



INSPECTOR GENERAL REPORT

2011-12-0323

December 17, 2012

INDOT FUEL THEFT

Inspector General Staff Attorney Kristi Shute, after an investigation by Special Agent Mike Mischler, reports as follows:

On December 9, 2011, the Office of the Inspector General received information stating that a former Indiana Department of Transportation (“INDOT”) employee was suspected of committing acts of theft. Specifically, it was alleged that the employee used his state issued fuel credit card to make unauthorized fuel purchases.

During the investigation, Special Agent Mischler learned that, as a Highway Technician, the former employee drove INDOT vehicles to perform roadway maintenance and snow and debris removal. To complete his INDOT duties, the former employee was issued a Wright Express (“WEX”) fuel credit card to purchase fuel for INDOT vehicles.

On December 29, 2010, the former employee signed the INDOT Fuel Program Acknowledgement for the Receipt of Wright Express Fuel Card and Proper Usage form which outlines the policies for using the fuel credit card. Paragraph 2 of this policy states that “Any use of the Fuel Card for purposes other

than official INDOT business constitutes ‘Theft’...” Around November 2011, INDOT changed its fuel credit card system which necessitated issuing the former employee a new WEX fuel credit card. On November 28, 2011, the former employee again signed a Fuel Card Agreement form which stated that “Any use of the ‘Fuel Card’ for purposes other than official INDOT business constitutes ‘Theft’...”

While researching why INDOT’S Greenfield District was experiencing a higher than normal volume of unleaded gasoline usage, an INDOT Finance Manager discovered that the former employee made several purchases on weekends and when off-duty. During his investigation, Special Agent Mischler confirmed that the former employee made fuel purchases on days off, vacation days, holidays, sick days and days he worked but during non-duty hours. Special Agent Mischler also confirmed that the former employee was not called into work during any time that the suspected purchases were made. The former employee did not have a take-home vehicle and was not authorized to operate any INDOT vehicle when he was not working. The former employee turned in receipts for his authorized purchases, but no receipts were turned in for these suspect purchases. The former employee made valid purchases in conjunction with the suspect purchases which demonstrated that the former employee remained in possession of his WEX fuel credit card throughout the time period the unauthorized purchases were made.

In addition, Special Agent Mischler interviewed the former employee’s supervisor. He explained that the INDOT facility where the former employee

worked typically purchased diesel fuel and very few gallons of unleaded gasoline. The facility has only two 5 gallon unleaded gas cans and two 2.5 gallon unleaded gas cans for lawn mowers and weed eaters. The only vehicle at the facility that required unleaded gasoline was the supervisor's INDOT pickup truck which the former employee did not have access to. All other facility vehicles used diesel fuel. He noted that the former employee's unleaded gasoline purchases should have been nominal and should have been made during the summer when the lawn equipment was used. All of the suspect purchases were for unleaded gasoline. One very significant purchase was made on Saturday, December 3, 2011. During that transaction the former employee purchased 122 gallons of unleaded gasoline.

When Special Agent Mischler interviewed the former employee regarding the questionable fuel purchases he advised that he was currently employed as a truck driver. He advised that he parked his truck at Lyon's Truck & Trailer Sales. Regarding his current living arrangement, the former employee explained that he lived with his girlfriend at a residence they shared together. The former employee and his girlfriend had been living together on and off for the past three years. On several occasions, when the former employee moved out of the shared residence, he lived with a friend. The friend had two other male friends living in the residence during the time the former employee was there. During the interview, the former employee referred to his friend by completely different first names indicating that he was unable to give a consistent account of events.

The former employee stated that he did not buy unleaded gasoline for his personal vehicle or for any other vehicle. He also stated that he did not let

another person use his WEX fuel credit card and did not lose the card at any time. He explained that INDOT issued him a bag that contained ear plugs, safety glasses, a reflective vest and other items each maintenance employee is required to have when they report to duty. He stated that he kept his bag, which always contained his WEX fuel credit card, in his personal vehicle at all times since he was on-call and that he never locked his vehicle.

When confronted with the questionable unleaded gasoline purchases, the former employee stated that he did not do it and that he suspected an acquaintance took his card and made the purchases. The former employee stated that the acquaintance was one of the other male occupants staying at the friend's residence. Special Agent Mischler brought to his attention that several purchases were made when he and his girlfriend were living together and he was not staying at the friend's residence. The former employee stated that the acquaintance must have come to the residence he shared with his girlfriend, got the card out of his vehicle and after using it, returned it to the INDOT bag where he kept his equipment. The former employee again noted that he always left his WEX fuel credit card in his INDOT bag which was left in his unlocked vehicle. The former employee also explained that he kept a list of INDOT vehicle numbers with his WEX fuel credit card so it would be easy for someone to take the card and the list and use the card in the proper manner to complete a transaction.

After interviewing the former employee, Special Agent Mischler contacted Lyons Truck & Trailer Sales and spoke with the President of the company. He stated that neither he nor his partners knew the former employee or

had given their permission to anyone to park on their property. He noted that there is a fence that surrounds the property and no one is allowed in after it is closed, so even if someone wanted to enter the property, it would be impossible. In addition, Special Agent Mischler was not able to find the friend that the former employee stated he lived with or the acquaintance he thought took his WEX fuel credit card.

This case was submitted to the Marion County Prosecuting Attorney's Office. The former employee was charged with twenty-eight (28) counts of felony theft.

This investigation was also presented to the State Ethics Commission which found probable cause to move the case forward to a hearing to determine whether the former employee violated the use of state property rule. Accordingly, this investigation is closed.

Dated this 17th day of December, 2012.

APPROVED BY:

/s/ David O. Thomas, Inspector General