



## INSPECTOR GENERAL REPORT

2010-06-0143

March 17, 2011

### LAKE COUNTY INDOT MISUSE OF GASOLINE

*Inspector General David O. Thomas and Staff Attorney Kristi Shute, after an investigation by Director of Investigations and Special Agent Darrell Boehmer, report as follows:*

This case involves the misuse of gasoline by a state employee with the Indiana Department of Transportation (INDOT). This case was reported to the Office of the Inspector General (OIG) by INDOT, which also assisted with and cooperated in the investigation.

The OIG is charged by the Indiana Legislature to address allegations of fraud and wrongdoing in state agencies. IC 4-2-7-3(2). Within this jurisdiction is the specific authority to receive, investigate and file complaints with the State Ethics Commission (SEC) regarding Code of Ethics violations. IC 4-2-7-3(3). This case involved the allegation that Respondent was inappropriately using state property, in this case gasoline, which triggers the Use of State Property Rule in 42 IAC 1-5-12.

OIG Director of Investigations Darrell Boehmer found that Respondent was hired by INDOT on November 20, 2006. In his capacity as Team Leader/Highway Technician, Respondent was assigned to Unit 3 of the Gary Sub-district, located at 7306 West 15<sup>th</sup> Avenue, Gary, Lake County, Indiana. Respondent typically worked Monday through Friday, from 7:00 a.m. to 3:00 p.m. His duties included operating INDOT vehicles. However, Respondent was not issued an INDOT take-home vehicle and was not authorized to use any INDOT vehicle when not on duty. INDOT personnel confirmed that there would be no reason for Respondent to purchase fuel outside of working hours.

This investigation began when INDOT personnel noticed discrepancies regarding the use of a fuel credit card. While investigating the initial discrepancies, Special Agent Boehmer discovered that Respondent made fuel purchases when he was not on duty. He compared purchases made on the credit card assigned to Respondent with Respondent's work assignment records, which were maintained by INDOT. Special Agent Boehmer determined that Respondent purchased 199.57 gallons of fuel, at a cost of \$423.58, when he was not on duty. All suspect purchases except one were made at a Speedway Store located at 1901 North Cline Avenue, Griffith, Indiana. The other purchase was made at a Speedway Store located at 4705 Calumet Avenue, Hammond, Indiana. Both Speedway Stores are in Lake County. Respondent turned in receipts for his authorized purchases, but no receipts were turned in for these purchases.

In order to allow Respondent to explain these unusual gasoline purchases, Special Agent Boehmer interviewed Respondent. Upon introduction, Special

Agent Boehmer asked Respondent for his INDOT gasoline credit card, which he had in his possession. Respondent was asked if he could explain why fuel purchases were made with his card during non-working hours. Initially Respondent denied improper use of the card, but, at the end of the interview, admitted using the credit card for unauthorized personal use. Respondent stated that his reason for inappropriately using the card was due to personal financial difficulties. He also admitted that he knew his conduct was wrong and that he should not have used the credit card for personal use.

The results of the investigation were presented to the SEC with the filing of an ethics complaint on December 1, 2010, alleging a violation of 42 IAC 1-5-12, Use of State Property.

A public hearing on the complaint was held on March 10, 2011. Respondent, although notified, did not appear, and evidence was presented on the complaint. A Recommended Report of the SEC was issued later that same date, finding that the complaint had been proved. The Respondent was fined \$1,270.74 and barred from future state employment. This recommended report will be reviewed for finality at the next SEC meeting.

Dated this 17<sup>th</sup> day of March, 2011.



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David O. Thomas, Inspector General