

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.: 2013-CA00069  
DATE OF REPORT: JULY 23, 2014**

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

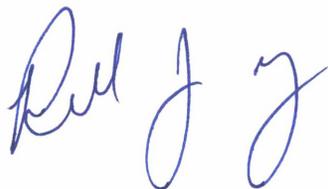
*“Safeguarding integrity in state government”*

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.



Randall J. Meyer  
Ohio Inspector General



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

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RANDALL J. MEYER, INSPECTOR GENERAL

## REPORT OF INVESTIGATION

**FILE ID NUMBER:** 2013-CA00069

**SUBJECT NAME:** Sue Lindsey

**POSITION:** Mental Health Administrator 4;  
Quality Improvement Coordinator;  
Shop Manager for Willow Works.

**AGENCY:** Ohio Department of Developmental Disabilities

**BASIS FOR INVESTIGATION:** Complaint

**ALLEGATIONS:** Abuse of Office and/or Position;  
Criminal Conduct.

**INITIATED:** September 11, 2013

**DATE OF REPORT:** July 23, 2014

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

The Office of the Ohio Inspector General received an anonymous letter alleging that Mount Vernon Developmental Center (MVDC) Supervisor Sue Lindsey had engaged in “unethical actions” in her positions as quality improvement coordinator and manager of the Willow Works workshop.<sup>1</sup> The complaint stated that Lindsey worked as a manager of the workshop, “... shopping for supplies and setting the prices for the products they make among other things ... .” The complaint alleged Lindsey used her personal vehicle to shop for the supplies and that she often parked her personal vehicle at the Willow Works’ loading dock, which is located outside the view of her co-workers and, according to the complainant, gave Lindsey the ability to come and go unobserved. Furthermore, the complaint alleged Lindsey misused her position at Willow Works to set prices low so that she would be able to purchase the items at a reduced price. The complaint alleged Lindsey then marked up the prices and resold the purchased items at a shop located in downtown Mount Vernon called “The Primitive Cellar,” of which she was alleged to be part owner.

## **BACKGROUND**

Mount Vernon Developmental Center (MVDC) is part of the Ohio Department of Developmental Disabilities (ODDD) and is located on the outskirts of the city of Mount Vernon, Ohio. MVDC is situated on 310 acres and provides a living area for residents to participate in a “... variety of habilitative programs, designed specifically to enhance their abilities and daily living skills.”

Willow Works is a retail workshop outlet, located on the property of MVDC that employs MVDC residents with developmental disabilities. The store specializes in the sale of handmade crafts with a “primitive” theme. Willow Works is operated by DP&S Enterprises, Inc., also known as Diversified Products and Services, which is a not-for-profit corporation. DP&S Enterprises, Inc. does not receive or use state funds, and returns all proceeds of its sales back to Willow Works for operational costs, including some payment to the residents who work in the garden and/or at the craft shop.

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<sup>1</sup> Willow Works is the retail outlet for a small workshop employing individuals with developmental disabilities in the Mount Vernon, Ohio area. The workshop offers quality handmade, original home decor items at reasonable prices.

## **INVESTIGATIVE SUMMARY**

At the time when this investigation was opened, the Ohio State Highway Patrol, Office of Investigative Services (OSHP-OIS) also initiated an inquiry focused on the allegation of theft. The Office of the Ohio Inspector General and OSHP-OIS jointly cooperated in conducting interviews and in the review and evaluation of documentation gathered. During the course of the investigation, no evidence was found to substantiate the allegation that a theft of property owned by, or under control of the state, had occurred and the OSHP-OIS closed their portion of the inquiry.

The remaining matter under investigation was the alleged conduct of Sue Lindsey utilizing her position at Willow Works to determine pricing for items to be sold, purchasing those items, and then reselling them in her store at a marked-up price for profit.

On October 1, 2013, ODDD Deputy Director Ginnie Whisman was interviewed by the Office of the Ohio Inspector General and OSHP-OIS. Whisman stated that she is in charge of all developmental centers throughout the state of Ohio, which are living centers for disabled individuals. Whisman said, as part of its federal funding, the Ohio Department of Developmental Disabilities is required to engage its residents in some sort of employment in an effort to make them productive. Whisman stated that some developmental disability centers in the county offer programs which allow the residents to leave the centers to work. Whisman noted that for other centers, like MVDC, not-for-profit corporations are formed within the facility and are operated by county representatives. Whisman stated that at MVDC, Steve Oster is a county employee and is responsible for running the center's not-for-profit corporation, DP&S Enterprises. Whisman said Sue Lindsey, a state employee, runs the day-to-day operations of Willow Works, and that no state monies are used to fund the corporation. Whisman noted that although Willow Works operates on state property, it does not receive state monies. Whisman said Willow Works manufactures or creates items for sale, and the proceeds are returned to Willow Works for operational costs, including some payment to the residents who work in the garden and craft shop. Whisman said products of Willow Works are also marketed in local fairs where other vendors are selling their products. According to Whisman, the managing of Willow Works is not Lindsey's only job responsibility. Whisman noted that Lindsey is very well thought of by her director who has expressed no concerns with her job performance.

On October 3, 2013, the Office of the Ohio Inspector General and OSHP-OIS interviewed MVDC Superintendent Ernie Fischer. Fischer stated that Willow Works provides a working environment for the residents of MVDC and that they receive no monies from the state of Ohio. Fischer stated that Willow Works is overseen by a volunteer board comprised of community members, and is set up as a not-for-profit agency with the proceeds of sales returned to Willow Works. Fischer said that the MVDC staff, who are state employees, supervise the MVDC residents who work at Willow Works. Fischer noted that Lindsey holds three positions at the facility. Fischer stated Lindsey works at Willow Works, handles office and nurse scheduling, and serves as a quality assurance manager. Fischer said that together with Lindsey, MVDC employee Deb Byers handles paying Willow Works' bills, and that Cheryl Villa supervises the floor staff. Fischer stated that he was not certain, but believed both Byers and Lindsey might be responsible for setting prices of items that are sold at Willow Works.

The Office of the Ohio Inspector General received a copy of the "Habilitation Agreement" between MVDC and DP&S Enterprises, Inc. The following, as it relates to this investigation, is a review of that agreement: DP&S Enterprises, Inc. is set up as a not-for-profit corporation that employs residents of MVDC to work in the Willow Works workshop. DP&S is responsible for the selection, supervision, or compensation of any staff member and may employ its own staff to perform duties as it deems appropriate. Per the agreement, DP&S pays the employees a commensurate wage and provides fringe benefits in accordance with their adopted policies. DP&S entrusts to its board of trustees the responsibility for approving its policies for managing the investment of funds that are generated by the business operations associated with the workshop and the donations made to DP&S. DP&S controls all payroll procedures for employees, contracts with customers, advertising, and promotions of general business operations. DP&S Enterprises, Inc. is an independent contractor of MVDC and is not an employee of MVDC. Employees of Willow Works are both employed by DP&S and are residents of MVDC. MVDC is responsible for identifying residents of MVDC to participate in DP&S programs and is responsible for providing, maintaining, and identifying the locations at which habilitation services shall be located. MVDC may provide supplies, which pertain to the vocational programs and to the conduct of the general offices of DP&S. MVDC is responsible for providing adequate and competent professional staff that meets the certification and/or special

licensure requirements of their respective positions to supervise and train the employees of DP&S.

According to Lindsey's job description as a mental health administrator 4, Lindsey is responsible for supervising the delivery of day program services at Willow Works. Lindsey's job description specifies that she acts as a liaison with the county workshop program and oversees and coordinates the assessment and placement of residents into programs such as Habilitation Services and Willow Works. Additionally, the job description states that Lindsey supervises and assigns MVDC staff to the workshop/store; evaluates the effectiveness of service; works with the DP&S board of trustees to analyze data; and develops market strategies to facilitate the development of new products for sale at Willow Works.

On October 9, 2013, the Office of the Ohio Inspector General interviewed Sue Lindsey. Lindsey stated she currently holds the position of mental health administrator 4, serving both as quality improvement coordinator, and shop manager for Willow Works. Lindsey said she had purchased items from the shop, as had other MVDC employees. However, she added, "I am very conscious to make sure I have a witness on the sale." Lindsey stated that she does not own a shop in Mount Vernon, but does rent space from a business called "The Primitive Cellar." Lindsey said the business relationship began in February 2012 with owner Trisha Byers. Lindsey stated that Byers receives 10 percent of the profits on the sale of Lindsey's items. As an example, Lindsey stated, if she purchased something from Willow Works at a cost of \$100, she would sell it for \$150, and the store owner would get 10 percent of what it sold for. Lindsey noted five examples of previous purchases she had made from Willow Works, including one hutch, costing approximately \$100-\$125, and four potting benches costing between \$75 and \$90. Lindsey stated she recalled setting the prices for the potting benches at Willow Works, but believed Deb Byers, a MVDC employee assigned as a staff member to Willow Works, set the price of the hutch, to prevent people from believing, "... something is going on." Lindsey believed she purchased the hutch for a price between \$100 and \$125 and was selling it at "The Primitive Cellar" for \$150. Lindsey stated that she had also purchased various smaller items over the years from Willow Works. For the large items she had purchased, Lindsey said she had them delivered to "The Primitive Cellar" by MVDC staff, as they would for any other customer who

made a similar purchase and requested delivery. Lindsey stated that Willow Works sells their items at “wholesale prices.” She stated that, periodically, she comes down from the administration office and prices the items for sale, adding, “I am, in some fashion, responsible for pricing of all sale items.” Lindsey said that although she has been setting sale prices for the past four years, she does not work full time at Willow Works. Lindsey stated that Cheryl Villa, a state employee, handles the day-to-day operations of Willow Works and does staff evaluations and that Deb Byers, also a state employee, handles the finances. Lindsey added, however, that it is her responsibility to assign duties at Willow Works.

The Office of the Ohio Inspector General interviewed Cheryl Villa who is a residential care supervisor and has been a state employee at MVDC for four years. Villa said that her job duties are to run the workshop and that she reports directly to Deb Byers. Villa stated that Willow Works makes items to sell from materials that are donated to the facility and that the shop is open to the general public. There have been off-site sales and shows at Kenyon College. No items are sold on behalf of individuals. Villa stated that Lindsey, to the best of her recollection, has “always been associated with Willow Works” and overseen its operations. Villa stated that Lindsey is involved in the setting of prices for the items to be sold at Willow Works, stating, “If I have a question of price I will ask her.” Villa stated that she, Deb Byers, and Lindsey are the three people involved in setting prices. Villa said she is often consulted on the setting of prices, but the final authority is with Lindsey. Villa stated that staff can purchase items from Willow Works and are given a 10 percent discount, which has been the policy for as long as she could remember. Villa said she could recall two occasions during which one or more potting benches and one hutch was priced by and purchased by Lindsey. Villa stated that sometimes Lindsey would ask for her input on the pricing of a particular item before Lindsey would price it. During these times, the two would debate and negotiate the price, but eventually they would agree on a price. Villa stated that Lindsey recently purchased five potting benches, with one possibly being a hutch, and all were large items. Villa stated she believed that, over time, Lindsey may have purchased a total of 10 items from Willow Works.

The Office of the Ohio Inspector General interviewed Deb Byers, program administrator 1, who stated that she has been a state employee for nearly 31 years, and the business manager for

Willow Works. Deb Byers, who is not related to Trisha Byers (owner of “The Primitive Cellar”), stated that materials are donated to Willow Works to be made into items that are later sold in the shop. Byers stated that Lindsey sets the price on 90 percent of the items sold from Willow Works and the remaining 10 percent are priced based on similar items that have been sold previously which were priced by Lindsey. So in effect, Byers stated, Lindsey sets the pricing on all items. Byers stated that the MVDC staff receives a 10-percent discount on purchases at Willow Works and free delivery is provided to all customers who live within a 20-mile radius. Byers stated that she is aware of Lindsey reselling items she purchases from Willow Works at her store and at craft shows. Byers said that she became aware of this through other MVDC staff members. Byers stated that Lindsey is not assigned to Willow Works full time, but will often come down from her main job in the administration office to offer advice. Byers also provided investigators with records of sale from January 2012 to October 2013. The records indicate dates of sale, items sold, and amounts of sale, but did not list names of individuals who purchased the items. When the buyer is an employee of MVDC, the records list only “employee discount.” Byers cannot positively identify who purchased what specific merchandise.

On October 22, 2013, a subpoena was served on “The Primitive Cellar” for the business records relating to the store’s relationship with Lindsey. On December 9, 2013, “The Primitive Cellar,” in response to the subpoena, provided a statement with limited documentation. Trisha Byers, owner and operator, wrote that she does not keep inventory on vendors’ items sold or to be sold in her store. She stated that as a small business, things, “... change from day to day. There is no way of keeping any accurate count on any item. Things move in and out very quickly.” Trisha Byers stated that the agreement between her and Lindsey consists of Lindsey paying rent as a vendor to Byers, and Byers receiving 10 percent of Lindsey’s sales once a month.

## **CONCLUSION**

Willow Works is a retail store administered by a not-for-profit corporation set up to provide a working environment for the residents housed at MVDC. The operation is staffed by MVDC employees to supervise the residents who are the employees of Willow Works. Two allegations of wrongdoing were investigated. The first allegation was theft of Willow Works crafts, which was quickly dismissed by the investigative activity of both the Ohio State Highway Patrol and

the Office of the Ohio Inspector General. From interviews conducted with MVDC/Willow Works staff who had direct familiarity of the inventoried items and knowledge of whether any of the items were missing, no evidence was found to corroborate the allegation, which was determined to be unfounded.

**Accordingly, the Office of the Ohio Inspector General does not find reasonable cause to believe wrongful acts or omissions occurred in these instances.**

The second allegation regarding Sue Lindsey using her position to gain something of value is founded. As part of her job duties with MVDC, Lindsey acted in several capacities as a state employee in the oversight of Willow Works and as a liaison with DP&S Enterprises, Inc., the retailer's non-profit owner. Considerable responsibilities were given to her to make decisions and to evaluate staff who supervised employees working for Willow Works. Therefore, the highest degree of concern should have been exercised by Lindsey in the day-to-day operations of Willow Works, and precautions taken to not engage in matters that may conflict with her assigned roles. Lindsey, in her many roles at MVDC, was also in charge of setting pricing for craft items made and sold at Willow Works. This information was substantiated by her statements made during interviews and the statements from other staff members with whom she has direct involvement and/or control in the pricing of craft items sold at Willow Works. Lindsey also admitted, which was corroborated by subordinate employees, that once she has set these sales prices, mostly at wholesale, there were times where she would subsequently purchase these exact items, mark them up for profit, and resell them at a local craft store for which she has entered into a private business relationship.

**Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.**

### **RECOMMENDATION(S)**

The Office of the Ohio Inspector General makes the following recommendations and asks the director of 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. Inform state employees that they are prohibited from conducting private business, (i.e., personal shopping) while on state time.
2. Instruct employees who participate in the process of assigning prices for items sold from Willow Works that they are prohibited from purchasing from Willow Works.

**REFERRAL(S)**

This report of investigation will be provided to the Ohio Ethics Commission for consideration.



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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Developmental Disabilities**

**FILE ID #: 2013-CA00069**

**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**  
**July 23, 2014**

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