



State of Ohio  
**Office of the Inspector General**

---

THOMAS P. CHARLES, Inspector General

## REPORT OF INVESTIGATION

**FILE ID NUMBER:** 2008071

**AGENCY:** Ohio Bureau of Workers' Compensation

**BASIS FOR INVESTIGATION:** Agency Referral

**ALLEGATIONS:** Operating a Business or Private Interest on State Time  
Misuse or abuse of State Property and Resources

**INITIATED:** March 5, 2008

**DATE OF REPORT:** September 17, 2008

## EXECUTIVE SUMMARY

File ID No. 2008071

On March 4, 2008, the Ohio Bureau of Workers' Compensation ("BWC") notified the Deputy Inspector General for the Ohio Bureau of Workers' Compensation and the Industrial Commission of Ohio that an internal administrative investigation revealed evidence of wrongdoing on the part of one of their employees. The internal investigation revealed that Kevin Rearick, an employee in their Communications Department, was operating a private graphic design business while on state time, and, that he was utilizing state resources to further profit from this business.

During the course of this investigation, we received substantial assistance from the BWC Special Investigations Department Cyber Crime Team. The Cyber Crime Team identified many instances where Rearick had utilized BWC-provided resources to communicate with his personal business clients and to advance work products he was developing for them.

Our investigation found numerous instances where Rearick worked on projects related to his own private business while he was at work at BWC. Specifically, we found that Rearick communicated with his business clients while on state time and that he utilized his BWC-provided computer, BWC-provided Internet access and BWC printers for work related to his outside employment. When initially asked about his use of state resources, Rearick was untruthful with investigators. He attempted to downplay the extent to which he was working on these projects on state time and with state resources. We also found that Rearick billed at least one of his clients over \$1,200 for printing work that was printed on BWC printers. We found that a second BWC employee, Roger Compton, was complicit in Rearick's activities in that he allowed Rearick to use a BWC color printer and assisted him with some of the printing.

We also noted that Rearick was performing this work, directly and indirectly, for clients that were either owned or managed by or had employed seven former BWC employees. These former BWC employees became Rearick's clients and subsequently communicated with Rearick regarding their design projects while Rearick was on state time.

BWC management placed Rearick on administrative leave immediately after he was interviewed by this office. Rearick resigned from his position on July 1, 2008, five days after being placed on administrative leave.

Based on the results of this investigation, we have made two recommendations to the BWC and ask that they respond to this office within the next 60 days. We have also referred this matter to the Franklin County Prosecutor's Office and the Columbus City Prosecutor's Office for their review.

## TABLE OF CONTENTS

	Page
I. BASIS FOR INVESTIGATION.....	1
II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION .....	1
III. DISCUSSION.....	1
Allegation 1: BWC Visual Communications Manager Kevin Rearick operated a business or private interest on state time.....	4
Allegation 2: BWC Visual Communications Manager Kevin Rearick misused or abused state equipment and resources for his personal financial gain.....	7
IV. CONCLUSION.....	13
V. RECOMMENDATIONS.....	14
VI. REFERRALS.....	15

### EXHIBITS

- A. Heritage Communications related e-mails and work products
- B. National Association of Model State Drug Laws (NAMSDL) e-mails and work products
- C. The Ohio State University Learning Work Connection (OSU-LWC) e-mails and work products
- D. Bellisari e-mails and work products
- E. In-House Printing invoices
- F. Rearick e-mails reflecting knowledge
- G. BWC Policy Memos 4.11, 4.13, 4.14 and 4.35

## **I. BASIS FOR INVESTIGATION**

On March 5, 2008, the Office of Inspector General initiated this investigation after reviewing the preliminary results of an internal investigation by the Ohio Bureau of Workers' Compensation ("BWC"). BWC's internal investigation indicated Kevin Rearick, who was employed as a Visual Communications Manager in the BWC Communications Department, was operating an outside business on state time and with state resources.

## **II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION**

Our office received assistance from the BWC Special Investigations Department Cyber Crime Team through the recovery and analysis of electronic files. These records included copies of e-mails and other files. In furtherance of this investigation, our office conducted a thorough review of these materials, subpoenaed and reviewed additional records, and conducted interviews of Rearick and other pertinent individuals.

## **III. DISCUSSION**

### **Background Information**

The BWC Special Investigations Department Cyber Crime Team recovered a significant amount of evidence including e-mails, electronic files, BWC network and Internet transaction histories, time keeping and leave usage data, which will be referenced throughout this report and included as exhibits.

This investigation involved the actions of two BWC employees, Kevin Rearick, who, as previously noted, was a management level employee in the Communications Department, and Roger Compton, a Printing Machine Operator, who works in the Printing Services Department ("Print Shop").

Rearick was employed full-time by the BWC from August 4, 1997 through July 1, 2008. Rearick was initially hired as a Layout Design Artist. On March 26, 2000, he was promoted to the position of Visual Communications Manager. Throughout his employment at BWC, Rearick

worked in the BWC Communications Department. Rearick and the five other BWC employees he supervised were responsible for designing and facilitating updates to the BWC's various internal (Intranet) and external (Internet) websites. On July 1, 2008, five days after being confronted with information developed from this investigation and after being placed on administrative leave by BWC, Rearick resigned from his position. At the time of his resignation, Rearick was paid \$33.64 per hour by BWC and worked in a private office located in the BWC's William Green Building.

Additionally, we learned that he is one of a handful of BWC employees who had been issued an Apple Macintosh Computer ("MAC®")<sup>1</sup> to perform specialized desk top publishing and graphics work, as well as a standard desktop computer equipped with a Microsoft Windows®<sup>2</sup> operating system. Both computers were connected to a single monitor, and he could toggle between the two systems as needed. The fact that he was assigned two computers, with the ability to switch between the two, was found to be of significance when we interviewed other employees in the Communications Department.

Through our investigation, we learned that Rearick started a free-lance graphic design business in May 2000. The business, operating under the name "Kevin Rearick Graphic Design," designs a variety of documents, web pages and business materials for clients. Rearick operates this business as a sole-proprietorship which, to date, has not been incorporated with the Ohio Secretary of State's Office.

BWC's internal investigation also revealed evidence that Rearick had utilized a color printer in the Printing Services Department to print various non-BWC related documents with the assistance of Compton. Compton has been employed by the BWC since November 12, 1996, as a Printing Machine Operator and is paid \$20.64 per hour. Compton is one of five employees in the department. The department is responsible for facilitating most of the agency's large volume and/or complex printing and copying services.

---

<sup>1</sup> MAC® is a registered trademark of Apple Inc.

<sup>2</sup> Microsoft Windows® is a registered trademark of the Microsoft Corporation.

This investigation revealed that Compton was a co-founder of a charitable organization, “Families For Life.” We also determined that Rearick has assisted this organization with several projects, including the design and development of a website and flyers used to publicize the organization’s fund-raising events. Through these professional and personal contacts, Compton and Rearick formed a personal friendship that was leveraged by Rearick for his own personal gain.

Our initial review of the information provided by the BWC and bank records subpoenaed by this office revealed that Rearick performed work for approximately thirteen<sup>3</sup> different clients since 2005. Among these thirteen clients were at least six clients that were either owned, managed, or had in their employ, seven former BWC employees with whom Rearick had previously worked with during their times at BWC.

During this investigation, we elected to focus most of our investigative efforts on reviewing evidence relating to the four clients with whom he had the most contact with during his scheduled work days at BWC. Our review revealed that Rearick also received the most financial gain from these four clients. These four clients were: Heritage Communications, National Alliance for Model State Drug Laws (“NAMSDL”),<sup>4</sup> The Ohio State University Learning Work Connection (“OSU – LWC”)<sup>5</sup> and a collection of small businesses owned in part by a Columbus area family which will be referred to as “Bellasari” throughout this report. Based on the availability of records, we focused our efforts on examining work he has done since 2005.

***Allegation 1: BWC Visual Communications Manager Kevin Rearick operated a business or private interest on state time.***

---

<sup>3</sup> Rearick’s clients included: Heritage Communications, Capital Integrity Group, Heidi Samuel for Columbus City Council, Erik Yassenoff for Upper Arlington City Council, Eric Johnson, Annette Bellisari, EJs Canyon Café, Grandview Johnson, Herf & Associates, National Alliance of Model State Drug Laws, The Ohio State University, The Sophic Group and the Dublin Football League.

<sup>4</sup> **The National Alliance for Model State Drug Laws (NAMSDL)** is a resource for governors, state legislators, attorneys general, drug and alcohol professionals, community leaders, the recovering community, and others striving for comprehensive and effective state drug and alcohol laws, policies, and programs. NAMSDL is funded by Congressional appropriations and is a 501(c)(3) nonprofit organization. ([www.natlliance.org](http://www.natlliance.org))

<sup>5</sup> The **Ohio State University Learning Work Connection (OSU-LWC)** is part of The Ohio State University College of Education and Human Ecology and the Center for Learning Excellence.

Since at least 2006, Rearick has utilized his BWC-assigned computer and BWC-provided Internet access to check his private business e-mail account at least four to five times per day during his regular work hours at BWC. Our review also revealed evidence that Rearick was editing and forwarding his designs to his personal clients on state time and with BWC-provided resources.

**Heritage Communications** – Rearick began doing subcontract free-lance design work for Heritage Communications in 2002. Heritage Communications is owned and operated by Pamela Hiles who is a former Director of BWC’s Communications Department. Hiles initially hired Rearick to his first position at BWC. During her interview, Hiles told us that she formed this company in about 2002, a year after she retired from BWC, and retained Rearick to assist her with graphic design work. Hiles’ company authors and designs various business communications for its clients, including brochures, internal publications, letterhead, business cards and other types of communications. Hiles related that she does the writing and Rearick does the layout and design work.

A review of the records supplied by Rearick and Hiles revealed that since 2005, Heritage has paid Rearick over \$38,000.00 to perform work for Heritage clients. Our review of e-mails recovered by BWC from Rearick’s computer, as well as those he provided via subpoena, revealed numerous incidents in which Rearick communicated with Hiles during his work hours at BWC (Exhibit A).

**National Alliance for Model State Drug Laws (NAMSDL)** – Rearick has performed document and website design for NAMSDL since 2005 and has been paid over \$23,000.00. Our review of e-mails recovered from Rearick’s BWC computer, e-mails he supplied to our office, as well as his own admissions, revealed that Rearick frequently communicated with representatives of NAMSDL and occasionally edited their work products during his work hours at BWC. Rearick acknowledged that he worked on a variety of projects, including materials the organization used to facilitate approximately twelve to fifteen conferences. We also learned that Rearick formed

this business relationship through contact with David Russell. Russell, a former BWC Communications Department employee, began working for the organization after resigning from his position at BWC. Russell was one of the representatives Rearick frequently contacted to review and discuss projects (Exhibit B). The times of these e-mail communications demonstrate that Rearick had contact with NAMSDL during his work hours at BWC.

**The Ohio State University Learning Work Connection (OSU-LWC)** – Rearick has been doing graphic design work for this client since 2006 and has been paid about \$5,050.00. We found that Rearick routinely communicated with representatives from OSU-LWC on various design projects while on state time. Rearick admitted that he communicated during work hours with Michelle Ball (formerly Beitzel), LWC’s Assistant Director and former BWC employee. Rearick also admitted that he likely made minor edits to some of his work products related to this client while on state time. Our review of the e-mails obtained from BWC and Rearick substantiate Rearick was communicating with OSU-LWC and editing some of these projects on state time (Exhibit C).

**Bellisari** – Rearick has been doing a variety of graphic design work for several businesses that are owned by members of the Bellisari family. These companies did business as “Bellisari Catering” and “EJ’s Canyon Cafe.” During the investigation, we learned that Rearick began working with the family through his contact with Compton, who is related to Annette Bellisari. We found e-mails that substantiate Rearick was communicating with the owners and employees of these businesses and was editing some work products he was producing for them during his work days at BWC (Exhibit D).

### **Rearick’s Explanation**

During our interview with Rearick, he admitted that he accessed his private e-mail account from work four to five times per day while on state time. Rearick initially maintained that he did all of his design work from home. He maintained that on days he was at work for BWC, he would

only communicate with his clients during his break and lunch periods. After being confronted with e-mails that indicated he was communicating with some of these clients on some occasions immediately after starting his work day at BWC and throughout the work day, he admitted to editing some of this work and forwarding outside employment work product to his clients while on state time.

In addition to the previously referenced e-mails, BWC provided us with data reflecting Rearick's Internet usage during May, 2008. We compared Rearick's Internet usage with his time keeping records for the month and found that Rearick was accessing his business e-mail account and visiting other websites related to his business at times far exceeding what he could have done during his break or lunch periods. We found many instances when he was accessing his e-mail within several minutes of starting his work day and multiple occasions before and after his lunch periods.

During an interview with one of Rearick's subordinates, the employee said that it was common knowledge that Rearick had his own free-lance business. The employee also related that any time the subordinate or their co-workers would enter Rearick's office during work hours he would switch off his monitor as if to conceal what he was working on. The employee further noted that Rearick always seemed busy at work, but no one seemed to know what BWC projects he was working on.

While we were unable to determine specifically how much time Rearick spent working on his personal business while on state time, we did determine that he spent a considerable amount of time on these outside employment projects. Additionally, our review of bank records and documents provided by Rearick indicates that since 2005, he has earned over \$60,000 from his private business. We were unable to determine what percentage of these earnings was generated as a result of his involvement in his business while on state time.

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

***Allegation 2: BWC Visual Communications Manager Kevin Rearick misused or abused state equipment and resources for his personal financial gain.***

As referenced in “Allegation 1,” our investigation revealed that Rearick utilized his BWC computer and BWC-provided Internet access, which was provided to him by BWC for official business, to facilitate e-mail communications with his business clients and the editing of their work products. These facts support the second allegation in this case. Of more significance was the discovery that Rearick utilized BWC printing resources, which were intended for official BWC printing purposes, for his own personal financial gain.

A review of the information collected by the BWC Special Investigations Department Cyber Crime Team revealed evidence that, at the very least, Rearick opened electronic files relating to his business on a state computer. The information also revealed that Rearick was utilizing a color printer in the BWC Print Shop to print some work products for at least two of his clients, NAMSDL and the Bellisaris.

Rearick admitted that he brought his own hard drive, which he used to store all of his outside business work products, to and from work. Rearick denied using his BWC computer or BWC resources to electronically store any of his work products. However, he eventually admitted to occasionally accessing the hard drive with his BWC-provided computer to edit work products and to forwarding the edited products to his clients from his personal e-mail account via his BWC-provided Internet access.

Rearick first admitted that he only used his office printer to print a single page (a “proof”) of some of his outside projects on about ten or so occasions. Rearick, when confronted with evidence that he used the BWC Print Shop color printer, admitted that he had done some print work on the Print Shop’s printer with Compton’s assistance. Initially, Rearick maintained that he only charged his customers for printing costs he actually incurred when printing their projects. After being confronted with an invoice for a fictitious printing business “In-House Printing” that we recovered, Rearick eventually admitted that he used the Print Shop’s printer for this private

business work. Rearick also admitted that he fabricated the invoice in the name of “In-House Printing” to inflate his own charges to NAMSDL by charging them for printing costs he never incurred. In his response to our subpoena, Rearick provided copies of other “In-House Printing” invoices he fabricated and submitted to NAMSDL.

Our investigation also revealed that Rearick, with the assistance of Compton, utilized the Print Shop’s printer to print one copy of a single-page item so Rearick could inspect the document prior to finalizing it for his client. More disturbing though was the discovery that Rearick utilized the Print Shop printer to print large volume work for NAMSDL and Bellisari. A review of the information collected indicated that on nine occasions, Rearick fabricated invoices so he could bill one of his clients, NAMSDL, bogus printing costs related to work products he and Compton printed on the Print Shop printer (Exhibit E). The fabricated invoices reflect that Rearick also calculated and charged NAMSDL for sales tax on these print jobs. Rearick ultimately received over \$1,200.00 in payments from NAMSDL for print work that was actually performed on a BWC color printer, at no cost to him. We subsequently contacted two outside printing companies Rearick has used in the past to secure estimates of the charges Rearick would have incurred had he utilized an outside vendor to render these services. The vendors estimated that they would have charged between \$1,100.00 and \$1,700.00 had he utilized their services to print these items. We also found e-mails (Exhibit E) which Rearick sent to Compton regarding two of the print jobs.

The following is a listing of print jobs Rearick sent to a BWC color printer located in the Print Shop between April, 2006 and January, 2008. We have also identified the amount Rearick billed to NAMSDL:

<b>Month/Year</b>	<b>Client</b>	<b>Item</b>	<b>Volume</b>	<b>Amount Billed to Client</b>
April 2006	NAMSDL	Conference Agenda	125	\$105.42
July 2006	NAMSDL	Conference Agenda	200	\$168.67
October 2006	NAMSDL	Conference Agenda	175	\$147.58
January 2007	NAMSDL	Conference Agenda	150	\$126.50

<b>Month/Year</b>	<b>Client</b>	<b>Item</b>	<b>Volume</b>	<b>Amount Billed to Client</b>
August 2007	NAMSDL	Conference Agenda	225	\$93.67
August 2007	NAMSDL	Conference Agenda	50	\$29.36
August 2007	Bellisari	Business Cards	300	*
August 2007	Bellisari	Wine/Beer List	30	*
October 2007	NAMSDL	Arrows & Signage	6	\$56.43**
October 2007	Belliari	Martini Menus	50	*
December 2007	NAMSDL	Conference Agenda	135	\$147.40
December 2007	NAMSDL	Name Badges	37	\$175.38
December 2007	NAMSDL	Conference Agenda	135	\$162.58
December 2007	NAMSDL	Business Cards	100	***
January 2008	Bellisari	Kids Menu	10	*
<b>TOTAL</b>				<b>\$1,212.99</b>

\*Rearick claimed that he did not invoice Bellisari for these print jobs.

\*\*Rearick billed NAMSDL, but did not provide a copy of any "In-House Printing" invoice.

\*\*\*Rearick claimed that he did not invoice NAMSDL for this print job.

We found evidence that Rearick utilized his BWC computer and BWC-provided Internet access to communicate with his other clients. Additionally, we found evidence indicating that Rearick used his BWC computer and BWC office printer to print, proof read and occasionally edit some of these projects. However, we did not find any evidence to suggest he utilized a BWC printer to print large volumes of copies for any of his other clients.

Exhibits "A" through "D" include copies of work products recovered from Rearick's BWC issued computer. The fact that they were recovered from the BWC computer indicates that at a minimum, he was utilizing his BWC computer to open and view these work products. This evidence also indicates that Rearick was editing and or printing these documents with his BWC-provided computer.

Rearick admitted that on four or five occasions, he has utilized Photos.com,<sup>6</sup> an Internet-based subscription service utilized by BWC to download a variety of photographs and images for his outside employment projects. We note that the subscription account is paid for by BWC.

During our interviews with Compton, we learned that he had allowed Rearick to send some print jobs that were related to Rearick's outside business to the BWC color printer in his department. Compton explained that he and Rearick developed a friendship over the years working at BWC together and through their involvement in "Families For Life," a charity organization Compton's family founded. Compton maintains that Rearick's print jobs were the only inappropriate print jobs he has been involved in producing and further maintained that he did not know Rearick was charging his clients for any of the print work. Compton also admitted receiving three separate \$75 cash payments from Rearick for helping him with the print work, but maintained that he would have helped him regardless of these payments out of friendship. Additionally, Compton assisted in the identification of print work Rearick sent to the BWC Print Shop which were subsequently billed to NAMSDL, and he appeared remorseful about his involvement in the work Rearick did for his private business. Rearick, when asked about payments to Compton, denied making any payments to Compton for his assistance.

### **Rearick's Knowledge**

Our investigation also revealed that Rearick was fully aware that the personal work he was performing during his work days at BWC and the use of its resources were grossly inappropriate. Evidence of Rearick's knowledge is best demonstrated in excerpts from his e-mails with his clients. Below are some of the e-mail exchanges we found that clearly demonstrate Rearick knew his actions were inappropriate (Exhibit F):

March 14, 2007, after Rearick was counseled by his supervisor for spending an excessive amount of time on the Internet, wrote to his client, James Samuel<sup>7</sup> – "I've been dinged at work for too much time on the Internet (mainly my web mail) so I'll be laying low for a little while." In a follow-up

---

<sup>6</sup> BWC pays for a subscription to Photos.com. The service allows BWC to download a variety of images from the site without paying individual royalties or being concerned with potential copyright infringements.

<sup>7</sup> James Samuel is a former Director of Communications for BWC.

to the same client, Rearick wrote – “I just got a little careless. I got spoiled working on the Mac (Macintosh computer), because I don’t think they can trace the time there. For a little bit, it didn’t work on the Mac and I went to the Windows and never thought about the clocktickin’ on me.”

October 24, 2007, Rearick wrote to Emily Schnittger<sup>8</sup> of Heritage Communications - “I’m always up for getting out of BWC. I’m playing hooky today<sup>9</sup> trying to get myself dug out of the freelance hole that I’ve made. I’ve got three projects due for the end of the week and haven’t had time to work on them at home, and for some reason, I now feel guilty about working on them @ BWC.”

January 15, 2008, Rearick wrote to a client, Pamela Hiles – “I’ll have to start making all edits from home for a little while. They’re installing new software on the Macs that will allow IT (BWC Information Technology Department) to do things remotely...The guy I’ve been working with warned me that they’ll also be looking for files on people’s computers that don’t belong there...so making what should be a quick update could leave a nasty footprint. I’m waiting to see how they actually use it before taking too many changes.”

March 16, 2008, Rearick wrote to Hiles – “Things are very touchy at work, and I’ve heard through the rumor mill that “they (not knowing who they really is) have some proof of people doing freelance from work so I’ve avoided anything that could give the impression, including taking phone calls or checking e-mails, etc.”

March 23, 2008, Rearick, in a response to Hiles, responded – “All of my data should be safe (I have a back-up hard drive as well as the removable one that normally goes to work with, but is staying home until this latest freelance scare is over with.)”

May 8, 2008, Rearick wrote to Hiles after she forwarded an e-mail that referenced the Mathis<sup>10</sup> investigation– “I can’t speak poorly about it for how closely I dance on that line. (Although I never use my work e-mail or phone.) Perhaps when I went through the scare a couple weeks ago, it really wasn’t me they were going after, but the investigation perhaps had just begun. It doesn’t make the situation any less scary for me as if they dig around enough, I have to believe that for as many tracks as I have around there, that all have been covered up well enough.”

---

<sup>8</sup> Emily Schnittger is a former BWC Communications Department employee.

<sup>9</sup> Rearick took nine hours of sick leave on October 24, 2007.

<sup>10</sup> James Mathis was a BWC employee who was the subject of an investigation by this office (File ID. No. 2008021) which was completed on May 7, 2008 and involved findings that Mathis operated a business on state time and misused state property.

May 25, 2008, Rearick wrote to Compton – “After the whole thing with James Mathis, I think we may want to be a little more careful in what we use our state accounts for. Another thing to think about is using your office number on the flyer, as that’s what got James in trouble.”

May 28, 2008, Rearick wrote to Ashley Russell (NAMSDL) explaining why he had not answered his phone - “Sorry, I can’t do much phone talking at BWC, it’s a lot easier for me to close a window while typing, should someone come in.”

This investigation determined that Rearick violated BWC policies and procedures through his use of BWC resources for his own personal financial gain. His frequent use of his BWC-issued computer to edit projects while at work and use of his BWC-provided Internet access gave him the ability to maintain contact with his clients and respond to their requests during his client’s normal business hours. BWC policy Memo 4.11 (effective January 2008 – Exhibit G) specifically states: “it is prohibited for BWC employees to conduct or facilitate commerce, including the sale of goods or services from catalogs or other sources, in any Public Facility, during Public Time, or with the use of Public Resources.” BWC policy Memo 4.13 (Exhibit G) addresses employees’ use of their computers. It states, in part: “Employees must also realize that the use of these tools for personal, recreational or other non-work-related purposes is generally prohibited. Excessive personal use of any of these tools is strictly prohibited.” Additionally, BWC policy Memo 4.14<sup>11</sup> (Exhibit G), when referring to BWC-provided Internet access, states that BWC employees shall “Ensure your appropriate business use of the system and conduct your use in accordance with BWC policies and procedures.” Finally, BWC policy Memo 4.35 (Exhibit G) states that the Internet/Intranet/Extranet “are to be used for business purposes” and includes within its list of unacceptable email and communications: “Conducting business or enterprise other than BWC’s...”

---

<sup>11</sup> BWC policy Memo 4.14, revised September 2007, references employee use of Internet, Electronic Mail, Webmail and Instant Messaging.

Regarding the actions of Compton, we also found that Compton violated BWC policy by utilizing BWC resources in the Printing Services Department to produce printed materials for Rearick which were subsequently utilized by Rearick to generate additional income.

During the course of our investigation, we found that BWC's Printing Services Department requires all BWC employees to submit a written request (form OS-5) when utilizing the department to produce printed materials. This process enables the department to charge the requesting department a fee for budget purposes. We also found that the information from these forms are captured in a data base, but not reconciled with other data collected from the department such as copier meter readings. An examination of these records revealed that Rearick did not submit an OS-5 for any of the print work identified in this investigation. Lacking any reconciliation or review of this data, BWC must rely solely on its own employees to discourage misuse of these resources.

Accordingly, we find reasonable cause to believe that wrongful acts occurred in this instance.

#### **IV. CONCLUSION**

This investigation revealed substantial evidence to prove that in both allegations wrongful acts occurred.

Regarding his misuse of state time, Rearick routinely engaged in activities to advance his private for profit business while on state time. These activities included communicating with his private business clients and editing work products during his work days at BWC.

The evidence reflects that Rearick misused state resources for his own personal gain. His use of his BWC-provided computer and BWC-provided Internet access were extremely inappropriate. Most egregious though, was the fact that Rearick leveraged a personal friendship with Compton to gain access to a color printer in the BWC Print Shop to produce copies for clients. Rearick then fraudulently billed a client for more than \$1,200 when those costs were absorbed by BWC.

Through the evidence collected during this investigation, and by his own admissions, Rearick clearly violated the policies and directives of BWC by using state resources and time for a private business. We also found that Mr. Rearick knew his use of state time and resources was against BWC policy, but nonetheless he continued to engage in this conduct long after he was counseled to avoid these activities.

In our review of the e-mail exchanges between Rearick and former employees of BWC, we noted that many of these exchanges occurred at times when these former employees should have suspected Rearick was performing tasks for his private business during his work hours at BWC. However, we note that Rearick was the employee who was “on-the-clock” with BWC and had the primary responsibility to avoid these conflicts.

## **V. RECOMMENDATIONS**

Based upon the results of this investigation, the Office of Inspector General is making the following recommendations and requests that BWC respond to this office within the next 60 days with a plan on how these recommendations will be implemented:

1. BWC should review its existing control measures in the Printing Services Department and determine if additional controls, such as a management review and reconciliation of their available data, would serve as an effective deterrent to other employees who may be tempted to utilize the Printing Services Department to print personal or outside business projects.
2. BWC should seek restitution for the costs associated with the use of BWC resources for the production of documents for Rearick’s private clients.

## **VI. REFERRALS**

This office will be referring this matter to the Franklin County and Columbus City Prosecutors’ Offices for their review.