



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF TRANSPORTATION (INDOT)
TITLE: INDOT POLITICAL ACTIVITY AND UNAUTHORIZED USE OF STATE
PROPERTY
CASE ID: 2019-05-0147
DATE: December 23, 2019

*Inspector General Staff Attorney, Lyubov Gore, after an investigation by Inspector General
Director of Investigations, Darrell Boehmer, reports as follows:*

The Indiana General Assembly charged the Office of the Indiana Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in executive branch agencies of state government. Ind. Code §4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics violations within state government. Ind. Code §4-2-7-3.

Complaint

On May 21, 2019, the OIG received an anonymous complaint alleging that an Indiana Department of Transportation (INDOT) employee (Employee) and an INDOT Director (Director) were misusing state property by taking and selling used INDOT core drill bits for personal gain. The complaint also alleged that the Director authorized special ditching projects and other projects not in the “INDOT plan” for political gain when he ran for public office in the Spring of 2019.

Investigation

OIG Director of Investigations, Darrell Boehmer, conducted an investigation into this matter. During the course of the investigation, Director Boehmer examined documents, including the Employee’s and the Director’s emails. Director Boehmer found no references to ditching projects or core drill bits in the Employee’s and the Director’s email histories. Director Boehmer

confirmed that the Director had run for public office in the Spring of 2019; however, Director Boehmer found no indication in the Director's emails that he used any state property, time or resources while running for public office.

Director Boehmer communicated with an INDOT auditor (Auditor). The Auditor provided Director Boehmer with reports of the planned ditch work and the actual completed ditch work in the relevant area in 2019. Due to insufficient information regarding the alleged special ditching projects, the Auditor could not determine if INDOT completed any special or unplanned ditch work. With respect to the INDOT core drill bits, the Auditor informed Director Boehmer that he was not aware of any official method of tracking the disposal of consumable parts like the core drill bits.

Director Boehmer interviewed the Director. The Director stated that he was not aware of any specific procedures for the disposal of used core drill bits. The Director explained that used core drill bits are considered scrap when they are no longer useable and stated that they are then thrown away. The Director admitted that he had taken two used core drill bits home for possible reuse in a home project. The Director denied selling any core drill bits. The Director indicated that he still had the core drill bits and would return them to the sub-district for disposal.

The day after the interview, the Director sent Director Boehmer an email stating that he had returned the core drill bits to the sub-district that morning. The email contained a photograph of the core drill bits and named several witnesses that assisted the Director in the return. In the email, the Director admitted that he should have sent the core drill bits to the scrap bins but failed to do so due to their size and his opinion that they were trash. The Director confirmed that, after researching the available Standard Operating Procedures (SOPs) and discussing the issue with his supervisor, he found no comprehensive District SOP available regarding the specific directions on

what materials to scrap. The Director further assured Director Boehmer that he would propagate such an SOP once it is made available.

Conclusion

Director Boehmer's investigation revealed no evidence to substantiate the allegation that the Employee was involved in selling used INDOT core drill bits. Director Boehmer found no evidence to support the allegation that the Director was engaged in improper political activity or that the Director used his position at INDOT to authorize special ditching projects for political gain. Finally, although the investigation revealed some evidence to substantiate the claim that the Director had taken used INDOT core drill bits, the evidence also showed the following: the Director took the core drill bits under the mistaken belief that INDOT would throw them away rather than scrap them; the Director did not sell the core drill bits for profit; the Director promptly returned the core drill bits; and INDOT did not have comprehensive policies in place about the disposal of such materials that could guide the Director or others on proper disposal methods. As a result, the OIG is closing this case for insufficient cause.

Recommendation

Although the OIG is declining to file a complaint with the State Ethics Commission in this case, the OIG recommends that INDOT adopt and distribute comprehensive policies on the proper methods for disposal or scrapping of used materials in order to help prevent misuse of state property in the future.

Dated: December 23, 2019

APPROVED BY:



Lori Torres, Inspector General