

STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF  
INVESTIGATION**



**AGENCY: OHIO DEPARTMENT OF ALCOHOL AND DRUG  
ADDICTION SERVICES  
FILE ID NO.: 2012-CA00060  
DATE OF REPORT: JUNE 4, 2013**

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

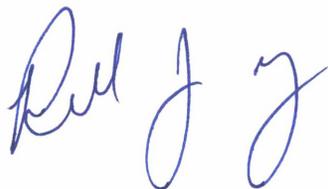
*“Safeguarding integrity in state government”*

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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.

The Office of the Inspector General does not serve as an advocate for either the complainant or the agency involved in a particular case. The role of the Office is to ensure that the process of investigating state agencies is conducted completely, fairly, and impartially. The Inspector General’s Office may or may not find wrongdoing associated with a particular investigation. However, the Office always reserves the right to make administrative recommendations for improving the operation of state government or referring a matter to the appropriate agency for review.

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.



Randall J. Meyer  
Ohio Inspector General



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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2012-CA00060

**SUBJECT NAME:** Charity Martin-Via

**POSITION:** Grants Administrator

**AGENCY:** Ohio Department of Alcohol and Drug Addiction Services

**BASIS FOR INVESTIGATION:** Agency Referral

**ALLEGATIONS:** Theft of Time;  
Failure to Comply with State or Department Rules.

**INITIATED:** May 1, 2012

**DATE OF REPORT:** June 4, 2013

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

On April 19, 2012, Ohio Department of Alcohol and Drug Addiction Services (ODADAS) Chief Legal Counsel James Lapczynski notified the Office of the Ohio Inspector General of suspected illegal activity by an ODADAS employee. Lapczynski explained ODADAS conducted a time and attendance audit on all of the staff in February, and of selected staff in March after the implementation of a new time and attendance policy, effective January 15, 2012. Lapczynski stated the audit raised the question of whether ODADAS Grants Administrator Charity Martin-Via, during the course of a six-week period, had been paid for more hours than she actually worked.

## **BACKGROUND**

The Ohio Department of Alcohol and Drug Addiction Services (ODADAS) is a cabinet-level agency with a director who reports to the governor. The overall mission of ODADAS is to provide a “comprehensive approach to alcohol and other drug and gambling addiction prevention, treatment, and recovery support services.”<sup>1</sup> ODADAS achieves its mission through the coordination of a statewide network of public-funded services designed to assist residents with substance abuse, addiction, and problem gambling issues. To oversee this network, ODADAS employs 109 employees and has an annual budget of approximately \$195 million.

ODADAS employed Charity Martin-Via as a grants administrator, responsible for writing grants, conducting grant research, and supporting management in administering existing grants; particularly, the ODADAS Substance Abuse and Prevention Treatment Block Grant.

On February 5, 2008, the director of the Ohio Department of Administrative Services issued a time and attendance policy requiring all state agencies to accurately maintain records of hours worked by employees. To comply with both the United States Fair Labor Standards Act and state government requirements, the directive required the following timekeeping information to be maintained by each agency:

- Time of day the employee begins and ends work on any given day,
- Hours the employee worked each day, and

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<sup>1</sup> Source: <http://www.odadas.ohio.gov/public/AboutUs.aspx>.

- Total hours the employee worked each week.

The directive also required supervisory review and approval of any timekeeping documentation to verify and support the hours worked.

To comply with the directive, ODADAS revised its Employee Biweekly Work Hours Record policy on February 4, 2011, to require each employee to submit a biweekly Employee Work Hours Record “accurately reflecting his/her daily work hours and leave hours used and/or accrued.” ([Exhibit 1](#))

On December 27, 2011, ODADAS revised the department’s Work Schedules, Meal, and Break Period policy, effective January 15, 2012, ([Exhibit 2](#)) containing provisions requiring employees:

- Not be permitted to begin work prior to or after scheduled standard work hours or during lunch without supervisory approval.
- To be at work sites or “report in locations” ready to start working at their starting time.
- To notify supervisors or a designee in accordance with the agency “call-off” policy in the event of a late arrival for work, illness, or an unplanned or previously unauthorized absence.
- To adopt the training hours as the employee’s work schedule when attendance at training is required.

The policy also required exempt employees to obtain written approval from the ODADAS division chief, human resources chief, and the deputy director before changing an approved flexible schedule.<sup>2</sup>

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<sup>2</sup> A flexible schedule allows an employee to arrive and depart to work, when approved in advance by a supervisor, at varying times over the course of a standard 40-hour work week.

## **INVESTIGATIVE SUMMARY**

On May 17, 2012, the Office of the Ohio Inspector General met with ODADAS Chief Legal Counsel James Lapczynski and Human Capital Management Senior Analyst Lisa Winland to discuss the events leading up to Lapczynski's notice sent on April 19, 2012, to both the Office of the Ohio Inspector General and the Ohio State Highway Patrol, expressing suspicion of improper or illegal activity within ODADAS. Winland explained ODADAS relocated to the sixth floor of the William Green Building at 30 West Spring Street in Columbus, on October 31, 2011.

Shortly after the move, management noticed the arrival and departure times recorded on some employees' paper time sheets did not agree with the time data recorded by the electronic door locks that were activated when an employee entered his/her work area. An employee would activate the electronic door locks by using his/her unique employee identification card when passing through the door to enter the work area.<sup>3</sup> Winland then explained ODADAS audited the accuracy of all employee timesheets for the two-week pay period ending December 17, 2011, against a list of the building employee identification card door lock activation times for all ODADAS employees, and a significant number of discrepancies between actual and documented arrival times were noted.

Based on the audit results, the Work Schedules, Meal and Break Periods policy ([Exhibit 2](#)) was revised on December 27, 2011, requiring employees to complete a Flexible Starting Time/Compressed Work Week Schedule request. The policy became effective January 15, 2012.

Winland stated attendance audits were again completed for the pay periods ending January 28, 2012; February 11, 2012; and February 25, 2012. While a large number of discrepancies continued in the January 28, 2012, pay period, the problem was diminishing by the end of the pay period for February 25, 2012, with the exception of five employees. After a time and attendance audit had been completed for the pay period ending March 10, 2012, for those five employees, similar discrepancies were found again. Winland stated management decided to conduct an administrative investigation for the five employees beginning with Charity Martin-

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<sup>3</sup>An electronic door lock activation for an employee passing into the work area is not recorded if a different person activates the lock and allows others to pass through.

Via, who had the greatest number of questionable work hours. Martin-Via had been compensated for more than 20 hours brought into question as a result of the time and attendance audit.

After conducting a pre-disciplinary hearing conducted on March 19, 2012, Winland had Martin-Via sign, on March 30, 2012, a document requiring her attendance at an April 4, 2012, disciplinary hearing. Martin-Via failed to attend without explanation. The Office of the Ohio Inspector General requested an explanation of certain discrepancies, and in a January 14, 2013, email response, Martin-Via cited work-related duties, and recalled an attempt to call ODADAS Human Resources Officer Stephanie Kamer by phone on April 4, 2012, but said Kamer did not answer. Upon contacting Kamer by phone later in the afternoon, Martin-Via asked to reschedule the hearing, but Kamer said the request was denied and the investigation was “complete.”

Martin-Via’s employment at ODADAS was terminated on May 29, 2012, for failure to comply with ODADAS policies and for timekeeping inaccuracies.

The Office of the Ohio Inspector General obtained copies of Martin-Via’s timesheets, leave forms, email messages, calendars, network login and logout times, phone records, parking garage gate activations, and workplace door lock activations for the period February 1, 2012, through April 30, 2012. A protracted analysis by the Office of the Ohio Inspector General for the 61 work days covering the 12-week period showed significant disagreement between the work start and stop times on the timesheets submitted by Martin-Via and the electronic data compiled. After interviews were conducted with ODADAS management and Martin-Via, between 20 and 44 hours of work time were in question, and documentation confirmed the ODADAS allegation asserting Martin-Via submitted false information on time and attendance documents.

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

On May 17, 2012, ODADAS representatives notified the Office of the Ohio Inspector General of a previous informal complaint alleging Martin-Via was conducting personal business during

days and times when Martin-Via was also working for the state of Ohio. The representatives explained that Martin-Via owned a coffee shop called Urban Spirit Café<sup>4</sup> located on Long Street in Columbus. Winland stated the complaint alleged an employee had overheard Martin-Via on a personal cellular phone discussing invoices for the coffee shop, but that no investigation was completed. Winland stated ODADAS had a policy requiring the employees obtain approval prior to obtaining secondary employment outside of ODADAS in the form of “written permission from the chief legal counsel, the Office of Human Resources, their direct supervisors and other ODADAS leadership. The “Employment Outside of ODADAS” form must be submitted for approval before accepting any offer of outside employment.” ([Exhibit 3](#))

During an interview conducted by the Office of the Ohio Inspector General on September 24, 2012, Martin-Via confirmed owning a coffee shop at the time she was hired by ODADAS and stated that the business was listed on her resume. Martin-Via was not familiar with the Outside Employment policy and had not completed the Employment Outside of ODADAS form. However, Martin-Via signed an acknowledgement on May 3, 2011, ([Exhibit 4](#)) stating that she had received a copy of, and had read and would adhere to, the ODADAS policies and procedures manual. Included in the policies and procedures is Section 33, the Employment Outside of ODADAS policy. ([Exhibit 4](#))

**Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe an omission occurred in this instance.**

## **CONCLUSION**

An analysis by the Office of the Ohio Inspector General showed significant disagreement between the work start and stop times on the timesheets submitted by Martin-Via and the electronic records which provided evidence of Martin-Via’s activity. In consideration of the interviews conducted and independent collection and analysis of time and attendance data, the Office of the Ohio Inspector General finds the allegation made by ODADAS asserting Martin-Via submitted false information on time and attendance documents well-founded.

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<sup>4</sup> The business closed in April 2012.

This investigation also found ODADAS management was deficient in following and adhering to the policies and procedures which govern the agency in managing time and attendance responsibilities, and in absence, were contributing to Charity Martin-Via's wrongful conduct.

### **RECOMMENDATION(S)**

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

1. Revise existing policies to require written supervisory verification and approval of a subordinate's work schedule.
2. Require supervisors to annually confirm an employee's secondary employment status.
3. Require supervisors to verify and approve the accuracy of subordinates' by-weekly time and attendance records, with significant attention to call-off forms, work schedule deviations, and compensatory forms.
4. Add greater formality to the process of an employee's acknowledgment of receipt, and agreement to adhere to, the policies and procedures instituted by the agency, including a similar acknowledgment for any future revisions.
5. Emphasize the importance for supervisory employees to adhere to the policy of completing a required "call-off" form any time a supervisor receives notice that an employee will be late for work or be absent for the work day.
6. Continue to perform periodic time and attendance audits to verify the accuracy of the times the employee recorded on the paper timesheets, and to identify any discrepancies which may require training or disciplinary action.

## **REFERRALS**

The Office of the Ohio Inspector General will forward a copy of this report of investigation to the Ohio Auditor of State as the agency responsible for the audit of the Ohio Department of Alcohol and Drug Addiction Services.

**[\(Click here for Exhibits 1 – 4 combined\)](#)**



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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Alcohol and Drug Addiction Services**

**FILE ID #: 2012-CA00060**

**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**  
**June 4, 2013**

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