INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA BUREAU OF MOTOR VEHICLES (BMV)

TITLE: BMV EMPLOYEE THEFT

CASE ID: 2019-11-0300

DATE: August 25, 2020

Indiana Office of Inspector General Staff Attorney Lyubov Gore, after an investigation by Inspector General Special Agent Jack Bedan, reports as follows:

The Indiana General Assembly charged the Office of the Indiana Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in the 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. The OIG may recommend policies and carry out other activities designed to deter, detect and eradicate fraud, waste, abuse, mismanagement and misconduct in state government. Ind. Code §4-2-7-3(2).

On November 25, 2019, the OIG received a complaint alleging that a former Customer Services Representative (Employee) at a BMV License Branch (Branch) in Marion County, Indiana, engaged in theft by overcharging customers and pocketing the overpayments. According to the complaint, BMV terminated the Employee from her position due to unrelated conduct. The complaint alleged criminal violations of theft (Ind. Code §35-43-4-2) and official misconduct (Ind. Code §35-44.1-1-1).

OIG Special Agent Jack Bedan investigated the matter. Special Agent Bedan reviewed documentation and a surveillance video that he received from BMV. Special Agent Bedan also

interviewed several witnesses, including the Employee, her former coworkers and the victims of the alleged thefts.

Special Agent Bedan obtained and reviewed a BMV Investigation Report regarding one of the alleged theft incidents and the Employee's employment records. According to the Investigation Report, on October 1, 2019, a customer complained that the Employee overcharged her $20.00 during a transaction, but the money was not found in the Employee's cash drawer. The Investigation Report also contained information about two other incidents: the first occurred on September 3, 2019, when a customer complained that the Employee overcharged her during a transaction, and the money was found in the Employee's cash drawer and returned to the customer; and the second occurred on September 27, 2019, when yet another customer complained of the Employee overcharging him $30.00, but the money was not found in the Employee's cash drawer. Special Agent Bedan reviewed a surveillance video from the incident that occurred on October 1, 2019. The surveillance video showed the Employee collecting money from the customer, but it did not clearly show her overcharging the customer or stealing any of the money handed to her during the transaction. BMV did not preserve the other surveillance videos from the incidents that occurred on September 3, 2019, and September 27, 2019.

During the course of his investigation, Special Agent Bedan interviewed the Branch Manager at the Branch where the Employee had been employed. The Branch Manager confirmed that the Branch had received three separate customer complaints against the Employee, and she identified two of the victims of the alleged thefts, Customer 1 and Customer 2. The Branch Manager explained that she suspected the Employee of additional prior thefts of customers' money because many of the Branch's customers do not speak English, pay in cash and rely on BMV's employees to return the correct change. The Branch Manager had no additional evidence or records to confirm her suspicions.

According to the Branch Manager, the BMV reimbursed the customers who complained that the Employee allegedly overcharged them.

Special Agent Bedan also interviewed the Employee. The Employee denied ever overcharging any customers but admitted that her cash drawer had some discrepancies on her second to last day of employment. The Employee acknowledged that it was possible that she accidentally overcharged a customer on one occasion. The Employee denied being terminated and stated that she "walked out" due to pressing family issues.

Subsequently, Special Agent Bedan conducted an interview with Customer 1. Customer 1 described visiting the Branch with an acquaintance on September 27, 2019. According to Customer 1, he gave the Employee $100.00 for a transaction that only cost $70.00, but the Employee did not give Customer 1 $30.00 in change. Customer 1 did not realize that the Employee overcharged him until his acquaintance pointed it out to him after they left the Branch. Customer 1 returned to the Branch a week later and described what had happened to the Branch employees. Special Agent Bedan located records of Customer 1's transaction from September 27, 2019, and confirmed that it was for $70.00.

Special Agent Bedan then interviewed Customer 2. Customer 2 told Special Agent Bedan that she went to the Branch on October 1, 2019, and the Employee told her that she owed $110.00 for the transaction. Customer 2 paid the amount for which he Employee asked, left the Branch after the transaction and then came back to the Branch two hours later with a receipt showing that only $90.00 was due BMV. The Branch Manager checked the Employee's drawer for the $20.00 that the Employee allegedly overcharged Customer 2, but she was unable to locate it.

Based on his investigation, Special Agent Bedan believed that the Employee knowingly or intentionally exerted unauthorized control over $30.00 that belonged to Customer 1 and $20.00 that

belonged to Customer 2, with intent to deprive them of the money.

      The OIG submitted the results of this investigation to the Marion County Prosecutor's Office. On August 11, 2020, the Marion County Prosecutor's Office notified the OIG that they were declining to move forward on any criminal charges against the Employee. The OIG determined that there was no evidence of an ethics violation to bring a complaint to the State Ethics Commission. Accordingly, the OIG is closing this case for insufficient cause.

      Dated: August 25, 2020

            APPROVED BY:

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Lori Torres, Inspector General