



# INVESTIGATIVE REPORT

David Cook, Inspector General

OFFICE: INDIANA DEPARTMENT OF CORRECTION (DOC)  
TITLE: DOC EMPLOYEE ETHICS VIOLATION  
CASE ID: 2023-03-0109  
DATE: December 14, 2023

*Inspector General Senior Staff Attorney Mark Mader, after an investigation by Inspector General Special Agent J. Jason Fajt, 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 March 20, 2023, the OIG received a complaint alleging that Joseph F. Mulinaro, a former employee of the Indiana Department of Correction (DOC), engaged in wrongdoing. The complaint included an allegation that Mulinaro misused the state-owned vehicle that DOC had assigned to him for his work.<sup>1</sup>

DOC conducted an initial investigation into Mulinaro's actions and discovered that Mulinaro was using his state-owned vehicle during times when he was not working, in violation

---

<sup>1</sup> The complaint also included other allegations, such as ghost employment, which the OIG investigated; however, the OIG found insufficient evidence to support these allegations.

of DOC's Limited Personal Use of State Property/Resources policy<sup>2</sup>. This policy allows DOC employees to use state equipment for purposes other than official state business if the use is "infrequent, of short duration, and not reasonably practicable, on the state employee's ... personal time." The State Ethics Commission approved DOC's Limited Personal Use of State Property/Resources policy on June 11, 2015. When a DOC investigator asked Mulinaro about his personal use of his state-owned vehicle on the weekends, Mulinaro stated he was unaware that he was not allowed to use the vehicle on his off time. He thought it was a "perk of the job."

On February 21, 2023, DOC suspended Mulinaro without pay. On March 15, 2023, Mulinaro resigned from DOC.

## **II. OIG Investigation**

OIG Special Agent J. Jason Fajt investigated the matter. Special Agent Fajt's investigation included a review of documents, including records of DOC's investigation; Mulinaro's email files; Mulinaro's employment and termination records; IDOA records for Mulinaro's state-owned vehicle; and state reimbursement rates for the periods of Mulinaro's employment. Special Agent Fajt interviewed numerous witnesses. Special Agent Fajt also contacted Mulinaro to request an interview.

Special Agent Fajt learned that DOC hired Mulinaro on November 4, 2019, as a salesperson for Indiana Correctional Industries (ICI) and assigned him to the northern region of Indiana consisting of approximately thirty counties. ICI is a division of DOC that sells articles made by persons incarcerated in DOC institutions. Mulinaro's job responsibilities included visiting county jails, schools and universities in his territory to install and service equipment used to dispense chemical products that ICI provides.

---

<sup>2</sup> IDOC Limited Personal Use of State Property/Resources, 04-03-111.

Special Agent Fajt learned that DOC assigned Mulinaro a 2017 Dodge Grand Caravan and a WEX fuel card for his use on official state business as an ICI sales representative because his job responsibilities required substantial travel. Mulinaro's vehicle had a GPS system that captured miles traveled, hours of use and idle time for each calendar day.

Special Agent Fajt reviewed IDOA's Justification of Take Home Vehicle Assignment (Justification Form), which requires agency heads to annually submit justification for continued assignment of a take-home vehicle to any state employee. DOC's Justification Form for Mulinaro reported that Mulinaro's DOC job assignment required him to travel on state business in excess of one thousand miles per month and that obtaining a state-owned vehicle from a central location would result in significant amounts of unnecessary travel time and loss of productive hours. Accordingly, DOC assigned Mulinaro a state-owned vehicle for his use on official state business and reassigned him the same vehicle each year he was employed by DOC.

Special Agent Fajt interviewed Mulinaro's DOC supervisor (Supervisor). Supervisor confirmed that DOC has a Limited Personal Use of State Property/Resources policy that establishes guidelines for limited personal use of state property by DOC employees. Supervisor stated that sales personnel, such as Mulinaro, are not permitted to use their vehicles on their off days, such as holidays or personal days. The Supervisor stated that ICI sales personnel are only permitted to use their state-owned vehicles for personal use to make a stop somewhere along the way while going home. Supervisor told Special Agent Fajt that DOC personnel would have told Mulinaro at new employee orientation and at annual computer-based training that he could not use his state-owned vehicle on his off days. Further, Supervisor said that when he handed Mulinaro the keys to the state-owned vehicle, he told Mulinaro the vehicle was for state-use only.

Special Agent Fajt interviewed IDOA staff responsible for managing state-owned vehicles and asked for records regarding Mulinaro's use of the state-owned vehicle assigned to him. IDOA provided Special Agent Fajt with the GPS Summary for Mulinaro's 2017 Dodge Grand Caravan beginning on November 4, 2019, the date DOC assigned Mulinaro this vehicle, and ending on February 21, 2023, the date DOC suspended him without pay. Special Agent Fajt calculated that Mulinaro drove his state issued vehicle a total of 11,018.5 miles on weekends when he was not engaged in state business. Special Agent Fajt also calculated Mulinaro drove his state issued vehicle a total of 1,099.5 miles on holidays when he was not engaged in official state business. The total miles Mulinaro drove his state issued vehicle was 12,118 miles when he was not engaged in official state business.

IDOA also provided Special Agent Fajt with the State's reimbursement rates for the periods Mulinaro drove his DOC assigned vehicle: From November 4, 2019 to February 29, 2020, the State's reimbursement rate was \$0.38 per mile; from March 1, 2020 to June 30, 2021, the State's reimbursement rate was \$0.39 per mile; from July 1, 2021 to January 31, 2022, the State's reimbursement rate was \$0.39 per mile; from February 1, 2022 to April 17, 2022, the State's reimbursement rate was \$0.41 per mile; from April 18, 2022 to June 14, 2022, the State's reimbursement rate was \$0.42 per mile; and from June 15, 2022 to February 23, 2023, the State's reimbursement rate was \$0.49 per mile.

Special Agent Fajt calculated the total reimbursement cost for miles Mulinaro drove on his off days by multiplying the total miles Mulinaro drove on weekends and holidays by the IDOA reimbursement rates for those periods. Special Agent Fajt calculated the total cost to the State for driving his state-owned vehicle on weekends and holidays to be \$4,927.50.

Special Agent Fajt attempted to interview Mulinaro; however, Mulinaro declined to provide additional information.

### **III. Conclusion**

After a thorough investigation, the OIG found evidence that Mulinaro violated Ind. Code § 4-2-6-17, the Code's use of state property rule, by using his state-owned vehicle on weekends and holidays. The Code's use of state property rule prohibits a state employee from using state property for purposes other than official state business, unless the use is expressly permitted by a general written agency, departmental or institutional policy or regulation. Mulinaro's personal use of his state-assigned vehicle on weekends and holidays is not permitted by DOC policy. Accordingly, Mulinaro's personal use of his state-assigned vehicle on weekends and holidays violated Ind. Code § 4-2-6-17.

On October 12, 2023, the OIG presented this case to the Indiana State Ethics Commission (Commission) in an executive session and sought probable cause from the Commission to file an ethics complaint. The Commission found probable cause to file an ethics complaint alleging that Mulinaro violated the Code's use of state property rule. The Inspector General subsequently filed an ethics complaint with the Commission on October 12, 2023.

The Inspector General and Mulinaro signed an Agreed Settlement on November 27, 2023, in which Mulinaro admitted to violating the Code's misuse of state property rule. As part of the Agreed Settlement, Mulinaro agreed to pay a fine of Four Thousand Nine Hundred Twenty-Seven Dollars, payable in monthly installments of One Hundred Twenty-Five Dollars each month until paid in full. The Commission approved the Agreed Settlement on December 14, 2023. Accordingly, this investigation is closed.

Dated: December 14, 2023

APPROVED BY:

A handwritten signature in black ink that reads "David Cook". The signature is written in a cursive style with a large initial "D" and a stylized "C".

---

David Cook, Inspector General