



INVESTIGATIVE REPORT

David Cook, Inspector General

OFFICE: INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION (FSSA)
TITLE: FSSA EMPLOYEE CRIMINAL ACTIVITY
CASE ID: 2022-09-0277
DATE: May 17, 2023

Inspector General Staff Attorney Doreen Clark, after an investigation by 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 criminal activity and ethics violations by state workers. 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. Complaint and Background

On September 1, 2022, the OIG received a complaint alleging that Britney Gordon (Gordon), a former state licensing consultant with the Indiana Family and Social Services Administration (FSSA), submitted official reports of inspections and file reviews into FSSA's Child Care Information System (CCIS) that were false. The complaint also alleged that in four cases Gordon submitted inspection reports of daycare facilities with forged signatures of the directors/owners. Finally, the complaint alleged that Gordon engaged in ghost employment.

FSSA's Office of Early Childhood and Out-of-School Learning (OECOSL) regulates childcare in the State of Indiana. OECOSL also administers the federal Child Care and Development Fund (CCDF) voucher program. OECOSL hires state licensing consultants to inspect childcare facilities. The role of a

state licensing consultant is to conduct regulatory inspections and assess any risks that are detrimental to the health and safety of children in both childcare centers and registered childcare ministries throughout the State of Indiana. State licensing consultants conduct “file” or “desk” reviews as part of their regulatory visits to determine whether a childcare facility is eligible to receive CCDF funds.¹ During the file reviews, the state licensing consultant is responsible for confirming the daycare facility has the following on file: proper credentials of staff, criminal history checks for staff and required immunization records for staff and children. The state licensing consultant submits its reports to FSSA through the CCIS records system. No signatures are required on the file reviews.

In addition to file reviews, state licensing consultants are also required to conduct physical inspections of childcare facilities during a regulatory visit. During the physical inspection, a state licensing consultant will complete an electronic checklist on their tablet through a wireless web form. The wireless web form is then merged into FSSA’s CCIS upon completion of the regulatory visit. State licensing consultants can edit the wireless web forms; however, merged CCIS forms are permanent, and they cannot be edited. The consultant’s supervisor also reviews the forms through CCIS. For annual inspections, both the owner of the childcare facility and the state licensing consultant must sign a narrative form, which provides a summary of the visit and any noticeable compliance issues that the consultant identified during the inspection. Both parties sign the narrative forms electronically on a tablet.

¹ Prior to the COVID-19 pandemic, file reviews were conducted in-person at the childcare facility, and the state licensing consultant would review the files of both the daycare staff and the children enrolled in the childcare facility. FSSA however, changed their policy during the COVID-19 pandemic to permit state licensing consultants to conduct file reviews virtually. The purpose of the virtual file reviews was to prevent the state licensing consultant from remaining in the childcare facility for long periods of time. FSSA stopped conducting virtual file reviews during June of 2022. Records obtained by the OIG indicate that Gordon reported that she had conducted virtual file reviews on some of the daycare facilities during her employment with FSSA.

II. OIG Investigation

OIG Special Agent Michael Lepper investigated the complaint. Special Agent Lepper obtained and reviewed multiple records, including documents from FSSA, such as the inspection reports that Gordon submitted to FSSA's CCIS. Special Agent Lepper also obtained Gordon's human resources records, her email files and documentation of various communication exchanges between Gordon and the daycare facilities regarding file reviews and annual inspections. Special Agent Lepper interviewed multiple FSSA employees, including OECOSL staff members, FSSA internal investigators and FSSA's human resources staff. Special Agent Lepper also interviewed the owners of twelve childcare facilities involved in the allegations against Gordon, and he interviewed Gordon.

Special Agent Lepper learned that FSSA hired Gordon on June 1, 2021, as a state licensing consultant. In this role, Gordon was responsible for performing regulatory visits for childcare facilities in Porter County, Laporte County and the northern half of Lake County. Gordon resigned from FSSA on April 14, 2022.

Special Agent Lepper learned that FSSA approved Gordon to work from home for a week in January of 2022, because Gordon was exposed to COVID 19. During this period, FSSA also hired OECOSL's new Regional Manager, who was assigned to supervise seven employees including Gordon. During the Regional Manager's first month of hire, she retrieved work productivity reports of all seven employees. The Regional Manager discovered that each of her employees were conducting sixteen to twenty-one regulatory visits each week, but Gordon only conducted three regulatory visits within thirteen days. Gordon's low productivity prompted the Regional Manager to review her remote work log for the week she was approved to work from home.

On her remote work log, Gordon reported that she had conducted eight file reviews for the week she was approved to work from home. The Regional Manager, however, did not see any merged file

reviews within CCIS. The Regional Manager asked Gordon for the names of the eight facilities on which she conducted file reviews during the week in question. Gordon responded to the Regional Manager's email with a list of eight specific names of childcare facilities. After Gordon sent the names to the Regional Manager, Gordon began creating new file review documents and merging them within CCIS within a period of six to seven hours. The Regional Manager informed Special Agent Lepper that had Gordon previously completed the file reviews, Gordon would not have had to create new files. Under normal circumstances, a completed file review would have quickly merged with CCIS. Consequently, Gordon's actions indicated that she had not conducted the eight file reviews. In addition to the eight file reviews that were questionable, Special Agent Lepper learned that Gordon entered questionable annual inspection reports for four childcare facilities.

Special Agent Lepper interviewed the owners or directors of all twelve childcare facilities on which Gordon made questionable entries into CCIS. According to his interviews, nine of the file reviews Gordon said she completed virtually were false. The owners or directors of the facilities on which Gordon reported conducting these virtual file reviews stated that Gordon had not conducted the file reviews for their childcare facilities.

In interviews with the owners of the childcare facilities in which Gordon reported conducting annual inspection, Special Agent Lepper confirmed that Gordon had not conducted annual inspections in their facilities. All four of these childcare owners also informed Special Agent Lepper that they never signed any documents for Gordon.

Special Agent Lepper interviewed Gordon and asked her about the twelve facilities on which she allegedly made false entries. Gordon initially denied entering false file reviews, but she eventually stated that if the owners or directors said the file reviews did not happen, then they did not happen. During the interview, Gordon admitted that she forged three of the four signatures on the annual inspections. She

claimed that she had to include the signatures in the system to save the file for the upcoming inspection. The Regional Manager told Special Agent Lepper that no signature is required to save information in the system, and FSSA management never tells employees to sign someone's name for them. Gordon told Special Agent Lepper that the daughter of an owner signed the fourth questionable inspection report; however, Special Agent Lepper believed she meant the sister signed the report. Special Agent Lepper spoke with both the owner and the owner's sister, who said that the sister did not sign the form.

Of the four inspection reports that Gordon allegedly forged, two occurred in Lake County, one occurred in Porter County and one occurred in LaPorte County.

III. Conclusion

The OIG submitted the results of the investigation to the Lake County Prosecutor's Office. The Lake County Prosecutor's Office charged Gordon with two counts of forgery, a Level 6 Felony; and one count of Official Misconduct, a Level 6 Felony, in Cause Number 45D08-2304-F6-000684. The OIG acknowledges criminal charges are merely allegations, and individuals are considered innocent until proven guilty.

Although the OIG found evidence that Gordon submitted nine false file reviews in CCIS, the OIG found no evidence that Gordon engaged in ghost employment or any other Code of Ethics violation.

Accordingly, this investigation is closed.

Dated: May 17, 2023

APPROVED BY:



David Cook, Inspector General