



State of Ohio
Office of the Inspector General

THOMAS P. CHARLES, Inspector General

REPORT OF INVESTIGATION

FILE ID NUMBER: 2008021

AGENCY: Ohio Bureau of Workers' Compensation

BASIS FOR INVESTIGATION: IG Initiative

ALLEGATIONS: Operating a Business or Private Interest on State Time
Misuse or Abuse of State Property or Equipment

INITIATED: January 16, 2008

DATE OF REPORT: May 7, 2008

EXECUTIVE SUMMARY

File ID No. 2008021

In December, 2007, during the course of an unrelated investigation being conducted by this office, we discovered a flyer at the Columbus State Community College (“CSCC”) website announcing auditions for an upcoming theatrical production of “A Raisin in the Sun.” One of the contact persons on the flyer for these auditions was James Mathis, an employee at the Bureau of Workers’ Compensation (“BWC”). Mathis’ state telephone number and e-mail address were listed as contact information for anyone interested in auditioning for the production. We contacted BWC’s Human Resources Department and Special Investigations Department for their assistance in retrieving records and other data on Mathis. A preliminary review of these records showed that a large volume of Mathis’ e-mail traffic involved non-work related activities. We also found that Mathis had been involved in several musical and theatrical productions and had coordinated portions of these while on state time. We further learned that he had been compensated for his work on these productions.

Our investigation found two instances of wrongdoing by Mathis. Mathis used state resources and state time to further a private business or interest, for which he was compensated, and he used state resources for additional non-work related activities, to a degree we found to be excessive.

Based on the results of our investigation, we have made one recommendation to BWC and asked that they respond to this office within the next 60 days. We have also referred this matter to the Columbus City Prosecutor’s Office for their review.

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I. BASIS FOR INVESTIGATION

In December, 2007, during the course of an investigation being conducted by this office, we discovered a flyer (“Exhibit A”) announcing auditions, to be held at Columbus State Community College (“CSCC”) on December 4 and 5, 2007, for a production of “A Raisin in the Sun.” One of the contact persons listed on the flyer was James Mathis. For actors or performers interested in auditioning, they could contact Mathis at either his state phone number or e-mail address, both of which were listed on the flyer. We were assisted by the Bureau of Workers’ Compensation (“BWC”) Human Resources Department and Special Investigations Department in the retrieval of records and other data in this investigation. It was confirmed that Mathis was employed by BWC as a Customer Service Assistant 2 in the communications department. Additionally, we were provided records showing an extensive amount of e-mails in Mathis’ account that were not work related. Many of these e-mails involved theatre productions Mathis was involved with outside of his work at BWC. Preliminary indications were that Mathis had received compensation for his work with the theatre productions.

II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION

We reviewed an electronic file containing a copy of Mathis’ e-mail account, as well as items and documents saved by Mathis to the BWC network drive. We also reviewed the local and long distance telephone records for 2007 from Mathis’ assigned BWC telephone number. We conducted an interview with Mathis and reviewed BWC policy governing the use of personal computers, e-mail, the Internet and employees involved in outside employment.

III. DISCUSSION

Allegation 1: BWC Customer Service Assistant 2 James Mathis was involved in operating a business or private interest on state time.

In the course of our investigation, we utilized the data provided by BWC and focused on Mathis' activities for the past several months. Through the review of e-mails contained in the electronic file, we learned that Mathis had been involved with three musical productions and one theatrical production from September, 2007, to March, 2008. He had also been involved in activities related to his church on an ongoing basis throughout the same time period. Much of the e-mail traffic was related to these activities and took place during regular work hours.

During our review of Mathis' e-mails, we found public service announcements for the productions that had been sent to local media outlets ("Exhibit B") requesting the publication of the announcements in their periodicals. We also found notifications from Mathis to friends and to others requesting their attendance ("Exhibit C") at the productions. In many cases, a flyer for the production was sent as an attachment to the e-mails. Also, there were solicitations for performers ("Exhibit D") requesting resumes and advising of audition and rehearsal times. Additionally, in the case of "A Raisin in the Sun," written summaries ("Exhibit E") from the CSCC students who were involved in the production were found as attachments sent to Mathis. These summaries were to be graded by Mathis and the results returned to CSCC. Finally, we found several e-mails ("Exhibit F") where Mathis discussed his and others' payments for each of the productions. In one, he accepted a proposal from Denison University in the amount of \$2,150.00 for the fees of all performers involved in the production. According to the e-mail, this amount was derived from a discussion between Mathis and Vincent Briley, Assistant Dean of Students, on the morning December 18, 2007.

This volume of e-mails clearly showed Mathis was involved with these productions from the early stages through the actual performances. He used his BWC e-mail address and telephone number as contacts for convenience. It was noted that at the bottom of many

of these e-mails Mathis had listed his formal closing identifying his title, agency, and BWC telephone number or e-mail address for contact purposes. During his interview, Mathis said he had intentionally placed that information at the bottom of the e-mails.

We noted that Mathis had been hired at CSCC as an adjunct faculty member and was paid on an hourly basis for his work at the college. The payments Mathis personally received for the other three productions were set by contract. Copies of these contracts were obtained by this office for review. The following lists the productions and the amount of compensation for each:

- **Legends and Legacies at the King Arts Complex** **\$2,000.00**
- **Classical Black Voices at the King Arts Complex** **\$ 700.00**
- **Black Classical Voices at Denison University** **\$ 500.00**
- **“A Raisin in the Sun” at CSCC** **\$4,108.50**

We were unable to find any evidence that Mathis received any payment for his work with his church.

BWC Employee Handbook Memo 4.11 (“Exhibit G”) clearly prohibits employees from using public time or resources while engaging in private, outside employment. There is no question that Mathis violated this directive from BWC. During his interview, Mathis was quite forthcoming and admitted to having violated this directive.

Based on our investigation, we found that Mathis used state resources and time to conduct a private business for which he received compensation.

Accordingly, we do find reasonable cause to believe that a wrongful act occurred in this instance.

Allegation 2: BWC Customer Service Assistant 2 James Mathis misused state equipment for non-work related activities.

During our investigation, we also looked at other areas where Mathis was using state equipment for non-work related activities. We again reviewed the electronic file containing a copy of Mathis' e-mails, his folders on the network drive and his local and long distance phone records from his BWC assigned telephone line.

Through our analysis of the electronic copy of Mathis' e-mail account, dated March 5, 2008, we determined that over half of the e-mails were non-work related. The following is a breakdown of the folders in the account:

- Of the 823 e-mails in the "Deleted Items" folder, 425 were non-work related.
- Of the 300 e-mails in the "Inbox Items" folder, 131 were non-work related.
- Of the 170 e-mails in the "Sent Items" folder, 101 were non-work related.

Many of these e-mails dealt with the entertainment productions previously mentioned, while others were personal in nature. We found many e-mails related to Mathis' church activities, as well as church documents, stored by him on the network drive.

We next conducted an analysis of Mathis' BWC local and long distance phone records for the time period between January 2, 2007, and January 31, 2008. This analysis showed the following:

- Of the 1,064 local phone calls, 600 of those identified were non-work related.
- Of the 677 long distance calls, 54 of those identified were non-work related.

The total time for the 600 local calls was 56 hours and 47 minutes. The 54 long distance calls totaled 3 hours and 8 minutes. While some of these calls may have occurred during regular breaks during the workday, we noted that several calls exceeded 45 minutes in duration.

During his interview, Mathis seemed surprised at the percentage of his calls and e-mails that were non-work related. He also stated he had not reimbursed the state for any of the long distance calls he had made during 2007, even though he knew this was required by BWC policy.

The BWC Employee Handbook clearly sets out the guidelines for employees in the use of BWC tools, including computers and telephones. Specifically, Memo 4.13 (“Exhibit H”) states that “[e]xcessive personal use of any of these tools is strictly prohibited.” Also, Memo 4.14 (“Exhibit I”) states that employees shall not “[d]ownload, store and/or save any personal message information...” and that “[s]uch materials can take up space and computer memory and limit BWC’s ability to store business operations information.” Employees are also notified, through a pop-up window (“Exhibit J”), each time they use their credentials to log in to the BWC network that the “BWC systems are intended for official state use only.” An employee must actively acknowledge this notice before continuing with the log in procedure.

Based on our investigation and his own admissions, we found, in our view, Mathis’ use of BWC and state resources for personal activities to be excessive.

Accordingly, we do find reasonable cause to believe that a wrongful act occurred in this instance.

IV. CONCLUSION

Through the evidence obtained, and by his own admissions, Mr. Mathis clearly violated the policies and directives of BWC by using state resources and time for a private business. He further violated policy by excessively using state equipment for personal reasons. We give him credit for being forthcoming and not attempting to excuse his activities.

In this instance, we were able, in part, to quantify the time Mathis spent on personal activities utilizing state resources during regular work hours. We found 59 hours and 55 minutes of time spent making personal local and long distance telephone calls. With regard to his use of BWC resources to conduct a private business, the monetary loss to the state cannot be determined. However, it is obvious he used these resources to profit from his non-work related activities which took place outside of the agency. Therefore, this matter will be referred to the Columbus City Prosecutor for their review.

V. RECOMMENDATION

Based upon the results of our investigation, we are recommending BWC take appropriate administrative action against Mr. Mathis and request that the agency respond to this office within the next 60 days.

VI. REFERRAL

This matter has been referred to the Columbus City Prosecutor's Office for their review.