ohio, a fishing license is required for persons age 16 through 65 to take fish, frogs, or turtles from Ohio waters. Resident<sup>2</sup> fishing licenses are issued to persons who reside in Ohio, while

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<sup>1</sup> The Ohio Division of Wildlife receives no taxpayer or general revenue funds, but is funded through revenue from license and permit fees.

<sup>2</sup> Ohio Revised Code 1531.01(B) – “Resident means any individual who has resided in this state for not less than six months next preceding the date of making application for a license.”

nonresidents of Ohio must purchase nonresident licenses. An annual resident fishing license costs \$19 while the nonresident fishing license costs \$40. Fishing licenses can be purchased over the Internet, by mail order, or through licensed sales outlets located in every Ohio county. The state of Ohio does not require fishing license applicants to show proof of identification or residency, regardless of the manner used to obtain a license. To obtain a license, an applicant must provide a name, address, Social Security number or driver's license number, and physical description. However, none of the applicant's information is verified. The ODNR Wildlife Division's hunting and fishing license application form states, "...providing fraudulent information is a violation of 2921.13 of the Ohio Revised Code." A violation of this section is classified as a misdemeanor of the first degree. **(Exhibit 1)**

### **APPLICABLE STATUTES AND POLICY**

Ohio Revised Code §1533.91 defines nonresident licenses or permits and codifies reciprocal agreements that may be established between states:

The chief of the division of wildlife, upon the approval of the wildlife council and the attorney general, may enter into agreements with the appropriate officials of one or more states, whereby the chief will issue nonresident fishing licenses, hunting licenses, and hunting and fur taker permits to residents of other party states for the fees charged Ohio residents, and Ohio residents may obtain nonresident license in other party states for the fees that are charged residents of those states.

Ohio does not now, nor at the time of this incident, have reciprocal agreements with any state. **(Exhibit 2)** The ODNR illegal activity policy in effect at the time of this incident required any state employee who became aware of allegations or suspicious illegal activity by another state employee to report such activity to the ODNR director or the department of law enforcement administrator.

## **INVESTIGATIVE SUMMARY**

On March 18, 2010, the Office of the Ohio Inspector General received copies of the Ohio Division of Wildlife customer purchase history records for the Ohio fishing licenses issued to Indiana conservation officers Travis Wooley and Dan Sprinkle on June 8, 2007. The home address listed for Wooley and Sprinkle was 1076 Old Springfield Pike, Xenia, Ohio 45385, which is the address of the Ohio Division of Wildlife District 5 Office. **(Exhibit 3)**

Ohio Division of Wildlife Officers Ireland and Zientek were interviewed on March 18, 2010, by the Office of the Inspector General. The officers explained that on June 8, 2007, Ireland received a telephone call from two Indiana conservation officers, Travis Wooley and Dan Sprinkle, who requested assistance in obtaining Ohio resident fishing licenses for themselves. During interviews with Ireland and Zientek, both stated that Ireland called their supervisor, Tim Schlater, for approval. However, Tim Schlater retired in October 2006, and their supervisor at the time of the incident was David Warner. Both Ireland and Zientek said that Schlater authorized them to assist the Indiana officers in obtaining Ohio resident fishing licenses by listing the Ohio Division of Wildlife District 5 Office address as their home address.

Officers Ireland and Zientek accompanied the two Indiana officers to an Ohio licensing agency, Stenger's Archery Shop, in Hamilton County, Ohio. Officer Zientek indicated that all four officers were in uniform and stated, "...we told Mr. Stenger to, you know, go ahead and use the district office address for these guys. Mr. Stenger had done this before for Indiana..." Both Ireland and Zientek said they knew providing false information on the fishing license application was a crime; however, because it was for other wildlife officers and approved by a supervisor, it was considered an accepted practice.

The Office of the Ohio Inspector General interviewed Indiana conservation officers Travis Wooley on March 19, 2010, and Dan Sprinkle on April 21, 2010. Both officers said the practice of allowing out-of-state wildlife officers to use a state's wildlife office address in place of the out-of-state officers' actual residential address to obtain a lower-cost resident license was also done in Indiana and Kentucky. Wooley said he obtained a 2006 Ohio resident hunting license with the assistance of retired Ohio Division of Wildlife Officer Michael Cicero, who was

previously assigned to Hamilton County. Both Indiana officers Wooley and Sprinkle said they were told by their employer not to participate in this practice again.

During a March 18, 2010, interview, Division of Wildlife District 5 Manager Todd Haines stated that in September 2008, he requested a query of the hunting and fishing license database files in order to identify the names of individuals who listed the District 5 Office address as their home address. This query was performed after the Division of Wildlife had completed an administrative investigation of Division of Wildlife Officer Allan Wright, who was involved in obtaining fraudulent hunting licenses. Wright listed his home address on a hunting license application for a South Carolina wildlife officer. Haines' query of the database revealed two fishing licenses issued on June 8, 2007, to Indiana conservation officers Wooley and Sprinkle. These licenses listed the Ohio Division of Wildlife District 5 Office address at 1076 Old Springfield Pike, Xenia, Ohio 45385, as their home address.

Around October 6, 2008, Haines questioned Ohio Division of Wildlife officers Ireland and Zientek, who admitted they assisted the Indiana officers in obtaining the Ohio resident fishing licenses. Haines said Ireland and Zientek told him this was a past practice by these Indiana officers, who were previously assisted in obtaining Ohio licenses by Hamilton County Ohio Division of Wildlife Officer Michael Cicero, who retired on October 31, 2006. Records revealed one of the Indiana officers also received a resident hunting license and a deer permit on December 22, 2006, listing the District 5 Office as his home address. **(Exhibit 3)**

On October 7, 2008, Haines issued officers Ireland and Zientek verbal reprimands for "...failure of good behavior." These reprimands also advised Ireland and Zientek that, "Although you had supervisor guidance to do so, this was against Division of Wildlife directives and should not be repeated again in the future." **(Exhibit 4)**

**Accordingly, we find reasonable cause to believe a wrongful act or omission occurred in this instance.**

While conducting the investigation of the initial allegation of officers Ireland and Zientek, the Office of the Ohio Inspector General opened an additional inquiry alleging that Ohio Division of Wildlife administrators failed to properly investigate and report suspected criminal activity involving a wildlife officer.

During the March 18, 2010, interview, Haines recalled a discussion with Assistant Chief Randy Miller and Human Resource Manager Michele Ward-Tackett regarding the incident with officers Ireland and Zientek, and they decided to handle the incident in the same manner as a previous infraction involving another Ohio Division of Wildlife officer, Allan Wright. As a result, officers Ireland and Zientek were issued verbal reprimands. Haines stated he did not complete a formal administrative investigation documenting all the facts of this incident, but issued verbal reprimands which are not reviewed by ODNR management personnel. Only disciplinary actions involving suspension or termination are reviewed by ODNR-level personnel, according to ODNR Labor Relations Administrator Brent Benack.

District 5 Manager Haines used the same verbal reprimand issued to Allan Wright, except the date was changed and the word “hunting” was scratched out and the word “fishing” was handwritten on the form. In the reprimand, Haines did not mention the officers’ “supervisor guidance” was from a retired employee with no authority to grant permission. **(Exhibit 4)**

In the reprimand, the directives Haines referenced from Ohio Division of Wildlife Chief David Graham advised personnel not to accept a resident license from other states (March 14, 2008, directive) and nonresidents are not to receive a resident license in Ohio (October 1, 2008, directive). These directives were issued well after June 8, 2007, when Ireland and Zientek assisted the Indiana officers in obtaining resident fishing licenses. **(Exhibit 5)**

Haines also claimed he did not view it as a crime for Ohio Division of Wildlife officers to participate in providing false information on hunting and fishing license applications because it was an established past practice. When asked whether it would be a crime if a civilian non-Ohio resident provided false information on a hunting or fishing license application, he said, “...in that situation, yes it would be.” Haines did not report the suspected illegal activity to Director Logan

at ODNR as required by departmental policy. **(Exhibit 6)** The following statement is written on the top of the hunting and fishing license application: "...providing fraudulent information is a violation of 2921.13 of the Ohio Revised Code."

In a March 22, 2010, interview, Ohio Division of Wildlife Human Resource Manager Michele Ward-Tackett, agreed that submitting false information on the fishing license application was a criminal offense. However, because it involved a Division of Wildlife officer and it was a past practice, she did not consider it a criminal act. Therefore, Ward-Tackett did not report the suspected illegal activity to ODNR Director Logan as required by departmental policy. She added that the computerized licensing system did not allow out-of-state residents to get the in-state price without entering an Ohio address. She said, "...that's the only way you would be able to extend this offer in our point of sales system."

Ohio Division of Wildlife Assistant Chief Randy Miller was interviewed by the Office of the Ohio Inspector General and he stated providing false information on the license application was a crime, but he did not report this suspected illegal activity to Director Logan as required by departmental policy. He did not consider the Division of Wildlife officers' involvement criminal since Ohio Division of Wildlife officers have been providing fraudulent addresses for a long time.

During a March 26, 2010, interview, Ohio Division of Wildlife Chief David Graham also admitted that submitting false information on a fishing license application was a crime, but because it involved a Division of Wildlife employee, the division looked at this only as an administrative issue. Graham stated he was aware the District 5 Office address was used as the Indiana officers' home address, and this was something that had been going on between wildlife agencies during his entire career. Graham did not report the suspected criminal activity to Director Logan as required by departmental policy and stated that he never entered into any reciprocal agreements with another state.

During their interviews, Ohio Division of Wildlife District 5 Manager Haines, Human Resource Manager Ward-Tackett, and Assistant Chief Miller all claimed there was a reciprocity agreement

that allowed resident fishing licenses to be issued to non-resident wildlife officers. In fact, Ohio Revised Code §1533.91 provides for the issuance of a *non-resident* fishing or hunting license at the resident fee for residents of other states if approved by the Ohio Wildlife Council and the Ohio attorney general. Those interviewed above could not explain how obtaining a *resident* license by providing a false address would apply under this section of law. The Office of the Ohio Inspector General found that no reciprocity agreements exist between Ohio and other states.

On April 8, 2010, the Office of the Ohio Inspector General contacted retired Ohio Division of Wildlife Supervisor Tim Schlater, who stated that he retired from the Division of Wildlife on October 31, 2006. Schlater said he could not remember if either Ireland or Zientek asked him how to obtain resident fishing licenses for the Indiana officers, or what he may have told them. Schlater was asked why Officer Ireland would call him in June 2007 if he retired in October 2006. Schlater said he was not saying that Ireland did or did not call him, just that he did not remember either way.

In a December 10, 2010, interview, current Division of Wildlife District 5 Supervisor David Warner could not recall being contacted by Division of Wildlife officers Ireland or Zientek about assisting out-of-state officers in obtaining a resident license in this 2007 incident. Warner said Officer Ireland did contact him about obtaining resident licenses for the Indiana conservation officers in 2008 or 2009, but Warner advised Ireland against being involved in obtaining a resident license for a non-resident. Supervisor Warner said he had heard of Ohio Division of Wildlife officers assisting out-of-state officers in efforts to receive resident licenses, but he had never been an eyewitness to this activity.

Ohio Department of Natural Resources (ODNR) Disciplinary Policy-Procedure classifies prohibited conduct and establishes a disciplinary grid. Several applicable classifications for the Division of Wildlife officers' actions exist, such as dishonesty, willfully falsifying any official document, theft, and violations of Ohio ethics laws and related statutes. **(Exhibit 7)**

**Accordingly, we find reasonable cause to believe a wrongful act or omission occurred in this instance.**

## **CONCLUSION**

Providing false information on the fishing license application or any government document is a violation of Ohio law, and Ohio Division of Wildlife officers are not exempt from this law.

There is no provision allowing supervisory personnel to permit or authorize wildlife officers to violate Ohio law. Therefore, there is no justification for ignoring Ohio criminal violations of providing false information on a government document because it may have been a past practice, or because the document involves an Ohio Division of Wildlife officer, or because other states ignore or allow the practice.

Upon review of documents and interview statements, it is evident that Ohio Division of Wildlife officers Ireland and Zientek assisted two Indiana conservation officers in obtaining resident fishing licenses by instructing an Ohio licensing agent, Stenger's Archery Shop in Hamilton County, Ohio, to use the District 5 Office address as the Indiana officers' home address.

Because the two Ohio Division of Wildlife officers helped the Indiana conservation officers obtain resident licenses, the Indiana officers, Wooley and Sprinkle, benefitted by paying a lower fee than they would have paid as non-residents of Ohio. Officers Ireland and Zientek acknowledged their participation in assisting the two Indiana conservation officers in submitting false information on the fishing license application and by directing the Ohio licensing agent to accept false information.

Ohio Division of Wildlife District Manager Todd Haines, Human Resource Manager Michele Ward-Tackett, Assistant Chief Randy Miller, and Chief David Graham also acknowledged that providing false information on the fishing license application is a crime. However, Ohio Division of Wildlife administrators failed to report the suspected criminal activity to Director Logan as required by ODNR policy. Administrators improperly classified the violation, effectively keeping the information from being reported to the ODNR superiors. In addition, Ohio Division of Wildlife officers Ireland and Zientek were each issued a verbal reprimand for violating a directive that did not exist at the time of the violation.

Ohio Revised Code §1533.91 provides for the establishment of reciprocal agreements between states in which the chief of the Ohio Division of Wildlife, with the approval of the Ohio Wildlife Council and the Ohio attorney general, can issue a non-resident license at the resident fee. However, there are not now, nor were there at the time of this incident, any reciprocal agreements established between Ohio and other states.

### **RECOMMENDATIONS**

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

1. Internally review the actions of all employees involved in this report to determine whether their conduct and practice warrants further administrative action or training.
2. Create a uniform administrative investigation policy so that the department will have a record of all investigations, regardless of severity, conducted by the various divisions and develop a corresponding electronic database.
3. Develop and issue a policy requiring personnel to recognize and acknowledge that the use of false addresses to obtain resident wildlife licenses or permits is a violation of state law.
4. Regularly review wildlife license databases to identify anomalies in the dataset. Queries such as state-owned property addresses, multiple addresses, and Division of Wildlife employee addresses would allow the Ohio Department of Natural Resources to identify licenses needing further review.

**REFERRALS**

The Office of the Ohio Inspector General forwarded copies of the investigation to the Hamilton County Prosecutor's Office and the Indiana Department of Natural Resources for review.

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