



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION (FSSA)
TITLE: USE OF FSSA STATE PROPERTY
CASE ID: 2020-04-0115
DATE: June 15, 2020

Indiana Office of Inspector General Staff Attorney Lyubov Gore, after an investigation by Inspector General Special Agent Michael Lepper, 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 (Code) 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 April 28, 2020, the OIG received an anonymous complaint alleging that a former employee (Employee) at one of FSSA's state hospitals (SH), was still living on the SH property after her termination from her position in February 2020. According to the complaint, the Employee was friends with the SH's Superintendent, and he permitted her to remain on the property. The complaint implicated the Code's use of state property rule, which is found in Ind. Code § 4-2-6-17. This rule prohibits a state employee from using state property for anything other than official state business, unless the use is permitted by a general written agency, departmental or institutional policy or regulation that the State Ethics Commission has approved.

OIG Special Agent Michael Lepper conducted an investigation into this matter. Special Agent Lepper examined documents related to the Employee's employment and termination and the housing contract the Employee signed with the Indiana Department of Administration (IDOA). From this documentation, Special Agent Lepper learned that the Employee had met the criteria for a housing contract on the SH grounds because, in her position, she was required to be on twenty-four hour call to respond to any emergency needs at the SH. Pursuant to the housing contract, the Employee's rental obligation was a bi-weekly sum that the State deducted from her bi-weekly pay. The housing contract provided the Employee with thirty days to vacate the premises upon her separation from state employment. Special Agent Lepper learned from the Employee's employment records that the State terminated the Employee from her position in February 2020.

Special Agent Lepper spoke with the Employee's former supervisor (Supervisor). The Supervisor informed Special Agent Lepper that the Employee was still living on the SH grounds as of May 2, 2020. The Supervisor confirmed for Special Agent Lepper that the State terminated the Employee from her position in February 2020, and that she remained living on the SH grounds following her termination. The Supervisor also explained that the contract the Employee signed with IDOA permitted her to stay on the grounds for thirty days following her termination.

Special Agent Lepper also interviewed the Superintendent of the SH (Superintendent). The Superintendent told Special Agent Lepper that he had permitted the Employee to live on the SH grounds until Memorial Day in response to the Governor's Executive Order regarding evictions during the COVID-19 outbreak in Indiana. On March 19, 2020, within the thirty-day time period following the Employee's termination from SPD, Governor Holcomb issued

Executive Order 20-06, which halted all eviction actions or proceedings until the state of emergency had terminated. The Superintendent also notified Special Agent Lepper that the Employee had been paying rent since her termination.

Special Agent Lepper subsequently obtained documentation that confirmed the Employee's bi-weekly rental payments to SH. On May 28, 2020, the Superintendent informed Special Agent Lepper that the Employee had vacated the state-owned residence at SH on May 23, 2020.

Special Agent Lepper's investigation found no evidence to support the allegation that the Employee violated the Code's use of state property rule by continuing to live on the SH property, without paying rent, more than thirty days after her termination. Special Agent Lepper confirmed that the Employee had the Superintendent's permission to remain on the SH grounds pursuant to the Governor's Executive Order and that the Employee was paying rent for her continued use of the SH housing. Accordingly, the OIG is closing this case for insufficient cause.

Dated: June 15, 2020

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive, flowing style.

Lori Torres, Inspector General