

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.: 2011-066
DATE OF REPORT: SEPTEMBER 12, 2011**

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

“Safeguarding integrity in state government”

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STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER: 2011-066

SUBJECT NAME: Shawn Tatter

POSITION: Assistant Agent in Charge

AGENCY: Ohio Department of Public Safety-
Ohio Investigative Unit

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Falsification of Records,
Misuse of State Property or Equipment

INITIATED: March 29, 2011

DATE OF REPORT: September 12, 2011

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On October 18, 2010, an anonymous letter received by the Office of the Ohio Inspector General alleged that Ohio Investigative Unit Assistant Agent in Charge Shawn Tatter violated Ohio Investigative Unit residency policy which required agents to live within a 75-mile radius of their assigned office. In addition, the complainant further alleged that when Tatter drove his state-assigned vehicle between his Medina, Ohio, residence and his assigned Toledo office, exceeding the 75-mile radius limit, Tatter was misusing or wasting state resources.

On November 23, 2010, the Office of the Ohio Inspector General referred this complaint to the Ohio Department of Public Safety for investigation, and on January 6, 2011, a report was returned finding insufficient evidence to substantiate the claims against Tatter.

On March 25, 2011, a second anonymous complaint was received by the Office of the Ohio Inspector General alleging that the E-ZPass¹ transponder records for Tatter's state vehicle were not checked as part of the Ohio Department of Public Safety investigation. The complainant alleged that the transponder records would show Tatter was driving his state vehicle to his Medina home on a daily basis. The complainant also included a photograph of the transponder attached to the windshield of Tatter's state vehicle.

The complainant also stated that Tatter, who is now assigned to the Ohio Department of Public Safety's Ohio Investigative Unit Central Office in Columbus, Ohio, still resides in Medina, Ohio, and continues to violate the 75-mile residency requirement. The complainant alleged Tatter misled Ohio Investigative Unit management about the location of his true residence, and circumvented the Ohio Investigative Unit residency policy by parking his state vehicle at an address just inside the 75-mile radius limit in Ashland, Ohio. Tatter allegedly drives his personal vehicle from his Medina residence to the Ashland address, where he parks his state vehicle. He then allegedly switches into his state vehicle and proceeds to his Columbus work location. At the end of the day, Tatter drives from the Columbus work location back to the Ashland address, where he leaves the state vehicle and then drives his personal vehicle home to Medina. The

¹ E-ZPass is an automatic, electronic toll-collection system on the Ohio Turnpike and much of the East Coast that allows motorists to move quickly and efficiently through toll lanes.

complainant also included photographs of Tatter's personal vehicle and state vehicle at the Ashland, Ohio, residence.

On March 29, 2011, the Office of the Ohio Inspector General opened an investigation on this complaint.

BACKGROUND

The Ohio Investigative Unit is a division of the Ohio Department of Public Safety responsible for enforcing state, federal and local laws pertaining to liquor, food stamps, and tobacco offenses. Ohio Investigative Unit agents wear plainclothes, are sworn peace officers with arrest power, and are assigned unmarked State of Ohio vehicles for the performance of their official duties. Agents are permitted to drive their state vehicles to their homes. The Ohio Investigative Unit has enforcement offices in Akron, Athens, Cincinnati, Cleveland, Columbus, and Toledo and an administration office located in Columbus, Ohio.

The following is a brief timeline of Shawn Tatter's activities as it pertains to this investigation:

- October 21, 1996 – Hired as an Ohio Investigative Unit enforcement agent and assigned to the Cleveland, Ohio, enforcement office;
- September 21, 2006 – Purchased residence in Medina, Ohio;
- October 1, 2006 – Promoted to Assistant Agent in Charge at the Toledo, Ohio, enforcement office;
- September 24, 2007 – Provided a Norwalk, Ohio, address as his residence;
- November 7, 2010 – Transferred to the Ohio Investigative Unit training section at the administrative office in Columbus, Ohio;
- January 30, 2011 – Listed an Ashland, Ohio, address as his residence and an Ashland, Ohio, post office box as his mailing address. (**Exhibit 1**)

The Ohio Department of Public Safety's Ohio Investigative Unit Policy INV 100.05 provides guidelines regarding residency requirements and travel time. (**Exhibit 2**) The policy states that "...any sworn personnel promoted into an exempt sworn position must move their residence within the 75-mile radius of their newly assigned office. A newly promoted sworn employee shall have a total of 180 calendar days to move his/her residence within the 75-mile

requirement.” Additionally, “...all sworn personnel shall immediately advise the Deputy Director of Administration of any change in their residence address or phone number. Personnel shall also update personal information in the Agent’s Contact List in OLLE² whenever there is a change of any information.”

The policy defines residency as “...the place where civil and political rights are exercised, taxes paid, real and personal property located, driver’s licenses obtained, bank accounts maintained, location of club and church membership, whether the agent rents or owns his residence, where the employee resides, how permanent the living arrangement appears, affiliations with social organizations, locations of the agent’s physician, lawyer, accountant, dentist, stockbroker, and other services provided.”

INVESTIGATIVE SUMMARY

The Ohio Investigative Unit residency policy INV 100.05 requires that a newly promoted sworn employee establish a new residence within a 75-mile radius of his/her assigned office within 180 days. This policy further states, “...all sworn personnel shall immediately advise the Deputy Director of Administration of any change in their residence address or phone number.”

On March 28, 2011, the Office of the Ohio Inspector General obtained Tatter’s residency records through the Ohio Administrative Knowledge System (OAKS).³ OAKS records show that on September 24, 2007, Tatter provided the State of Ohio with an address in Norwalk, Ohio, as his home address. This address is within the 75-mile radius limit⁴ from the Toledo enforcement office. The distance between Tatter’s Medina home and the Toledo enforcement office is 104 miles.⁵

On November 7, 2010, Tatter was transferred to the Ohio Investigative Unit’s Columbus administrative office as the training coordinator. The distance between Tatter’s Medina home and the Columbus administrative office is 105 miles.⁶ This transfer would require Tatter to relocate his residence within the 75-mile radius limit from the Columbus administration office.

² OLLE is the Ohio Liquor Law Enforcement database.

³ OAKS is the state’s central payroll and human resource system.

⁴ According to Google maps distance calculator.

⁵ According to Google maps distance calculator.

⁶ According to Google maps distance calculator.

The OAKS records show that on January 30, 2011, Tatter changed his home address to a residence in Ashland, Ohio. This address was within the 75-mile⁷ radius permissible under the Ohio Investigative Unit residency policy.

On April 6, 2011, the Ohio Inspector General's Office conducted surveillance of Tatter as he travelled to work. At 6:54 a.m., Tatter's assigned state vehicle was parked in the driveway of the Ashland, Ohio, residence. At 7:18 a.m., Tatter arrived at this residence in his personal vehicle and parked it in the driveway; he then exited his personal vehicle and entered the state vehicle. According to radio communication logs, Tatter reported on duty using his radio at 7:23 a.m. According to building swipe card records obtained from the Ohio Investigative Unit, Tatter arrived at the Columbus office at 8:44 a.m., and he reported off duty via radio at 4:36 p.m.

On April 14, 2011, the Office of the Ohio Inspector General obtained the E-ZPass records for the transponder mounted in the state vehicle assigned to Tatter. The E-ZPass transponder is an automatic, electronic toll-collection system that quickly and efficiently moves traffic through the Ohio Turnpike. Several of the Ohio Investigative Unit vehicles assigned to the northern part of the state are equipped with E-ZPass transponders for travel on the Ohio Turnpike. Transponder records show the date, time, and location when a user enters or exits the turnpike. Tatter's transponder records showed numerous entries and exits involving the Toledo and Norwalk interchanges. However, there was only one entry onto the turnpike at the Medina interchange on April 22, 2010, at 7:00 a.m., followed by an exit at 8:32 a.m. at the Toledo interchange. This Medina turnpike interchange is the closest one to Tatter's home.

On April 28, 2011, Ohio Investigative Unit Deputy Director Richard Cologie provided the Ohio Inspector General's Office with documentation of his conversations with Tatter about his compliance with the residency policy. On November 24, 2010, Cologie documented asking Tatter if he had moved within the 75-mile radius limit. Tatter told Cologie he had not yet moved but had received permission from his supervisor, Eric Wolf, to park his state vehicle at the Ohio State Highway Patrol Ashland Post. Tatter told Cologie that he had located an apartment and would be moved by the week of November 29, 2010.

⁷ According to Google maps distance calculator.

On November 26, 2010, Ohio Department of Public Safety Assistant Director George Maier informed Cologie of an investigation into the original allegation that Tatter had violated the residency requirements by misrepresenting his true address and misusing his state vehicle.

(Exhibit 3) On Tuesday, November 30, 2010, Tatter informed Cologie that, "...he was going to move in this Friday." **(Exhibit 4)**

During a May 3, 2011, interview, Tatter admitted that his place of residence was Medina, Ohio. He acknowledged that after his 2006 promotion, he had 180 days to relocate to within a 75-mile radius of the Toledo office. Tatter stated he did not move because he was hoping to get assigned to an office within 75 miles from his Medina home. Tatter admitted that on September 24, 2007, he listed the Norwalk address of another Ohio Investigative Unit agent as his address, which would give the appearance of complying with the residency policy. Tatter admitted he did not live at the Norwalk address, did not pay rent to the other agent, and only used this address for the purpose of parking his state vehicle within the 75-mile radius limit. Tatter stated he would drive his personal vehicle between Norwalk and his home in Medina.

Tatter was asked to explain why turnpike records show him entering the turnpike at the Medina entrance at 7:00 a.m. and exiting at 8:32 a.m. at the Toledo exit on April 22, 2010. He could not remember this incident, but surmised that he may have gone home directly after working in either Cleveland or Akron. He also admitted that there may have been other occasions where he drove the state vehicle to his Medina home, but only when he was working at a location outside the Toledo district.

After his November 7, 2010, transfer to the Columbus administration office, Tatter stated that he was asked by Ohio Investigative Unit Executive Director Glen Taylor and Cologie if he had obtained a residence within the 75-mile radius limit of the Columbus office to comply with the residency policy. Tatter told them he was working on it.

During his interview with the Office of the Ohio Inspector General, Tatter stated that he told Cologie he was moving to an apartment in Ashland and would be moved in by the week of November 29, 2010. Tatter also stated that Ohio Investigative Unit Agent in Charge Greg Croft informed him that if he found a place inside the City of Ashland it would be within the 75-mile

limit. Tatter stated he found an advertisement on Craigslist for the rental of a room at the residence in Ashland. Tatter said he paid \$100 a month, in cash, to the owner of the Ashland house to park his state vehicle or personal vehicle in the driveway. Tatter admitted he did not reside at the Ashland address and did not have a key to the property.

Tatter admitted that he deceived Ohio Investigative Unit management by reporting the Ashland address as his true residence. Again, Tatter hoped a position in the Cleveland office would become available so that he would not have to move.

In a May 4, 2011, interview, Pat Risser, the owner of the Ashland house that Tatter used as his address, stated that he rented the house to a tenant who was having trouble keeping up with the monthly rent. The tenant posted an advertisement on Craigslist in search of a roommate to share expenses. Tatter answered the ad, and Risser stated that his payment of \$100 was credited toward the tenant's monthly rent. Risser stated that Tatter paid him directly in cash.

During this investigation, the security of the state vehicle and its contents became a concern when it was revealed that Tatter lived at neither the Ashland nor the Norwalk address where his state vehicle was parked. A records check was conducted on the tenant who rented the Ashland house where Tatter was parking the state vehicle, which revealed the tenant was convicted of a theft offense on January 12, 2011.

CONCLUSION

The Ohio Investigative Unit had a residency policy requiring all sworn personnel to live within 75 miles of their assigned office during the time of Shawn Tatter's promotion and transfer. Upon his promotion and assignment to the Toledo Enforcement Office, Tatter falsely reported his home address as being in Norwalk, Ohio. He admitted he did not live, stay, or pay rent at that address, but only used the address to appear to be in compliance with the Ohio Investigative Unit residency policy.

After his transfer to Columbus, Tatter again falsely reported his home address, this time as being in Ashland, Ohio. He admitted that he did not live, stay, or have a key to the Ashland house, but that he did pay to park a vehicle in the driveway. Again, he used the address in order to appear

as though he was in compliance with the Ohio Investigative Unit residency policy. Tatter falsified a record kept by the State of Ohio and deceived the management of the Ohio Investigative Unit in order to benefit himself.

Accordingly, we find reasonable cause to believe a wrongful act or omission occurred in these instances.

Within the scope of the investigation, no evidence was found to substantiate allegations concerning the misuse of state resources, including a state vehicle. While there was regular activity on Tatter's E-ZPass transponder on the Toledo and Norwalk interchanges, there was not a daily pattern of activity involving the Medina interchange. Because Tatter allegedly parked his state vehicle at a Norwalk, Ohio, address, the use of the turnpike interchange in Medina would not appear on the E-ZPass transponder.

Accordingly, we find no reasonable cause to believe a wrongful act or omission occurred in this instance.

RECOMMENDATIONS

The Office of the Ohio Inspector General makes the following recommendations and asks that the Ohio Department of Public Safety's Ohio Investigative Unit respond within 60 days with a plan as to how these recommendations will be implemented:

1. The Ohio Department of Public Safety's Ohio Investigative Unit should conduct an administrative investigation into the actions of Assistant Agent in Charge Shawn Tatter to determine any discipline or training needed.
2. The Ohio Department of Public Safety's Ohio Investigative Unit should review the residency policy with employees to assure compliance. It is noted that during this investigation, the Ohio Investigative Unit revised the residency policy.

REFERRALS

This report is being forwarded to the Franklin County Prosecutor's Office and the Columbus City Attorney's Office, Prosecuting Division.

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