

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



**AGENCY: OHIO DEPARTMENT OF DEVELOPMENTAL DISABILITIES**  
**FILE ID NO.: 2011-047**  
**DATE OF REPORT: MARCH 16, 2012**

## 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.

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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.



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**  
RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2011-047

**SUBJECT NAME:** Janet Brockwell

**POSITION:** Physician

**AGENCY:** Ohio Department of Developmental Disabilities

**BASIS FOR INVESTIGATION:** Complaint

**ALLEGATIONS:** Operating a business or private interest on state time

**INITIATED:** August 06, 2010

**DATE OF REPORT:** March 16, 2012

## **ALLEGATION AND COMPLAINT SUMMARY**

The complainant alleged that Janet Brockwell worked both as a part-time physician assigned to the Cambridge Developmental Center for the Ohio Department of Developmental Disabilities (ODODD), and held political office as the Guernsey County Coroner. Brockwell's part-time job at the Cambridge Developmental Center is a classified position with the state of Ohio, and as such, Brockwell cannot hold both a classified position and an elected office at the same time. The complainant further alleged that Brockwell conducted Guernsey County Coroner work while on state time.

## **BACKGROUND**

The Cambridge Developmental Center, operated by the Ohio Department of Developmental Disabilities (ODODD), is an intermediate care facility comprised of five homes and serves approximately 100 adults with mental and developmental disabilities. The majority of individuals who reside at the Cambridge Developmental Center "are diagnosed with severe and profound mental retardation and need extensive support in the areas of daily living, health care, and social skills development."<sup>1</sup> Brockwell has worked at the Cambridge Developmental Center as a physician since January 2006 and is covered under the 2009-2010 SEIU/District 1199 union contract.

The Guernsey County Coroner is an elected official who investigates human deaths, determines the cause of death, issues death certificates, maintains death records, responds to deaths in mass disasters, and identifies unknown dead. Brockwell has worked as the Guernsey County Coroner since 1997, and her current term expires January 6, 2013.

## **INVESTIGATIVE SUMMARY**

The Office of the Ohio Inspector General interviewed Brockwell on May 18, 2011. Brockwell was advised of the allegation received by the Office of the Ohio Inspector General which stated she was not permitted to hold a state classified<sup>2</sup> position and an elected county position at the same time. Additionally, Brockwell was asked about the allegation that she conducted county

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<sup>1</sup> <http://dodd.ohio.gov/residential/Pages/Cambridge-Developmental-Center---.aspx>

<sup>2</sup> Defined at Ohio Revised Code §124.01(C).

business on state time. Brockwell stated she never conducted coroner business while working for the state.

Brockwell told the Office of the Ohio Inspector General that in June 2009, a complaint was made to ODODD that Brockwell was in violation of Cambridge Developmental Center policy prohibiting certain political activities while working as a classified employee of the state of Ohio. Brockwell indicated she was of the understanding the issue had been resolved.

Upon learning in 2009 that she may have violated a policy for holding dual positions, Brockwell wrote a letter to Kathryn Haller, chief legal counsel for the Department of Developmental Disabilities, explaining her assessment of the situation. **(Exhibit 1)** Also, due to the complaint against Brockwell, the ODODD Human Resources Division reviewed the allegation. In an inter-office communication dated July 27, 2009, Brockwell was given notice that a pre-disciplinary meeting was scheduled for July 31, 2009, at 1:00 p.m., for the purpose of addressing the charges of failing to follow policy on political activity. On July 30, 2009, Brockwell signed a notice of acknowledgement and waived her right to a pre-disciplinary conference. **(Exhibit 2)**

On July 31, 2009, a report was issued by a hearing officer that found Brockwell in violation of the policy on political activity. **(Exhibit 3)** The hearing officer recommended Brockwell be issued a last chance agreement in lieu of removal. **(Exhibit 4)**

Cambridge Developmental Center Policy HR-4, Employee Political Activities, establishes guidelines for the conduct of certain political activities by Cambridge Developmental Center staff. Policy HR-4 prohibits classified employees from participation in a number of political activities, among them being:

1. Participation in a partisan election as a candidate for office;
2. Declaring candidacy for an elected office which is filled by partisan election;
3. Holding an elected or appointed office in any political organization; and
4. Accepting appointment to any office normally filled by election. **(Exhibit 5)**

The Cambridge Developmental Center Policy reflects Ohio Revised Code §124.57 which prohibits officers or employees in the classified service of the state from being an officer in any political organization or from taking part in politics other than to vote. Ohio Administrative Code §123:1-46-02(C) further outlines the activities that constitute prohibited political activity of employees in the classified service. Among other things, the code bans classified employees from seeking candidacy for public office in a partisan election and from filing petitions meeting statutory requirements for partisan candidacy to elective office. ORC §124.62 further sets forth that if any person convicted of violating this section holds public office or place of public employment, such office or position shall by virtue of such conviction be rendered vacant.

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

Although Brockwell does not maintain set hours or a permanent schedule at the Cambridge Developmental Center, she is required to document her hours worked using the ODODD timekeeping system. In addition, Brockwell is included in the physician on-call rotation for the Cambridge Developmental Center. There are no written policies or procedures regarding on-call hours dictating what an employee can and cannot do while on call. The ODODD Human Capital Management manager advised there has always been an understanding that “on call” means ODODD should be able to make contact with the employee while he or she is on-call status.

The Ohio Department of Health, Office of Vital Statistics, maintains records of all death certificates filed in the state of Ohio from the mid-1950s to the present, and provided a list of death certificates signed by Brockwell. **(Exhibit 6)** The Office of the Ohio Inspector General compared the Ohio Department of Health Office of Vital Statistics records to each case file maintained by the Guernsey County Coroner’s Office to verify the records Brockwell maintained were true and accurate. Also, the Office of the Ohio Inspector General compared Brockwell’s timekeeping records for 2010 Guernsey County Coroner’s cases, ODODD time sheets for Brockwell, and the on-call schedule for the Cambridge Developmental Center to determine if there were any instances in which Brockwell conducted county business while working at the Cambridge Developmental Center.

Analysis of the documents provided by the Ohio Department of Health Office of Vital Statistics, ODODD time sheets for Brockwell, and records provided by the Guernsey County Coroner's office identified no instances in which Brockwell's time card showed that she was working at either the Cambridge Developmental Center or any other ODODD facility and conducting coroner duties at the same time. This review did identify several instances in which Brockwell was conducting coroner duties while being paid for on-call time from the ODODD; however, there is nothing in ODODD policies or procedures prohibiting such activity by Brockwell or any other employee. There were no documented reports or complaints found showing Brockwell had ever been unavailable or failed to respond when she had been contacted while on-call for the Cambridge Developmental Center.

**Accordingly, there is no reasonable cause to believe a wrongful act or omission occurred in this instance.**

### **CONCLUSION**

The Office of the Ohio Inspector General found that Dr. Janet Brockwell worked both as a part-time physician assigned to the Cambridge Developmental Center for the Ohio Department of Developmental Disabilities, and as the Guernsey County Coroner. Brockwell's job at the Cambridge Developmental Center is a classified position with the state of Ohio, which precludes her from engaging in political activity, which is in violation of Ohio Administrative Code §123:1-46-02 and Cambridge Developmental Center Policy HR-4. The Ohio Department of Developmental Disabilities found Brockwell to be in violation of the policy on political activity and issued her a last chance agreement.

A review of records maintained by the Ohio Department of Health's Office of Vital Statistics, ODODD time sheets, and records provided by the Guernsey County Coroner's office identified no instances in which Brockwell was conducting coroner duties at the same time.

## **RECOMMENDATIONS**

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

1. Review existing department policies and procedures and develop modifications to ensure all employees sign a statement acknowledging the limitations imposed on employee political activity.
2. Amend departmental policies to emphasize management's obligation to act in the event violations of policy are discovered.
3. Determine if administrative action is required to address management's inaction involving the employee's political activity.

## **REFERRALS**

The Office of the Ohio Inspector General is referring this case back to ODODD and the Guernsey County Prosecutor to monitor Brockwell to make sure she does not run for any political office that would result in a violation of ODODD policies or the Ohio Revised Code while actively employed by the state of Ohio.

The Office of the Ohio Inspector General also recommends that ODODD or the Guernsey County Prosecutor requests an Ohio Attorney General opinion seeking clarification to determine whether or not both jobs held by Brockwell are compatible.



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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT:** Ohio Department of Developmental  
Disabilities  
**FILE ID #:** 2011-047

**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.**

A handwritten signature in black ink, appearing to be "Jill Jones".

**Jill Jones**  
**KEEPER OF RECORDS**

**CERTIFIED**  
**March 16, 2012**

*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