



June 18, 2020

The Honorable Randall J. Meyer
Ohio Inspector General
James A. Rhodes State Office Tower
30 East Broad Street – Suite 2940
Columbus, Ohio 43215

Re: Ohio Inspector General Report of Investigation 2019-CA00032

Dear Inspector General Meyer,

The Ohio Department of Commerce (Commerce) has completed its review of Ohio Inspector General (IG) Report of Investigation #2019-CA00032 (ROI). The ROI found that Robert McGarry, an Ohio Department of Commerce, Division of State Fire Marshal, Bureau of Underground Storage Tank Regulation (BUSTR) tank inspector, failed to conduct 34 on-site inspections and misappropriated state time by conducting local fire department runs and attending personal appointments during claimed work hours. The IG made the following recommendations to Commerce to prevent such occurrences in the future.

ROI Recommendation #1: Commerce should consider implementing a system whereby, during an on-site inspection, an employee of the site location must sign-off and acknowledge that the inspection has been completed by an underground storage tank inspector, as verification that the inspection has taken place.

Response #1: BUSTR administrators, acting on behalf of Commerce, have approved a new procedure that will provide reliable and independent verification of a BUSTR inspector's presence at on-site inspections in lieu of obtaining a facility employee's signature.

The IG's suggestion of obtaining a facility's employee signature during a BUSTR inspection was thoroughly reviewed by BUSTR. However, BUSTR determined that this procedure would be an ineffective audit tool for those sites that were out of service (closed) as well as for non-attended gas station facilities. Additionally, the employees at attended stations who are present at the time of an inspection are often not long-term employees or members of the station's ownership entity. In such cases, it can be difficult to conduct follow-up audit verifications with these employees. Therefore, BUSTR has instead decided to implement a procedure by which each underground storage tank inspector must take a photograph of the facility at the time of their on-site inspection (using a specific application on their state issued cell phone that provides a date and time stamp on all photographs) and upload the photograph into the facility's inspection records stored in BUSTR's database. The metadata of each photograph contains a verifiable date and time stamp. When a supervisor conducts an inspection audit, the supervisor will use the metadata to verify the date and time of the inspector's presence at the facility. Additionally, the supervisor will verify the authenticity of the depicted

location by comparing the features of the site to the photograph during the supervisor's on-site audit. Finally, to ensure accountability of all employees involved in the inspection process, these verification procedures have been added to the formal audit protocols for BUSTR sites.

ROI Recommendation #2: Commerce should consider implementing spot checks to ensure underground storage tank inspections are being conducted

Response #2: Since December of 2019, underground storage tank inspector supervisors have conducted a monthly audit of each field employee. Each month, the respective supervisor performs several randomly selected site audit surveys by phone (by contacting a facility representative of the site inspected) as well as on-site facility surveys for each field employee. The supervisor completes a form for each survey that includes both a verification of an inspector's visit and any feedback regarding the BUSTR's customer service to its regulated community. If there are any problems noted in the survey, the supervisor will notify the BUSTR Chief and take appropriate actions to rectify the issues. Finally, consistent with BUSTR's response to ROI Recommendation #1, these verification procedures have been added to the formal audit protocols for BUSTR sites.

Thank you for your efforts in investigating this matter. If you have any additional questions, please feel free to contact me.

Sincerely,



Sheryl Maxfield
Director of Commerce