

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF NATURAL RESOURCES
FILE ID NO.: 2014-CA00072
DATE OF REPORT: SEPTEMBER 23, 2015

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

“Safeguarding integrity in state government”

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Randall J. Meyer
Ohio Inspector General



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REPORT OF INVESTIGATION

FILE ID NUMBER: 2014-CA00072

SUBJECT NAME: Mark Penn

POSITION: Natural Resources Worker

AGENCY: Ohio Department of Natural Resources,
Division of Parks

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Theft

INITIATED: November 18, 2014

DATE OF REPORT: September 23, 2015

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On November 6, 2014, the Ohio Ethics Commission received an anonymous complaint alleging Ohio Department of Natural Resources' employee Mark Penn did not pay for a campsite used by Penn during the 2014 camping season at Stonelick State Park. The Ohio Ethics Commission forwarded the complaint to the Office of the Ohio Inspector General on November 10, 2015.

The Ohio Ethics Commission stated in their cover letter:

... [t]he allegation does not appear to fall within the investigative authority of the Ethics Commission. However, because it might fall under the authority of your office (Office of the Ohio Inspector General), I am forwarding this information for whatever action, if any, you deem appropriate.

On November 18, 2014, the Office of the Ohio Inspector General initiated a preliminary inquiry to obtain additional information and later, on December 1, 2014, opened an investigation of the complaint.

BACKGROUND

Ohio Department of Natural Resources

The Ohio Department of Natural Resources (ODNR) is responsible for the state's wildlife, forests, natural areas, state parks, geological and mineral resources, inland lakes and waterways, regulation of the issuance of hunting and fishing licenses, watercraft registrations, the Lake Erie coastline, and enforces state law in regard to natural resources and conservation. ODNR is also responsible for more than 714,000 acres of land, including 75 state parks, 21 state forests, 135 state nature preserves, and 140 designated wildlife areas. In addition, ODNR oversees 120,000 acres of inland waters, 7,000 miles of streams, 481 miles of the Ohio River, and 2.25 million acres of Lake Erie. ODNR has 10 operating divisions to carry out these functions, as well as a central administrative office that oversees day-to-day operations. The director of ODNR is appointed by the

governor and confirmed by the Ohio Senate. Funding for ODNR is provided through general revenue funds, federal funds, and licenses and fees for those they regulate.¹

The Division of Parks was created as a division of ODNR in 1949 with the statutory obligation to create, supervise, operate, and maintain a system of state parks and to promote their use by the public. Through land acquisition and transfer, the park system has grown from the original 30 parks to 74 state parks in 59 counties with over 174,000 acres of land and water resources. Facilities include nine resort lodges, two dining lodges, six golf courses, more than 9,000 campsites in 56 family campgrounds, more than 500 cottages, 36 visitor/nature centers, 80 swimming beaches and 18 swimming pools, almost 200 boat ramps and over 7,500 boat docks, more than 460 picnic areas, and over 1,100 miles of trails.

ODNR employee Mark Penn was assigned as a natural resources worker at the Stonelick State Park in southwestern Ohio. The park encompasses 1,058 acres in Clermont County. There are 115 campsites within the park, offering various amenities which are reflected in the daily rental fees for the individual sites.

INVESTIGATIVE SUMMARY

In furtherance of the investigation, the Office of the Ohio Inspector General requested ODNR campsite reservation records for Stonelick State Park and payment records and receipts showing Mark Penn as the payee. ([Exhibit 1](#)) Investigators also conducted interviews with the Stonelick State Park manager, an employee at Stonelick State Park, and Penn.

On December 1, 2014, in response to their inquiries, investigators received an email from Ohio Department of Natural Resources Administrator Patrick Brown. Attached to the email were campsite reservation records and payment receipts showing Mark Penn as the

¹ Source: ODNR Annual Report.

payee. Brown noted in his email the reservations and receipts had been entered into the system using an operator identification number assigned to Penn. Brown also noted the receipts showed an \$11.50 discount being applied to each of the daily rental fees shown on the receipts. Brown identified this as a Golden Buckeye discount.

During a review by the Office of the Ohio Inspector General of the reservation records and payment receipts, investigators noted there were a total of eight receipts where Penn was the payee. The eight receipts showed Penn making payments for 36 days at Stonelick State Park for either campsite 16 or auxiliary campsites 1 or 2. The receipts also indicated that a 50-percent discount had been applied to each of the 36 days, and that all 36 days were reserved from Sunday through Thursday. The only 50-percent discount that would have been valid for all of the days specified on the receipts was the Golden Buckeye discount. Weekend daily rates (Fridays and Saturdays) are only discounted at 10 percent for Golden Buckeye Card holders.²

Golden Buckeye Program and Card

The Golden Buckeye Program³ is offered through the Ohio Department of Aging. A Golden Buckeye Card is automatically provided to Ohio citizens when they reach the age of 60 and entitles the holder to a variety of discounts from participating retailers and service providers. It is possible for Ohio citizens 18 years of age or older to receive a card prior to the age of 60 if that person has some degree of disability and has applied for the card.

To determine if Penn had a Golden Buckeye Card issued to him, investigators contacted Brianne Brown, the chief legal counsel at the Ohio Department of Aging. Brown was provided with Penn's personal information, including his date of birth that showed him to be 54-years-old. On December 4, 2014, investigators received a response email from

² Source: <http://parks.ohiodnr.gov/discounts>

³ Source: <http://www.aging.ohio.gov/goldenbuckeye/>

Brown saying she had been in contact with Envision, the vendor who administers the issuing of Golden Buckeye Program cards. She said in the email; “Per Envision, Mr. Penn is not in the Golden Buckeye system/not a card holder; they have no application on file for him.”

On January 27, 2015, the Office of the Ohio Inspector General interviewed ODNR Park Manager D. Chadwick Smith. Smith has served as the park manager for both East Fork and Stonelick state parks since November 2013. During the interview, Smith provided additional background information on Penn and stated that Penn had initially begun his employment with ODNR as a natural resources specialist (NRS) at Stonelick State Park. Smith said Penn, as an NRS, was a seasonal employee at the park who was hired for the duration of the camping season. As a seasonal employee, Penn would have been required to reapply for the NRS position every year.

Smith said in April 2014, ODNR posted a position for a natural resources worker (NRW) at Stonelick State Park. NRW positions are considered intermittent positions, and as such, there is no need for an employee to reapply for the same position the year following their hire. Smith said Penn applied for and was subsequently hired as a NRW at Stonelick State Park in April 2014.

In both his NRS and NRW positions, Penn was assigned to work in the campground at Stonelick State Park. His responsibilities included maintaining the inventory at the campground store, working as needed around the campgrounds, and handling walk-in campers who did not have reservations through the ODNR online reservation system. In the latter case, Penn would be responsible for handling these transactions at the campground store. Certain campsites were set aside for this purpose and could not be reserved through the online system. Campsite 16, where Penn stayed during the season, was one of these campsites.

During his interview, Smith said when he first started working as the park manager for the two parks, he had been told by other people that Penn was a good worker and a former law enforcement officer. Smith said that, over time, he found Penn to be a good worker and that he trusted Penn. Smith noted he thought it was good to have a former law enforcement officer working in the park.

Smith was questioned by investigators about whether or not Penn had stayed in the Stonelick State Park campground during the camping season. Smith said he believed Penn did and recalled seeing Penn and his camper at campsite 16 on several occasions throughout the season. Smith commented he saw a sign posted outside of the camper that said “The Penn’s.” When asked whether or not Penn had paid for the days he stayed, Smith said he assumed Penn was paying for the campsite and recalled conversations with Penn who had stated that he paid his camping fees with the salary he earned working as an NRW. Smith acknowledged he did not check to ensure the payments were being made, but said he had no reason to believe Penn had not paid for the days he stayed in the campground. Smith said he never saw any of the billing statements until after the fact, when a sales report was requested by Chris George, a program administrator for the Division of Parks within ODNR. The report Smith was referring to was compiled in response to a request made by investigators with the Office of the Ohio Inspector General.

On March 12, 2015, investigators interviewed NRW Regina Pritchard. Pritchard was assigned to the Stonelick State Park campground and was a co-worker of Penn. Pritchard was asked if she knew of anyone who stayed for free at any campsites in the campground during the 2014 camping season. Pritchard said she knew of three camp hosts (volunteers)⁴ who stayed free-of-charge during the season, but all others staying at the

⁴ Camp hosts are volunteers who provide 20 hours of service per week in the state parks during peak seasons. For their service, camp hosts are permitted to camp at designated campsites in the parks for free while volunteering their time. Additional information for the camp host program can be found at: <http://parks.ohiodnr.gov/volunteer>

campground would be required to pay. Pritchard was then asked specifically if Penn had stayed in the campground during the season. Pritchard said she observed Penn's camper in the campground during most of the season, but wasn't sure if he paid for all of the days he stayed in the campground. Pritchard recalled Penn making sporadic payments and would always process the transactions himself rather than ask someone else to complete them for him. Pritchard recalled one instance where she questioned Penn about paying his camping fees for the week and he replied he would take care of it. Pritchard also told investigators she believed Penn was using his wife's Golden Buckeye Card discount when paying the camping fees.

On March 31, 2015, investigators contacted Penn by phone to arrange an interview. During the call, Penn was told the purpose of the investigation and agreed to be interviewed on April 9, 2015. On April 6, 2015, investigators learned from a telephone call and email from Park Manager Smith that Penn approached him (Smith) on April 1, 2015, at the East Fork State Park office and resigned his position with ODNR. Smith said Penn was cordial and stated he (Penn) intended to fully cooperate with the investigation.

On April 9, 2015, investigators interviewed Mark Penn at the East Fork State Park administrative office. During the interview, Penn admitted to not paying the camping fees for all of the days he stayed in the Stonelick campground. He claimed this was an oversight on his part or that he simply forgot to make the payments. Penn also admitted he did not possess a Golden Buckeye Card issued in his name and used his aunt's card to receive the 50-percent discount on the camping fees he paid. Penn said he had been told by others it was permissible for him to use his aunt's card since it was his intent for her to stay in the campground with him and his wife during the season. When asked how many days his aunt visited with him at the campground, Penn said his aunt had only visited the campground two or three times during the season, but did not stay due to her health. Investigators asked Penn when it was that he first moved his camping trailer into the

campground and when he departed in 2014. Penn said he believed he moved into the campground at campsite 16 sometime around the beginning of June and departed around the end of September.

Penn's claim specifying the time period he was camping in the park is supported by the Stonelick State Park reservation records obtained by the Office of the Ohio Inspector General. The records showed another person staying at campsite 16 just prior to June 1, 2014, and a different person staying at campsite 16 after October 1, 2014. The exact dates Penn was staying at campsite 16 could not be determined from the reservation records.

Several times during and after the interview, Penn said he was willing to pay for the amount he owed. He again stated this was a case where he had simply forgotten to make the payments during the camping season. Penn was told by investigators the payment issue was between him and ODNR and the Office of the Ohio Inspector General would not provide any guidance on what action he should take. Investigators were later informed by Park Manager Smith that after the interview with Penn concluded, and the investigators departed, Penn attempted to make a payment at the East Fork park office but was referred to the ODNR central office for guidance.

On April 20, 2015, during a telephone conversation with ODNR Administrator Brown, investigators learned Penn had sent a cover letter and cashier's check to ODNR to cover the camping fees he failed to pay during the 2014 camping season at Stonelick State Park. [\(Exhibit 2\)](#) In the cover letter, Penn stated: "My name is Mark Penn former NRW for East Fork Region. Enclosed is payment for 2014 camping season where I camped at Stonelick State Park." Penn then listed the amount he owed to make whole the days where he improperly took a 50-percent discount, and for 92 days for which he made no payment. The total amount of the enclosed cashier's check was \$2,472.50. In the letter,

Penn also asked that upon receipt of the check, ODNR notify Park Manager Smith and the Office of the Ohio Inspector General.

CONCLUSION

On November 6, 2014, the Ohio Ethics Commission received an anonymous complaint alleging Ohio Department of Natural Resources employee Mark Penn had stayed in the Stonelick State Park campground throughout the 2014 camping season without paying daily camping fees, and the Ethics Commission referred the complaint to the Office of the Ohio Inspector General for investigation.

Investigators determined from a review of ODNR-provided reservation records and payment receipts that Penn paid for 36 days of camping and received a 50-percent discount on each day he paid. This discount was found to be a Golden Buckeye Program discount; however, Penn did not meet the requirements to receive the discount. It was also determined that Penn had processed his own payments and given himself the discount. Through interviews with park personnel, investigators were able to determine Penn had stayed in the campground for many more days than those for which he paid.

When interviewed by investigators, Penn did not deny the allegations but stated he simply forgot to make the payments for a majority of the days he stayed in the campground. Penn also told investigators he had used his aunt's Golden Buckeye Card to receive the discount and it was his belief his actions were permissible since he had planned for his aunt to visit the campground throughout the season. During this investigation, Penn contacted ODNR and arranged to make a payment to compensate for the discount he should not have received and to pay for the days he stayed in the campground for free. Regardless of his reasons for not paying and the fact he has since paid, at the time he stayed at Stonelick State Park campground, Penn did not pay for the use of the campsite and gave himself a discount he was not qualified to receive.

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

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Department of Natural Resources to respond within 60 days with a plan detailing how these recommendations will be implemented:

- 1) Develop and implement a policy prohibiting any ODNR employee who rents a campsite as a walk-in camper from entering reservations, accepting payments, and recording transactions in the campground store's computer system, using their ODNR User Id. These transactions should be processed by another ODNR campground employee or supervisor.

- 2) Implement a policy requiring periodic supervisory reviews of the sales history to identify employees renting campsites. For any employee identified, the supervisor should verify the employee did not process their own reservation at the campground store and that the required amount for the reserved campsite had been received.

REFERRAL(S)

The Office of the Ohio Inspector General will provide this report of investigation to the Clermont County Prosecuting Attorney and the Ohio Ethics Commission for consideration.



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OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Natural Resources

FILE ID #: 2014-CA00072

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
September 23, 2015

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