

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF PUBLIC SAFETY –  
OHIO INVESTIGATIVE UNIT  
FILE ID NO.: 2011-004      DATE OF REPORT: APRIL 12, 2011

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*“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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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2011-004

**SUBJECT NAME:** William Scott

**POSITION:** ODPS-OIU Supervisor (Columbus)

**AGENCY:** Ohio Department of Public Safety-Ohio Investigative Unit

**BASIS FOR INVESTIGATION:** Confidential Complaint

**ALLEGATIONS:** Abuse or misuse of time  
Misuse of state property or equipment

**INITIATED:** January 13, 2011

**DATE OF REPORT:** April 12, 2011

**DEPUTY INSPECTOR GENERAL** Ron Nichols

## Allegation Summary

On December 21, 2010, the Office of the Inspector General (“OIG”) received a complaint from a confidential informant (“CI”) alleging theft of time and misuse of state equipment by an employee for the Ohio Department of Public Safety (“ODPS”), Division of Ohio Investigative Unit (“OIU”), Assistant Agent in Charge (“AAIC”) William Scott (“Scott”). The complaint alleged the following conduct;

1. Scott claimed to be working when in fact he was at home,
2. Scott used his state issued vehicle for personal use while on duty and utilized his state vehicle while off duty instead of his personal vehicle,
3. Scott used his state issued vehicle to transport a non-state employee who was not associated with the duties of Scott as an ODPS and OIU employee, nor did this person have matters before Scott’s public employer.

CI reports that on December 17, 2010, AAIC Scott was scheduled to work a 6:00 p.m. to 2:00 a.m. shift. He marked on duty via radio at 5:47 p.m.; however, records indicate that Scott did not arrive at the Columbus enforcement office until 6:32 p.m. According to the CI, during Scott’s shift on December 17, 2010, Scott, at 8:30 p.m., drove his state vehicle to a residence on Pleasant Ridge Avenue Columbus, Ohio where an unknown African American female got in the vehicle. Scott then drove to the Northstar Café located at 951 N. High Street, where they both had dinner. At 10:03 p.m. they exited the café, reentered the state vehicle, and Scott returned the female passenger to her residence. The total elapsed time for the aforementioned events was approximately two hours. **(Exhibit 1)**

CI reports that, on December 18, 2010 Scott was scheduled to work a 6:30 p.m. to 2:30 a.m. shift. At 3:32 p.m. Scott was observed driving his state vehicle to the Lifestyle Family Fitness facility located at 5929 E. Main Street, Columbus, Ohio and arrived there at 3:44 p.m. Records obtained from ODPS indicate that Scott did not utilize his radio to record his location and/or his work status. Scott was observed leaving the facility at 4:45 p.m. and then proceeding to his residence. At 6:34 p.m., Scott left his residence and arrived at the Columbus enforcement office

at 6:56 p.m. Later in the same shift, Scott was observed at the Northstar Café (appearing to take a lunch break) from 9:34 p.m. to 10:16 p.m., then from 10:50 p.m. to 11:03 p.m. car shopping at Byers Imports, and finally from 11:30 p.m. to 11:59 p.m. shopping at Stauf's Coffee Roasters. The time spent at all three locations appears to be personal in nature and unrelated to the performance of his duties. **(Exhibit 1)**

**History:**

The Ohio Investigative Unit is a division of the Ohio Department of Public Safety that enforces state, federal and local laws pertaining to liquor, food stamps, and tobacco offenses. OIU agents wear plainclothes and drive unmarked vehicles to perform their duties. OIU has enforcement offices in Akron, Athens, Cincinnati, Cleveland, Columbus, and Toledo and the administration office located in Columbus, Ohio. The primary form of communication for agents is the MARCS<sup>1</sup> radio system. Pursuant to OIU policy, OIU Agents are required to make radio contact with a patrol post at both the beginning and end of their shifts; when entering and exiting a D permit premise or illegal sales complaint; to request a driver's license, vehicle registration, or warrant check; and to report their status and location.

On November 7, 2010, William Scott was promoted to Assistant Agent in Charge at the Columbus enforcement office. Prior to his promotion, Agent Scott was the court liaison officer for the Columbus enforcement office.

**APPLICABLE POLICY**

**ODPS policy 203.01** advises employees of rules pertaining to the operation of department vehicles. This policy states that vehicles can only be operated in connection with official state duties and specifically defines authorized and unauthorized use. This policy prohibits the use of a state vehicle to transport family, friends, associates, or other persons not employed by the state

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<sup>1</sup> The primary form of communication for agents is the MARCS (Multi-Agency Radio Communication System) radio system with the Ohio State Highway Patrol serving as the main law enforcement agency radio contact for agents.

or serving the interest of the state. Any personal use of the state vehicle is prohibited. OIU agents are permitted to travel between the place of dispatch or the place of performance of state business to their personal residence. **(Exhibit 2)**

**OIU policy INV 100.05** advises employees of the residency and travel time requirements. This policy allows agents to utilize a state vehicle to travel to and from a fitness facility according to INV 504.05 OIU-FOP memorandum of understanding (“MOU”) agreement between the ODPS/OIU and the Fraternal Order of Police/Ohio Labor Council, Inc. (“FOP”). This MOU specifically limits the agent’s use of the state vehicle to drive to a physical fitness facility “only at the beginning or end of their shift.” Additionally, “agents will provide to his/her supervisor or local OSHP post specific information (location and time) when stopping at the facility on each occurrence.” **(Exhibit 3)**

**OIU policy INV 100.18** A Daily Activity Report is a chronological log of an agent’s workday that is utilized to record and track the daily activities, complaint visits, hours of work and the work related expenses of each agent. AAIC’s are not required to complete this daily activity report.

**OIU policy INV 400.04, section A.1** advises “For the purpose of officer safety, agents will notify OSP dispatchers of their status and location at particular times. **Agents will check in with a patrol post as follows:** Beginning and ending their shift.” **(Exhibit 4)**

OIU agents are included in the bargaining agreement between the State of Ohio and Fraternal Order of Police, Ohio Labor Council, Inc. Unit 2. Section 22.04 of the agreement provides that bargaining unit members will “be granted an unpaid meal period of not less than thirty minutes and not more than sixty minutes near the midpoint of each shift. This break may be waived by the employee, with mutual agreement of the employer.” AAIC’s are exempt employees and are not covered by the bargaining agreement; however, exempt employees are provided with this same benefit by OIU. **(Exhibit 5)**

## **INVESTIGATIVE PROCESS**

OIG staff met with the complainants and reviewed all of their material, including logs and photographs which were presented to substantiate their allegations. Also reviewed, were Ohio Department of Public Safety and Ohio Investigative Unit policies and procedures as well as applicable sections of the Ohio Revised Code. During the investigation OIG staff also examined payroll records, work schedules, ODPS building entry records, and MARCS radio Computer Aided Dispatch (“CAD”) records. OIG staff reviewed Franklin County and Fairfield County Auditor property records, Franklin County Court of Common Pleas records, and records from a local area restaurant and fitness center. Finally, OIG staff conducted surveillance and interviewed individuals involved in this investigation.

## **INVESTIGATIVE SUMMARY**

On February 4, 2011, the OIG was contacted by OIU administrators who indicated that Scott made allegations that he believed he is under surveillance by OIU agents. OIU administrators also inquired as to any active investigations being conducted by this office. OIU administrators were informed that the OIG has an open investigation but did not give details of that investigation.

On February 7, 2011, the OIG acquired the original receipt signed by Scott for the dinner purchased during his shift on December 17, 2010, at the Northstar Café. The OIG also located the electronic journal for this receipt which details the items purchased by Scott. The electronic journal shows that two drinks were purchased: a hot tea, half chamomile and half peppermint, and a hot rum cider. **(Exhibit 6)** In addition, OIG staff interviewed Emily Clouse, an employee of the Northstar Café, who identified a photograph of Scott as a regular customer and added that he (Scott) usually is in the company of a black female, identified by OIG staff as Angela Radney.

On February 16, 2011 the OIG reviewed Franklin County Court of Common Pleas records in which Scott is listed as a party to a divorce action. On December 20, 2010, a motion hearing for

Scott's case was scheduled for February 22, 2011 at 10:00 a.m. in Franklin County Court Division of Domestic Relations, room 62. **(Exhibit 7)**

On February 17, 2011 the OIG verified that Scott was in the Lifestyle Family Fitness facility on December 18, 2010. Lifestyle members are given a membership card that is swiped when members enter their facility. The effect of the swipe is to create a record of when a member enters the facility. Lifestyle Family Fitness records reveal that Scott's membership card was swiped on December 18, 2010 at 3:43 p.m. **(Exhibit 8)**

On February 22, 2011, Scott marked on duty at 8:35 a.m. At 9:40 a.m., Scott called his supervisor, Agent in Charge ("AIC") Gregg Croft, and informed Croft that he (Scott) was scheduled to appear in Franklin County Common Pleas Court, Division of Domestic Relations to attend his divorce hearing. Croft informed Scott that he was approved to take leave to attend his hearing but that he was not to use his state vehicle for this personal matter. Our investigation revealed that Scott attended his divorce hearing; however, Scott disregarded the instruction of his supervisor and utilized his state vehicle to transport himself to and from the hearing. In addition, while utilizing this unmarked law enforcement vehicle for personal use, Scott used his position as a law enforcement officer to park the state vehicle in a designated area marked for "police vehicles only."

On February 22, 2011 at 10:15 a.m., OIG staff observed Scott in conference room "A" outside of courtroom 63. At 11:20 a.m. Scott appeared to be leaving the courthouse when he turned around and proceeded to the 16<sup>th</sup> floor where he remained until 11:40 a.m. Scott then exited the courthouse and walked to his state vehicle that was parked on South High Street, located on the east side of the bridge over I-70. When Scott reached his state vehicle, he reversed course and proceeded north on South High Street in what appeared to be an effort to determine if he was under surveillance. OIG staff captured this with a photo taken at 12:02 p.m. At 12:17 p.m. he returned to his state vehicle and drove off. **(Exhibit 9)**

On February 23, 2011 at 2:07 p.m. OIG staff confronted AAIC William Scott and inquired as to his willingness to participate in a voluntary interview and he did agree to being interviewed. Scott began by stating that shortly after his promotion to AAIC, he heard agents were inquiring about where and how Scott was spending his time. He felt that agents were watching him the same way they followed the AAIC prior to Scott, who ended up being demoted as a result of an internal investigation stemming from his accountability of time.

Scott was informed that he, on December 17, 2010, was observed driving to the residence of Angela Radney in his assigned state vehicle where Radney exited her residence and entered his (Scott's) state vehicle. He was then seen driving Radney to the Northstar Café where they appeared to have something to eat; then upon exiting the Café, Scott and Radney reentered his state vehicle and Scott proceeded to drive Radney to her residence. After being confronted with the chronology of events, Scott admitted that the details of December 17, 2010, were accurate and admitted to OIG staff that these activities were not duty related. In addition, Scott stated that this incident was not the only time that similar conduct, by he and Radney, had occurred. Scott stated that they had done this on numerous occasions. It was noted that the events of December 17, 2010, accounted for approximately two hours of on duty time.

Scott also admitted driving his assigned state vehicle to the Lifestyle Family Fitness facility on December 18, 2010 at a time that was not at the beginning or end of his shift. He also admitted failing to advise a supervisor or Ohio State Highway Patrol (OHSP) post of his location. During this interview, Scott admitted using the state vehicle to attend his divorce hearing on February 22, 2011 as well as other non-work related trips to go to stores, lunch, and to meet with a realtor.

On March 1, 2011, OIG staff approached Angela Radney and asked her if she would consent to a voluntary interview. After Radney consented to be interviewed, she stated that she could not recall specific dates when Scott picked her up to go to lunch or dinner, but admitted going with Scott to the Northstar Café numerous times as well as other restaurants, such as, Spaggios and Figlio both located in Grandview. Radney stated that on several occasions she was aware that the vehicle in which Scott picked her up and transported her to restaurants was a state issued

vehicle. She further stated that she was aware on several occasions that Scott picked her up while on duty because she saw his radio and that Scott would indicate that he had to return to work. Radney stated that she did not think that there was anything improper about Scott using his state vehicle to transport them to lunch or dinner because he was permitted to take a meal and/or personal break while on duty.

## **CONCLUSION**

Upon review of the documents obtained, photos and statements provided by confidential sources, witness interviews, and the statement provided by Scott, **we find reasonable cause to believe a wrongful act or omission occurred in these instances:**

1. Scott engaged in personal non-work activities while on state time.
2. Scott utilized his state issue vehicle on multiple occasions for personal use. This personal use occurred while Scott was on duty and when Scott was not on duty. This use is in violation of DPS-OIU policy.
3. Scott transported a non-state employee on several occasions for personal use in violation of DPS-OIU policy.
4. Scott disobeyed a direct order from his superior when instructed not to utilize his state vehicle to attend his divorce proceeding.
5. Scott, while off duty, utilized his state vehicle and his law enforcement status to park this vehicle in an area designated for official police business and/or police vehicle.

## **RECOMMENDATIONS**

We make the following recommendations and ask that ODPS / OIU respond within 60 days with a plan as to how these recommendations will be implemented:

1. ODPS-OIU should conduct an administrative investigation into the actions of AAIC Scott to determine any discipline or training needed.
2. ODPS-OIU should revise the policy on daily activity reports to include AAIC's.

3. ODPS-OIU should review with OIU personnel the authorized use of state vehicle policy to assure understanding and compliance. In addition, ODPS-OIU should advise all employees who utilize a state vehicle when it is appropriate and when it is not appropriate to transport a passenger in a state vehicle.

### **REFERRALS**

During the course of the OIG investigation, we found instances in which the conduct of the subject may have risen to the level of criminal behavior as it relates to abuse of time and unauthorized use of a state vehicle. Accordingly, the Office of Inspector General will contact the Franklin County Prosecutors office and/or the Columbus City Attorney's Office, Prosecuting Division to discuss the details of this report and its findings. Upon the request of either prosecuting entity a copy of this report, with documentation, will be made available.

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