



INVESTIGATIVE REPORT

David Cook, Inspector General

OFFICE: INDIANA DEPARTMENT OF CORRECTION (DOC)
TITLE: DOC EMPLOYEE MISUSE OF STATE PROPERTY
CASE ID: 2022-02-0030
DATE: January 12, 2023

Indiana Office of Inspector General Chief Legal Counsel, Tiffany Mulligan, 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 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).

I.BACKGROUND

On February 2, 2022, the OIG received a complaint alleging that John Galipeau, the Warden of the Indiana Department of Correction's (IDOC) Westville Correctional Facility, had his family members living at a state-owned residence (Warden's Residence) without him and that IDOC had no record that Galipeau either had a lease in place or was paying rent on the residence.

IDOC maintains several state-owned residences at the Westville Correctional Facility where certain qualified IDOC employees can live. IDOC has a policy entitled "The Assignment and Maintenance of State-Owned Residences" (Policy), which outlines the purpose and requirements for leasing and

occupying these residences. The Policy, which IDOC issued in May of 2017, reads, “State-owned residences shall be occupied by staff only to promote the security and maintenance of a facility.” It allows immediate family members or legal dependents of the IDOC staff person to live in the residence if the staff member is authorized to live there.

The Policy requires staff to sign a lease agreement for the property and to provide proof of renter’s insurance prior to occupying the property. It provides that IDOC will determine “appropriate monthly rental rates” for the residence. The Policy reads, “In consideration of the services provided by staff residing in State housing, [IDOC] shall recommend reasonable rental rates.” The Policy further provides that the rent will include all utilities for the residence, including heat, water, sewage, electricity and trash pick-up. The Policy specifies that staff occupying a residence will make rental payments through biweekly payroll deductions. According to the Policy, each IDOC facility that leases property to staff is responsible for ensuring that the staff submit all necessary documents for the collection of rent through the biweekly payroll deductions.

II. OIG Investigation

Special Agent Lepper investigated the complaint received by the OIG. As a part of his investigation, he interviewed multiple individuals, including several IDOC employees, including the IDOC employees currently responsible for leasing the residences on IDOC property; Galipeau and Galipeau’s wife. He also reviewed documents, including emails, leases for the Warden’s Residence, Galipeau’s payroll records and Galipeau’s state-owned vehicle activity records.

Special Agent Lepper learned that IDOC hired Galipeau as a Correctional Officer in 1996. IDOC promoted Galipeau several times throughout his tenure at IDOC. In June of 2019, IDOC promoted Galipeau to Warden of IDOC’s Westville Correctional Facility, the position in which he currently serves.

Special Agent Lepper interviewed an IDOC Director (Director), who is responsible for managing the state-owned residences on IDOC property. The Director stated that Galipeau called him in June of 2021 to ask permission to occupy the property known as the Warden's Residence at the Westville Correctional Facility, located at 134 Circle Drive, Westville, Indiana 46391. The Director stated that he verbally approved the request but instructed Galipeau to follow up by submitting the proper paperwork, including the payroll deduction form, which is known as the AS-47. Special Agent Lepper obtained a copy of an email, dated August 20, 2021, in which Galipeau informed the Director that Galipeau would be moving into the Warden's Residence for a few months. In the email, Galipeau writes, "I will complete a lease [and] have an AS-47 deduction and provide homeowners insurance during this period." The Director replied to the email with his approval.

The Director stated that a few months after he received Galipeau's August 20, 2021, email, he followed up with IDOC's Controller to learn whether the State was deducting rent for the Warden's Residence from Galipeau's paycheck. He learned that it was not. He also followed up with another IDOC employee (Employee) to determine if anyone was living in the Warden's Residence. The Employee informed the Director that Galipeau's wife, adult son and granddaughter had been living there.

The Director stated that he met with Galipeau after learning that Galipeau's family members had been staying in the Warden's Residence. The Director did not recall the date of the meeting, but the Director sent Galipeau an email on January 6, 2022, informing Galipeau that they needed to have a face-to-face meeting. According to the Director, Galipeau told him he had been staying at the Warden's Residence himself. The Director stated that he asked another IDOC employee to pull the vehicle activity records for Galipeau's state-owned vehicle. The vehicle activity records showed that Galipeau's state-owned vehicle was not at the Warden's Residence overnight for a thirty-day period prior to the Director's meeting with Galipeau.

Special Agent Lepper obtained a copy of a lease agreement for the Warden's Residence signed by Galipeau on December 21, 2021. As an attachment to the lease agreement, he found a completed AS-47 signed by Galipeau on December 22, 2021, and a copy of a renter's insurance policy summary in the name of Angela Galipeau, Galipeau's wife, with a policy start date of September 23, 2021.

On January 10, 2022, Galipeau sent the Director an email informing the Director that he would need to occupy the Warden's Residence full time on or before January 15, 2022. The Director replied that IDOC would not be authorizing a lease for Galipeau to live at the Warden's Residence now or in the future. The Director also instructed Galipeau to have his family members vacate the Warden's Residence immediately. On January 11, 2022, Galipeau emailed the Director to notify him that his family members would be vacating the Warden's Residence that same day.

Special Agent Lepper interviewed Galipeau on two separate occasions. Galipeau stated that after he emailed the Director on August 20, 2021, to let him know that he planned to live in the Warden's Residence, he moved into the Warden's Residence for approximately thirty to forty-five days. He did not know the date when he moved into the Warden's Residence. He said that his car was at the Warden's Residence for the thirty days he lived there, and he had no explanation for why his vehicle activity report showed his car was not overnight at the Warden's Residence during that time.

Galipeau stated that after approximately thirty or forty-five days at the Warden's Residence, he returned to his Valparaiso home. Galipeau said he allowed his wife to move into the Warden's Residence. He believes his wife lived in the Warden's Residence for thirty to forty-five days. Galipeau stated that after his wife left the Warden's Residence, his adult son and granddaughter moved into the Warden's Residence. Galipeau stated that his son lived in the Warden's Residence another thirty days.

Galipeau stated that he had no excuse for failing to sign a lease prior to December 22, 2021. He stated that he never intended for the Warden's Residence to be a permanent residence. He said that when

the Director approached him about not having a lease, he realized he had let it get passed him. He said he had no intent to live in the home without paying rent. He stated that when he lived at the house, no one else lived there, and when his wife lived in the house, no one else lived there.

Galipeau stated that his administrative assistant sent the Director a signed lease by email on January 6, 2022. Galipeau had signed the lease on December 22, 2021, and he had included the name of his wife, adult son and granddaughter on the lease. The Director told Galipeau to vacate the house in early January 2022.

Special Agent Lepper confirmed with IDOC's Controller that rent for the Warden's Residence was not deducted from Galipeau's pay. The IDOC Controller explained that payroll deductions for rent on state-owned property is listed as "subsistence" on a state employee's paystub. Special Agent Lepper obtained copies of Galipeau's paystubs for the period in question, and they showed no deduction for subsistence.

III. CODE VIOLATIONS

The OIG investigation revealed evidence that Galipeau violated the Code's use of state property rule, Ind. Code §4-2-6-17. The use of state property rule reads in relevant part:

(a) Subject to IC 4-2-7-5, a state . . . employee . . . may not use state materials, funds, property, personnel, facilities, or equipment for purposes other than official state business unless the use is expressly permitted by a general written agency, departmental, or institutional policy or regulation that has been approved by the commission. . . .

IDOC has a Policy allowing staff to occupy state-owned residences "to promote the security and maintenance of a facility." The Policy requires IDOC employees who live in a state-owned residence to sign a lease agreement and pay rent through biweekly payroll deductions.

Galipeau admitted to living in the Warden's Residence for approximately thirty to forty-five days without a lease agreement in place and without having filed a payroll deduction form. Galipeau then had his wife living in the Warden's Residence, without him, for another thirty to forty-five days. After his

wife vacated the Warden's Residence, Galipeau had his adult son and granddaughter living in the Warden's Residence, without him, for an additional thirty days.

Galipeau's use of the Warden's Residence was not to promote the security and maintenance of the Westville Correctional Facility. Furthermore, Galipeau failed to have a lease or a payroll deduction form in place during any of this time he or his family members lived in the Warden's Residence in violation of the Policy. Thus, Galipeau was using the state-owned residence for a purpose other than official state business in violation of Ind. Code § 4-2-6-17.

V. CONCLUSION

On November 10, 2022, the OIG presented the case to the Indiana State Ethics Commission (SEC) in an executive session and sought probable cause from the SEC to file an ethics complaint. The SEC found probable cause to file an ethics complaint alleging Galipeau violated the Code's use of state property rule. The Inspector General subsequently filed the ethics complaint with the SEC on November 10, 2022.

The Inspector General and Galipeau signed an Agreed Settlement in which Galipeau admitted to violating the Code's use of state property rules. As part of the Agreed Settlement, Galipeau also agreed to pay a fine of two thousand seven hundred and ninety dollars (\$2,790). The SEC approved the Agreed Settlement on January 12, 2023. Accordingly, this investigation is closed.

As part of the investigation, Special Agent Lepper also reviewed current IDOC practices for employees wishing to lease IDOC property. He learned that, prior to the discovery that Galipeau and his family members had lived in the Warden's Residence without a lease or payroll deduction in place, IDOC's centralized finance unit managed the lease programs for state-owned homes for all IDOC facilities, except for Westville Correctional Facility and Putnamville Correctional Facility. After the issue with Galipeau and his family members came to light, the centralized finance unit began managing the state-owned properties at Westville Correctional Facility. IDOC staff also confirmed that the centralized

finance unit recently began management of the state-owned properties at Putnamville Correctional Facility, and the unit now manages all IDOC properties. The OIG encourages IDOC to continue to find ways to ensure that IDOC employees living on state property are complying with state policy, such as signing leases and submitting payroll deduction forms.

Dated: January 12, 2023

APPROVED BY:

A handwritten signature in cursive script that reads "David Cook". The signature is written in black ink and is positioned above a horizontal line.

David Cook, Inspector General