

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF
INVESTIGATION**



PRELIMINARY INQUIRY

**AGENCY: OHIO DEPARTMENT OF TRANSPORTATION
FILE ID NO.: 2016-CA00046
DATE OF REPORT: MAY 4, 2017**

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.

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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FILE ID NUMBER: 2016-CA00046

SUBJECT NAME: Deidra Noel

POSITION: Transportation Manager, Hancock County

AGENCY: Ohio Department of Transportation

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Impropriety Involving Bid Process

INITIATED: November 1, 2016

DATE OF REPORT: May 4, 2017

INITIAL ALLEGATION AND COMPLAINT SUMMARY

The Office of the Ohio Inspector General received an Ohio Department of Transportation (ODOT) Office of Investigative Services (OIS) Incident Report (complaint) dated November 11, 2016, alleging inappropriate conduct by Hancock County Ohio Department of Transportation Manager Deidra Noel. The complaint alleged improper influence by Noel involving an ODOT tree trimming contract in Hancock County.

The complaint stated that on September 23, 2016, an employee of the ODOT District 1 office was approached by Rod Ashcraft, owner of Ashcraft Tree Service, who told the employee that he (Ashcraft) was having difficulty preparing and submitting an Allen County tree trimming bid to ODOT. Ashcraft allegedly requested assistance from the employee in submitting his Allen County bid, noting that he was not computer savvy and was concerned he would miss the bidding deadline without the employee's help. The ODOT District 1 employee declined Ashcraft's request for help, citing a possible ethical issue in assisting a vendor with an ODOT bid submission.¹ According to the complaint, Ashcraft responded that for a recent ODOT project in Hancock County, another ODOT employee had helped him and submitted a bid on Ashcraft's behalf. Following this conversation, the ODOT District 1 employee looked up and reviewed the bid² that Ashcraft had referred to and discovered that Noel was the ODOT employee who had assisted Ashcraft with the bid. Based upon the information provided by the complainant, the Office of the Ohio Inspector General initiated a preliminary investigation into the matter

BACKGROUND

The Ohio Department of Transportation (ODOT) is responsible for maintaining the state's system of highways, as well as overseeing the state's rail, aviation and public transportation systems. The department has 12 districts along with a central office located in Columbus, Ohio. The director is appointed by the governor and confirmed by the Ohio Senate. The majority of ODOT's funding comes from federal sources, state taxes on motor fuels, and bond revenue.³

¹ ODOT has no policy directly prohibiting help with technical issues that a vendor is having in the submission of an ODOT bid. However, avoiding an appearance of impropriety would cover similar conduct.

² RFQ294-17-01, Hancock County.

³ Source: Biennial budget documents.

RELEVANT ODOT POLICY

There is no ODOT policy that directly addresses whether or not an ODOT employee is permitted to provide assistance such as described in the complaint. However, ODOT Policy No.:15-009(P) instructs ODOT employees to "... perform their daily activities in a professional and responsible manner to maintain the public trust. Employees must avoid any 'appearance or perception of impropriety'."⁴

INVESTIGATIVE SUMMARY

On January 13, 2017, ODOT District 1 Financial Analyst Supervisor Carol Razo was interviewed by investigators. Razo was the ODOT District 1 employee originally approached by Ashcraft on September 23, 2016. According to Razo, Ashcraft asked her to enter his bid for an Allen County project into the ODOT electronic bid system (eQuote), telling her that he was not computer savvy and the deadline was approaching. Razo refused the request and told Ashcraft it was not proper for an ODOT employee to enter a bid for a vendor. During their conversation, Ashcraft told Razo that on a recent project in Hancock County, an ODOT employee had submitted a bid on his behalf using the vendor's (Ashcraft) cell phone. Razo told investigators that she later looked up the Hancock County bid and discovered that Ashcraft Tree Service was awarded the project. Razo researched the bid further and determined that the request for quote (RFQ) was titled RFQ270-17-01 and the unnamed ODOT employee Ashcraft mentioned assisting him was Deidra Noel, the Hancock County manager.

On January 18, 2017, the Office of the Ohio Inspector General interviewed Deidra Noel at the ODOT District 1 offices. Noel told investigators she has worked for ODOT for 11 years, beginning as a highway technician 1. Noel said she currently holds the position of transportation administrator (Hancock County manager) and has been in the position for approximately one year, managing 30 ODOT employees.

Investigators asked Noel if she remembered a bid made by Ashcraft Tree Service in September 2016. Noel explained that she recalled being approached by Rod Ashcraft, the owner of Ashcraft Tree Service regarding some difficulty he was having submitting a bid using the ODOT

⁴ Policy No.:15-009(P), effective date 6/1/09.

eQuote system on his smart phone. Noel said Ashcraft asked for her help with the use of the eQuote system. Noel stated she reviewed the information on his phone screen and informed him that he needed to complete every field of required information. Noel denied to investigators doing anything more for Ashcraft other than pointing out what was missing on his phone screen she was viewing at the time. Noel noted she believed she was providing good customer service and denied doing anything that contributed to Ashcraft Tree Service being awarded the bid.

Investigators asked Noel whether, after helping Ashcraft, she would have been aware of the amounts of Ashcraft's or other vendors' bids submitted for the RFQ in question, or whether she could determine the identity of the other bidders on the project. Noel stated she was not involved in the ODOT bidding process. Noel explained that she is unaware of the vendors and the dollar amounts of submitted bids, because all bids are sealed from everyone except for a bid review team at the ODOT central office. Noel stressed to investigators that she also remains unaware of who has won the bid until the central office unseals the submitted bids after awarding the contract to the winning vendor.

Noel was asked by investigators if she had any type of relationship other than professional with Ashcraft or his business, Ashcraft Tree Service. She stated that the only interaction she has had with Ashcraft Tree Service has been professional. Noel added that to the best of her knowledge, she is not aware of any relationship between her staff and Ashcraft Tree Service other than on a professional level.

On January 25, 2017, the Office of the Ohio Inspector General interviewed Rod Ashcraft. Ashcraft told investigators that he remembered the ODOT bid and contract in question. Ashcraft explained he has worked as a contractor with ODOT for many years and, until recently, has had no issues submitting bids. However, because of a recent change in the ODOT bid process to an online application, Ashcraft said he has had issues with submitting his bids. Ashcraft told investigators that he did not own a computer and although he uses a smart phone daily, he considered himself a "dinosaur" when it came to technology. Ashcraft told investigators that he was having difficulties submitting his bid; specifically, Hancock County bid, RFQ294-17-01. Ashcraft said he had asked Noel if she would assist him. Ashcraft stated that Noel explained to

him what he was doing incorrectly, and sometime later, he fixed the issue and submitted the bid. Ashcraft stated he never asked Noel for anything else and noted he did not ask Noel for the amounts of the other submitted bids, or the identities of the other bidders to gain an advantage. Ashcraft stated he only needed an explanation as to what he was doing wrong so the eQuote system would accept his bid, and denied having any relationship with anyone from the ODOT Hancock County garage. Ashcraft said he believed that he did nothing wrong, nor did Noel.

CONCLUSION

The Office of the Ohio Inspector General received an Ohio Department of Transportation (ODOT) Office of Investigative Services (OIS) Incident Report (complaint) alleging inappropriate conduct by Hancock County ODOT Transportation Manager Deidra Noel. The complaint alleged improper influence by Noel involving an ODOT tree trimming contract in Hancock County. Specifically, Noel was asked for assistance by Rod Ashcraft because he was having difficulties navigating the ODOT electronic bid system, eQuote. Investigators determined Noel provided advice to Ashcraft as to what he needed to complete in eQuote so that his bid would be accepted by the electronic system. Noel, at the time of the assistance, was not aware of any information related to other submitted bids for the ODOT project because those bids were sealed. Additionally, Noel told investigators that she did not know any information about the Ashcraft Tree Service bid. Noel stated she had only informed Ashcraft that he needed to complete all the informational fields in eQuote in order for his bid to be accepted for submission. Noel noted to investigators that she was trying to provide good customer assistance to an eQuote user who was not able to successfully submit a bid.

Investigators determined Noel did not provide any improper support or advantage to Ashcraft Tree Service. No further action is necessary, and the Office of the Ohio Inspector General is closing this matter.

Accordingly, the Office of the Ohio Inspector General finds no 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 recommendation to the director of the Ohio Department of Transportation:

1. In accordance with ODOT Policy No.:15-009(P), the Ohio Department of Transportation should reeducate employees to conduct themselves in a manner to "... avoid any appearance or perception of impropriety." ODOT employees who have questions regarding eQuote from ODOT bidders should refer these questions to a supervisor for review prior to offering assistance.

REFERRAL(S)

The Office of the Ohio Inspector General has determined that no referrals are warranted for this report of investigation.



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NAME OF REPORT: Ohio Department of Transportation

FILE ID #: 2016-CA00046

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
May 4, 2017

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