

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: WORKERS' COMPENSATION OMBUDSPERSON SYSTEM
FILE ID NO.: 2012-CA00079
DATE OF REPORT: JUNE 27, 2013

The Office of the Ohio Inspector General ... The State Watchdog

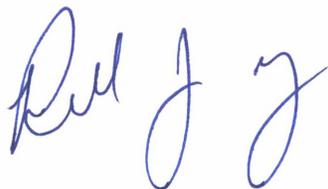
“Safeguarding integrity in state government”

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Statutory authority for conducting such investigations is defined in *Ohio Revised Code §121.41* through *121.50*. A *Report of Investigation* is issued based on the findings of the Office, and copies are delivered to the Governor of Ohio and the director of the agency subject to the investigation. At the discretion of the Inspector General, copies of the report may also be forwarded to law enforcement agencies or other state agencies responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies. The *Report of Investigation* by the Ohio Inspector General is a public record under *Ohio Revised Code §149.43* and related sections of *Chapter 149*. It is available to the public for a fee that does not exceed the cost of reproducing and delivering the report.

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The Inspector General’s Office remains dedicated to the principle that no public servant, regardless of rank or position, is above the law, and the strength of our government is built on the solid character of the individuals who hold the public trust.



Randall J. Meyer
Ohio Inspector General



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER: 2012-CA00079

SUBJECT NAME: Michael Travis

POSITION: Chief Ombudsperson

AGENCY: Workers' Compensation Ombudsperson System

BASIS FOR INVESTIGATION: Agency Referral

ALLEGATIONS: Theft of time;
Misuse or abuse of state property or equipment;
Theft

INITIATED: July 12, 2012

DATE OF REPORT: June 27, 2013

INITIAL ALLEGATION AND COMPLAINT SUMMARY

The Office of the Ohio Inspector General received information from the Ohio Bureau of Workers' Compensation (OBWC) on July 9, 2012, alleging that Michael Travis, chief ombudsperson, Workers' Compensation Ombudsperson System, was teaching college courses at Columbus State Community College (CSCC) on Mondays and Wednesdays during times when Travis was being paid to be at work for the state of Ohio.

OBWC Special Investigations confirmed through the CSCC website that Travis was teaching a Business Organization class for the summer quarter on Mondays and Wednesdays from 10:00 a.m. to 11:50 a.m. OBWC preliminarily reviewed Travis' access card data (parking lot and door entrances), Travis' timesheets and requests for leave, Outlook¹ calendar appointments, and print logs.

During the initial review of the complaint and in a separate complaint received on September 11, 2012, it was alleged Travis was allowing his daughter, Allison Travis, an employee at the Ohio Industrial Commission (OIC), to use his parking access card to park on the OBWC surface lot on days when he parked there as well, resulting in double parking, and transferring his state-issued parking access card to Allison on days when he was out of the office. In addition to Allison, Travis' son was also employed at the OIC, and a review was conducted to determine if Travis used his position to obtain employment for his children.

BACKGROUND

Ohio Revised Code §4121.45 creates a Workers' Compensation Ombudsperson System. It is the responsibility of the Ombudsperson System to assist employers, injured workers, and their representatives, in problems and questions arising out of the Ohio Workers' Compensation System. The Workers' Compensation Ombudsperson System answers inquiries and investigates complaints about the workers' compensation system, mainly as it relates to injured workers' claims and employers' policies, facilitating resolution of issues when possible.

¹ Outlook: Computer software produced by Microsoft Corporation used to electronically manage email, contacts, and calendar appointments.

The chief ombudsperson is appointed by the Industrial Commission Nominating Council (ICNC).² The chief ombudsperson may appoint an assistant ombudsperson with the advice and consent of the advisory commission. Both the chief and assistant ombudspersons serve for terms of six years. The person appointed as the chief or the assistant ombudsperson may not be transferred, demoted, or suspended during his or her tenure and may be removed by the ICNC only on the grounds of malfeasance or neglect of duty upon notice and public hearing.

The administrator of OBWC is responsible for furnishing the chief ombudsperson with office space, supplies, and clerical support to carry out the duties of the office. The chief and assistant chief ombudsperson positions are funded out of the OBWC budget and are carried on OBWC payroll, but are managed by the ICNC.

Applicable Policies Reviewed During the Investigation

OBWC Memo 1.01 Chapter 4123-15 Ethics Rules, states in part “No industrial commission member, the administrator of workers’ compensation, bureau of workers’ compensation board of directors’ member, or employee of the office of ombudsperson shall do any of the following acts:

- Use, or authorize the use of, his or her title, the name of the commission or the bureau or the agencies’ logos in a manner that suggests impropriety, favoritism, or bias by the commission or the bureau, or by a member or employee;
- Use of state property of any kind for other than approved activities. The employee shall not misuse or deface state property. The taking or use of state property for the private purposes of an employee is prohibited. The employee shall protect and conserve all state property, including equipment and supplies entrusted to or issued to the employee.

OBWC Memo 4.11 Outside Employment is derived from Ohio Revised Code §102.03 (D) and Ohio Ethics Commission Advisory Opinion 96-004. The policy states in part:

- Ohio Revised Code Section 102.03(D) prohibits a public official or employee from using or authorizing the use of the office or employment to secure anything of value. The Ohio

² Consists of five employer representatives, four labor representatives, one representative from the Ohio Association for Justice and two members of the public, each a different political party, who are appointed by the governor. The nominating council shall make recommendations to the governor for the appointment to the Ohio Industrial Commission.

Ethics Commission, in Advisory Opinion 96-004, further states that this code section "... prohibits a public official or employee from using public time, facilities, personnel, or resources in operating a private business or while engaging in private outside employment ..."

- Employees must notify their immediate supervisor in writing of the outside commercial activities and/or employment and the specific nature and scope of the duties performed.
- Violation of this policy can lead to discipline, up to and including termination of employment with BWC.

OBWC Memo 4.13 Phone, Personal Computer, FAX, Software, Printer and Handheld

Organizers states in part:

- BWC will provide tools to assist employees in performing their work assignments efficiently.
- The tools are to be used for the main purpose of assisting an employee in completing their work assignments.
- 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.

OBWC Memo 4.14, Internet, Electronic Mail, Webmail and Instant Messaging Policy defines unacceptable personal use as "any use of IT resources that disrupts or interferes with BWC business, incurs an undue cost to the BWC, could potentially embarrass or harm the BWC or has the appearance of impropriety is strictly prohibited." Memo 4.14 states in part:

- Employees shall acknowledge that all relevant BWC policies and procedures apply in all electronic transmissions.
- Employees shall make every effort to avoid the introduction of a computer virus into any BWC computer system.
- Employees shall not download, store and/or save any personal message/information (including but not limited to written jokes or correspondence, slide shows, graphics, cartoons, pictures, movies, music, greeting cards). Such material can take up space and computer memory and limit BWC's ability to store business operations information.

- Employees shall not solicit for money or support on behalf of any activity that is not BWC approved, [or] operate or conduct a business for personal gain.

OBWC Memo 4.35 Computer Security Acceptable Use Policy states in part:

- Internet/Intranet/Extranet-related systems are to be used for business purposes in serving the interests of the company and our customers in the course of normal operations.

OBWC Memo 4.35 Section 4.3, Unacceptable Use, prohibits conducting business or enterprise other than BWC's, (e.g., selling Avon or other products), for which the employee receives benefits or remuneration.

OBWC parking policy states, in part, that parking on the surface lot is assigned to employees who directly report to chiefs. The policy further states that “parking privileges and access cards are non-transferable. Employees are not permitted to give their access and /or building ID to a co-worker, friend, family member or any other person to gain access to the garage and/or surface lot.”

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General reviewed course listings from the Columbus State Community College website. The records showed Michael Travis taught a course titled Business Organizations on Mondays and Wednesdays from 10:00 a.m. to 11:50 a.m. at the Columbus campus during the summer quarter of 2012 (June 18, 2012, to August 18, 2012). ([Exhibit 1](#)) The review confirmed Travis was teaching a course at CSCC during normal Workers' Compensation Ombudsperson Service business hours.³

The Office of the Ohio Inspector General reviewed the following records from OBWC's Digital Forensics Unit:

- Building and parking access card records;

³ The Workers' Compensation Ombudsperson System website states “If you are not able to resolve your complaint with BWC or the Industrial Commission of Ohio, contact the Ombuds Office between 7:30 a.m. and 4:45 p.m., Monday through Friday.”

- Outlook calendar;
- Timesheets;
- Requests for leave;
- Print logs⁴;
- Security videos;
- Emails;
- Screenshots.

Columbus State Community College

Travis Teaching CSCC Course During the Course of Normal Workday

The records from CSCC revealed that Travis taught a course from 10:00 a.m. to 11:50 a.m. during the summer quarter of 2012. A review of Travis' timesheets for the period June 18, 2012, through August 18, 2012 (summer quarter), revealed during that time period Travis indicated his lunch break would begin sometime between 9:45 a.m.- 10:00 a.m. and end between 10:45 a.m. - 12:05 p.m. Records from CSCC also indicated Travis taught courses at CSCC in the evenings after 5:30 p.m., and on Saturday mornings. Due to the timing of the course, which was in the middle of Travis' workday, the focus of this investigation was on the summer quarter of 2012.

During an interview conducted by the Office of the Ohio Inspector General on August 28, 2012, Travis admitted teaching at CSCC in the paralegal program for the last 12 to 15 years. Travis stated he usually taught one or two nights per week and, occasionally, on Saturday mornings. Travis explained that in the summer of 2012, CSCC was transitioning from quarters to semesters, which caused CSCC to schedule unusual blocks of time for courses. According to Travis, CSCC asked him to teach a course on Mondays and Wednesdays from 10:00 a.m. to 11:45 a.m., and after a period of deliberation, Travis agreed to teach the eight-week course. Travis stated that the Workers' Compensation Ombudsperson System does not have formal written policies and procedures for the office, but the chief ombudsperson and the assistant ombudsperson adhere to OBWC policies. Travis indicated he completed the secondary employment form required by OBWC, but admitted that he did not seek approval from the ICNC.

⁴ The print logs detail the date, time, user, filename, page count, and printer used when printing documents from a state computer.

During a follow-up interview on April 23, 2013, Travis stated that the ICNC was aware of his secondary employment with CSCC, as it was listed on Travis' resume and discussed during his interview for the chief ombudsperson position. Travis stated he did not seek permission from anyone at the ICNC or OBWC to teach the CSCC course in the middle of the work day because he used unpaid time from the Workers' Compensation Ombudsperson System to teach the course. Travis explained that the chief ombudsperson position does not have set working hours, and in the 5 ½ years Travis has held the position, he has never worked the standard 8:00 a.m. to 4:30 p.m. hours.

On August 23, 2012, the Office of the Ohio Inspector General conducted an interview with Assistant Chief Ombudsperson Sharon Kovach. Kovach stated that the Workers' Compensation Ombudsperson System has no formal written policies and procedures for the office; however, she continued to say that Workers' Compensation Ombudsperson System personnel follow OBWC policies as guidance.

The Office of the Ohio Inspector General reviewed Travis' personnel file and was unable to locate a secondary employment form for Travis, as required by OBWC Memo 4.11 titled Outside Employment. Travis acknowledged receipt of an updated version of this memo on February 20, 2008. On September 24, 2008, and on January 5, 2012, Travis acknowledged receiving and reading OBWC Memo 4.11.

During an interview with ICNC Chairman Erik Burkland on February 13, 2013, Burkland confirmed the Workers' Compensation Ombudsperson System does not have policies and procedures, but follows those of OBWC. Burkland was unsure if OBWC could enforce their policies if the chief ombudsperson violated those policies. Burkland admitted that his assumption was that Ohio "DAS"⁵ has policies in place that are followed by OBWC and the OIC. Burkland stated Travis does not report to OBWC or the OIC. Burkland admitted he just recently learned that there is a hearing process to discipline the chief ombudsperson, which Burkland indicated would require a vote of the ICNC. Burkland was not aware Travis had secondary employment with CSCC, but admitted the ICNC does not require Travis to file

⁵ Ohio Department of Administrative Services

secondary employment notification with the ICNC or Burkland. Burkland was asked by investigators if it would be acceptable for Travis to teach a course during the day, between the hours of 9:00 a.m. and 5:00 p.m. Burkland replied, “Yeah, I don’t know. I mean, I don’t know what the State uh ... whatever you call it. What it ... so I think whatever the State system is ... what the rules are there, I think. I imagine that the Council would just rely on that.” Burkland stated the ICNC does not require Travis to have set working hours and has never received complaints that Travis was unavailable.

Travis’ Use of State Resources for CSCC Work

Computer Analysis

The Office of the Ohio Inspector General conducted a computer forensic analysis on two computer hard drives assigned to Travis by OBWC and the OIC, Travis’ personal network storage at OBWC, Internet history, and Travis’ active and archived email account. The analysis found:

- Fifteen documents related to CSCC on the personal network storage, including syllabi and class assignments. Information regarding the documents identified them as being created on Travis’ state-issued computer and under his assigned user name. ([Exhibit 2](#))
- Archived emails and calendar appointments related to CSCC dating back to 1996. The emails document communications between Travis and CSCC faculty and staff. The emails were identified as coming to and from Travis’ OBWC email address. ([Exhibit 3](#))
- Emails were sent from Travis’ computer with attachments containing CSCC course exams that were prepared using his state-issued computer as early as 1999.
- Outlook calendar history shows Travis scheduled CSCC-related events and reminders during hours he was working for the state. ([Exhibit 4](#))
- Travis logged into CSCC’s Cougar Web from his OBWC and OIC computers to view class rosters, student information, class information and to grade students. ([Exhibit 5](#))
- Internet history from his OIC-assigned computer shows 28 different instances between April 27, 2012, and August 7, 2012, in which Travis accessed CSCC information.

- Internet history from Travis’ OBWC-issued computer identified 107 different days, including 12 days with multiple internet browsing sessions⁶, between July 1, 2011, and August 30, 2012, in which Travis accessed CSCC information. Of those 107 days in which Travis accessed CSCC’s website, 76 percent of the time he also accessed his CSCC email account.
- Recent document history revealed Travis accessed approximately 60 documents related to CSCC from his state-issued device. One document titled CSCC Legl#111 was viewed through his Internet browser. The metadata⁷ identified it as being created on Travis’ OBWC-issued device, under his assigned OBWC user name. ([Exhibit 6](#))

OBWC provided to the OIG screen captures of Travis’ computer showing he had deleted documents related to CSCC after the Office of the Ohio Inspector General interviewed him on August 28, 2012.

Printing

The Office of the Ohio Inspector General analyzed the print log data for the period January 1, 2009, through March 8, 2013, to identify items printed and to determine the number of documents and the number of pages that were not work related. The items printed were classified based on type. The following chart depicts the categorization of items printed, the number of items, and the total number of pages printed. **Note:** Some of the items from this time period did not include the number of pages printed, but were included in the item count.

Summary of Print Log Data: January 1, 2009 –March 8, 2013

Description	Item Count	Page Count
CSCC related	668	1582
Resumes	45	63
Travel	157	1137
University of Alabama	79	159
Emails and attachments	107	461

⁶ A session refers to a communication event between a computer and a content server. An internet browsing session has a logical beginning and end based on how the user navigates the internet.

⁷ Metadata is properties of a document that are hidden from the user (e.g., how long the document is, who the author is, and when the document was written).

Miscellaneous ⁸	175	786
Financial	97	282
Sports (not UA)	54	430
MapQuest	68	230
Total	1,450	5,130

During a search of Travis’ office on August 7, 2012, the Office of the Ohio Inspector General found several documents related to classes Travis teaches at CSCC, including handouts and completed or graded homework assignments. ([Exhibit 7](#))

After initially denying use of state resources for CSCC work, Travis quantified his use of the state resources as “de-minimis”⁹ during an interview conducted by the Office of the Ohio Inspector General on August 28, 2012. Travis stated that “... it was only during a lunch hour, very minimal and it was just for convenience purposes.” Travis agreed creation of CSCC documents on the OBWC computer would violate OBWC policies and procedures on computer usage. Travis admitted to periodically accessing his private email account and his CSCC email account to communicate with students.

During the follow-up interview with Travis on April 23, 2013, Travis was asked to define or explain his statement of “de-minimis” use of state resources discussed in the interview on August 28, 2012. Travis responded by saying he stood by his statement that the personal use of state resources, compared with his overall state work product, was “de-minimis.” Travis further stated the personal use of state resources “... did not interfere with his primary professional work duties.” Travis believed OBWC permitted employees to use state-issued resources for secondary employment while on lunch hour.

During the interview on April 23, 2013, Travis was informed that screenshots of his computer monitor taken by the OBWC Digital Forensic Unit revealed Travis accessed CSCC’s website 17 days between July 3, 2012, and August 27, 2012, sometimes multiple times each day. Travis

⁸ Miscellaneous category could include coupons and rebates, car related (e.g., reviews, locating dealerships, and obtaining insurance quotes), Buckeye Boys State, college related (e.g., Ohio State University employment, Kent State financial aid, Ohio University schedules, and Ohio Dominican course information), junk yards or salvage yards, purchases and returns (e.g., PayPal, Barnes and Noble, Avon), and entertainment (e.g., movies, Bonaroo, schedules for trips, color runs, golf outings).

⁹ Merriam-Webster: “de-minimis” - So minor as to merit disregard.

was asked if he would still quantify that as “de-minimis.” Travis responded by stating he would still quantify it as “de-minimis” use compared to the overall volume of work Travis produced. Travis agreed the screenshots, documents, or anything related to CSCC found on his OBWC computer would be for Travis’ secondary employment.

When asked about creating CSCC-related documents, including exams and syllabi, using his state-issued computer, Travis could not recall, but stated “but if it’s on there, I must have done it.” When asked about all of the CSCC documents the print logs revealed Travis printed, Travis’ response was “I do not remember.” Travis was asked if he ever used OBWC email to communicate with CSCC students and/or faculty, and again his response was “I do not remember.”

Travis was specifically asked about Saturday, June 30, 2012, a day in which Travis reported on his timesheet as working from 8:30 a.m. to 9:48 a.m. The print log revealed Travis printed a document titled Legal 119 Real Estate at 9:38 a.m., which Travis also printed on Friday, June 29, 2012, at 4:08 p.m., 4:43 p.m., and 4:44 p.m., prior to signing off at 4:45 p.m. Travis was asked if this was for the class at CSCC that Travis taught on Saturday mornings at 10:00 a.m.; Travis replied he didn’t remember. Travis was asked if he specifically reported to work on Saturday morning to print documents for the CSCC class. Travis replied, “I do not remember. You’re asking me something that occurred a year ago – I flat out do not remember what my intent was.”

In the interview on April 23, 2012, Travis was questioned about why he would delete CSCC-related items from his OBWC computer after Travis’ initial interview with the Office of the Ohio Inspector General on August 28, 2012, if he felt the use was not an issue and “de-minimis.” Travis replied, “I do not remember what I was thinking back in August 2012, what my mind set was then.”

Parking

Double Parking

The Office of the Ohio Inspector General reviewed parking swipe card records from January 1, 2012, through September 20, 2012, to identify instances in which Travis and his daughter

Allison used one parking access card to park two vehicles at the same time. Specifically, records were reviewed to determine days in which the same badge or parking access card was used twice before 11:00 a.m. The analysis identified 21 days in which Travis’ badge or parking access card was swiped more than once.

That analysis was then compared to available security camera videos provided by OBWC Digital Forensics.¹⁰ The security video established that in most instances, Travis would arrive early and park his car in the surface lot, then when Allison arrived, Travis would meet her in front of the William Green Building and give her the parking access card. Allison would then use the access card to park at the surface lot, as well. The comparison of the swipe records to the available security video identified 13 days in which Travis and Allison double parked in the OBWC surface lot. The following table shows the days in which Travis’ badge or parking access card was used at the OBWC surface lot multiple times before 11:00 a.m. and security video shows Travis and Allison both parking at separate times.

Days That Travis’ Parking Access Card Was Used at the OBWC Lot Multiple Times

May 3, 2012	August 1, 2012	August 16, 2012
June 6, 2012	August 2, 2012	August 24, 2012
July 17, 2012	August 6, 2012	August 27, 2012
July 24, 2012	August 7, 2012	
July 26, 2012	August 14, 2012	

On March 2, 2012, Travis signed an Allpro and William Green tenant parking agreement that allowed him to park one vehicle on the surface lot. ([Exhibit 8](#)) This parking space was made available to Travis by the IC.¹¹ The agreement states, “... the parking privileges are being issued to the employee signing this agreement only.” The agreement prohibits employees from transferring their access card or parking privileges to anyone to gain access to the garage and/or surface lot.

¹⁰ OBWC Security camera video is re-written and driven by motion; therefore, low traffic areas have longer retention period than high traffic areas.

¹¹ The OIC has several parking spaces they utilize on the BWC surface lot.

During an interview with Travis on August 28, 2012, Travis admitted he and his daughter, Allison, occasionally parked two cars on the surface lot using his parking access card. Travis stated he did not read the “fine print” on the parking agreement, but acknowledged he does not think it would be permissible for two individuals to use one space. Travis did not obtain permission to allow Allison use of the access card. The explanation Travis gave for double parking was that Allison was on a waiting list for a space in the OBWC garage. Travis agreed double parking in the OBWC surface lot was improper.

In a follow-up interview with Travis on April 23, 2013, Travis assumed he signed a parking agreement, but didn’t remember. Travis could not recall if he had read the agreement prior to signing it. Travis could not recall whose idea, his or Allison’s, it was to share Travis’ parking access card. Travis could not provide an explanation as to why he thought it was permissible to park two cars using one access card, but did say that “parking at the William Green Building has always been a very informal thing.” Travis admitted he did not have or seek authorization to double park.

In an interview with Allison Travis on September 11, 2012, Allison confirmed she used her father’s parking access card to park at the surface lot at the same time her father’s car was parked there. Allison indicated she was on the waiting list for a parking space in the OBWC parking garage. Allison stated she had not requested or received permission from anyone at OBWC or the OIC to park at the surface lot using her dad’s parking access card while she waited for an available space in the OBWC parking garage.

In a follow-up interview with Allison Travis on April 18, 2013, she confirmed her statement from the September 11, 2012, interview regarding double parking at the OBWC surface lot. Allison did not recall whose idea it was, but stated, “... it was just more of a convenience than anything. I live at home and at the time it just made the most sense.” Allison did not feel it was a problem for her and her father to double park. Allison felt that because there were so many open spaces, double parking would not be an issue. Allison’s employment as public information officer at the OIC did not offer parking as part of the benefits package or as a perk.

During an interview with former OIC Executive Director Tim Adams¹² conducted by the Office of the Ohio Inspector General on February 7, 2013, Adams recalled he had heard Allison Travis was double parking on the surface lot by using her father’s access card. Adams stated that is “absolutely not allowed.” Adams stated he did not receive confirmation it was occurring until he was notified by the deputy inspector general assigned to OBWC.

Travis’ Transfer of Parking Access Card

Additionally, the review of Travis’ swipe card record compared to his timesheets identified 10 instances between March 9, 2012, and June 1, 2012, in which Travis’ parking access card was used on days in which Travis claimed compensatory or vacation time. The date, time, and location of these swipes are as follows:

**Instances Parking Access Card Used When
Travis Claimed Compensatory or Vacation Time**

Date and Time	Location	Card Number
03/09/2012 08:13:16	PG-FLAT LOT SMART ENT READER -	20700
03/12/2012 08:19:34	PG-FLAT LOT SMART ENT READER -	20700
03/13/2012 08:07:19	PG-FLAT LOT SMART ENT READER -	20700
03/14/2012 08:12:55	PG-FLAT LOT SMART ENT READER -	20700
03/15/2012 08:06:53	PG-FLAT LOT SMART ENT READER -	20700
03/16/2012 08:06:41	PG-FLAT LOT SMART ENT READER -	20700
04/26/2012 08:11:55	PG-FLAT LOT SMART ENT READER -	20700
05/09/2012 08:13:19	PG-FLAT LOT SMART ENT READER -	20700
05/18/2012 17:24:00	PG-FLAT LOT SMART ENT READER -	20700
06/01/2012 08:19:21	PG-FLAT LOT SMART ENT READER -	20700

The Allpro and William Green tenant parking agreement signed by Travis on March 2, 2012, states, in part: “the access card and parking privileges are not transferable. Employees are not permitted to give their access card and/or building ID to a coworker, friend, family member, or any other person to gain access to the garage and/or surface lot.”

In the follow-up interview with Travis on April 23, 2012, Travis stated that “it is not justification, but everybody from the governor’s cabinet members down transfer their parking passes to other individuals when they are out of the office.” Travis stated, “it’s a regular

¹² Effective April 6, 2013, Tim Adams is no longer the executive director of the OIC.

occurrence and has been for twenty years.” Travis could not recall if he gave his parking access card to Allison on days when he was out of the office. Travis was asked if he would have given the access card to Allison if she asked to use it, and Travis replied, “I don’t remember.” Travis then immediately stated, “No.” Travis said he would not have offered the parking access card to Allison on days when he was not going into the office. Travis was shown a copy of the parking agreement he signed on March 2, 2012, and acknowledged his signature on the signature line. Travis indicated he was not familiar with the OBWC parking policy.

In the interview with Allison Travis on April 18, 2013, Allison initially stated she did not use her father’s parking access card when Travis was on leave or out of the office, only on days when Allison and Travis were double parking. Allison was shown the analysis, which revealed use of the parking access card on days when her father was out of the office. Allison’s response was “if that’s what it says, then yes, I did.” Allison stated she believes Travis offered her the access card on days when he was out of the office.

In the interview with Tim Adams on February 7, 2013, Adams stated Mike Travis was not permitted to allow someone else to use his access card while he was out of the office on leave. Adams went on to say the parking space is provided to the position, not the individual.

On August 9, 2012, during an interview with Karen Gillmor,¹³ former chairperson of the OIC, Gillmor advised the parking access card was issued to the chief ombudsperson only and was not to be used by anyone else.

Nepotism

Allison Travis

Mike Travis’ daughter, Allison Travis, was hired by the OIC on January 17, 2012, as the public information officer (PIO) after graduating from college in June 2011. The position is unclassified¹⁴ and is, therefore, an at-will position.

¹³ Effective February 13, 2013, Karen Gillmor is no longer chairperson of the OIC.

¹⁴ OAC Chapter 123:47-01(A)(82) Definitions: "Unclassified service" - All offices and positions which are exempt from all examinations and which provide no tenure under the law are unclassified. Appointment to a position in the unclassified service may be made at the discretion of the appointing authority and the incumbent may be removed, suspended or reduced from the position at the pleasure of the appointing authority.

During the interview with Tim Adams on February 7, 2013, he was asked about the hiring of Allison Travis. According to Adams, he sought advice from OIC Chief Legal Counsel Paul Walker regarding Adams participation in the hiring of Allison Travis due to Adams' close relationship with the Travis family. Adams indicated Walker advised him to withdraw himself from the hiring process involving Allison Travis, and as a result, Adams did not participate in the interview with Allison. Adams stated he had no recollection of actively participating in any discussions to convert the PIO position from a classified to unclassified position. Adams admitted he may have provided Allison Travis' resume to Director of Human Resources John Tornes, but denied he directed Tornes to schedule a meeting with Allison Travis. Adams said he did not have discussions with Mike Travis about hiring Allison. Adams further stated Travis did not pressure Adams to hire his daughter.

The Office of the Ohio Inspector General interviewed the OIC Director of Human Resources John Tornes on January 30, 2013. Tornes indicated the public information officer position, which was a classified position, became available when Adam Gibbs, the individual who previously held the position, was promoted to deputy director. According to Tornes, discussions ensued as to whether to fill the PIO position as a classified or unclassified position. Tornes explained in order to convert the position to an unclassified position, one would have to demonstrate the PIO position has a fiduciary relationship to the chairman. Tornes further explained that, in this particular case, the PIO position is connected to the communications department and reports to the deputy director; therefore, it was determined the PIO position has a fiduciary relationship to the chairman and could be converted to unclassified.

Tornes was asked if the position was converted to an unclassified position so Allison Travis could be hired without going through the normal hiring practice of posting the position and conducting interviews. Tornes replied, "I do not recall hearing her name in that part of the discussion whether to make it a classified or unclassified position." When asked if OIC Executive Director Tim Adams was adamant about making the position unclassified, Tornes stated, "I would think so." According to Tornes, Adams provided him with Allison Travis'

resume and directed Tornes to set up a meeting with her. Also included in the meeting was Everett Woodel, director of operations, and Adam Gibbs, deputy director of communications. Tornes stated it was his impression, after being directed by Adams to meet with Allison Travis, that if there were no complications or objections resulting from the meeting with Allison, she would be recommended for the position. Tornes stated he was not aware of any involvement from Mike Travis in Allison Travis' hiring.

During an interview with OIC Chief of Operations Everett Woodel¹⁵ on January 30, 2013, Woodel indicated he participated in the interview with Allison Travis along with Adam Gibbs and John Tornes. Woodel stated the executive director had a stack of resumes for communication positions. Woodel said he was told by Tim Adams that the resumes had been sorted, and that the resume on top was from Allison Travis, who was someone Adams was familiar with. Adams told Woodel that he had already contacted Chief Legal Counsel Walker, who advised Adams to remove himself from the hiring process due to Adams' relationship with the Travis family. Woodel recalled reviewing the resumes, but stated, "I knew which direction I needed to go. I am not a foolish person. I was given no direct direction, but that one should be considered, even though he was recusing himself." When asked if it was Woodel's impression during his meeting with Allison Travis on December 7, 2011, that he was just to meet her and that she already had the position, Woodel replied, "I can honestly say, I knew that was probably the direction I knew I was going. The way I felt it was presented to me by Tim." Woodel confirmed Mike Travis had no discussions with Woodel concerning the hiring of Allison Travis. Woodel admitted that, at the time of Allison Travis' hiring, Woodel did not know Mike Travis.

During the course of the investigation, the Office of the Ohio Inspector General found the email message shown on the following page, which was sent by Travis using the OBWC email system, and addressed to Allison Travis on April 5, 2010.

¹⁵ Effective February 21, 2013, Everett Woodel is no longer employed with the OIC.

From: Travis Michael
Sent: Monday, April 05, 2010 2:58 PM
To: 'Travis, Allison'
Subject: Careworks Contact Info

Alli -

Here's the info: contact is Krista Lallow. She is head of Sales & Marketing at CareWorks, the big workers' compensation consulting firm based here in Columbus. Her e-mail is [REDACTED] and her direct dial number is [REDACTED]. Make sure you mention my name first, and remind her that she and I talked about a week ago, after I gave a speech to their staff. Good luck !

Michael Travis, Esq.
Chief Ombuds Officer
(614) 644-9414
(614) 621-3374 (fax)

During an interview with Krista Browning (formerly Lallow, see reference in email above), sales executive for CareWorks Consultants, Inc., and Fran Watkins, chief human resources officer for CareWorks on January 25, 2013, Browning recalled attending a training/speech given by Mike Travis on March 23, 2010. Browning explained the invitation to attend the training came to her as part of the sales staff at CareWorks and counts toward her continuing education. Browning indicated this was the first and only presentation by Travis that Browning has attended.

Browning recalled being introduced to Travis during the intermission, at which time, Travis inquired about available internships for his daughter. Browning further recalled receiving an email from Travis after the March 23, 2010, training expressing his interest in an internship for Allison. Browning stated that per CareWorks protocol, the email was forwarded to human resources. Browning indicated she has had no further contact with Travis or Allison. Due to the age of the email, Browning did not have a copy of it. Browning had no recollection if the email from Travis came from his state email account. Browning stated Allison Travis never contacted her by telephone.

In the same interview, Fran Watkins indicated nothing would have been done further with the email Browning forwarded from Travis. Watkins stated CareWorks policy is to not respond to unsolicited inquiries for job opportunities. Watkins stated CareWorks sent no communication of any kind to Mike or Allison Travis.

In the interview with Allison Travis on April 18, 2013, Allison stated her father never provided her with contact information for potential job opportunities. When shown a copy of the April 5, 2010, email communication from Travis, Allison stated she never followed through with it. Allison was unaware of CareWorks relationship with OBWC. Allison stated that her father's email was the only contact Mike Travis provided to her for potential opportunities. Allison indicated the only position Allison formally pursued was her current position at the OIC.

In the interview with Mike Travis on April 23, 2013, Travis acknowledged providing his daughter with contacts for potential job opportunities. Travis explained CareWorks is a managed care organization for OBWC and Travis conducts trainings/speeches to CareWorks. When asked if Travis knew Krista Lallow, Travis responded, "No." Travis was asked about the email that was sent to Allison on April 5, 2010. Travis admitted remembering the email and stated Krista Lallow (Browning) was the individual that lined up the speaking engagement Travis gave for CareWorks. When asked if Travis discussed Allison with Lallow, Travis couldn't recall, but admitted the timing would have been right, because Allison was looking for employment. Travis recalled Lallow advised Travis to send her Allison's resume and explained it as "very routine," stating further, "... nothing came of it, they weren't hiring, it was over." Mike Travis confirmed the training/speech Travis provided at CareWorks was in his official capacity as chief ombudsperson.

Travis' Son

Mike Travis' son applied for and received a summer internship position with the OIC. Travis' son submitted his application on or around May 30, 2012, and started with the OIC on July 16, 2012.

In the interview with John Tornes on January 30, 2013, Tornes recalled the hiring of Travis' son followed the normal process of posting a position, receiving applications, selecting candidates, and conducting interviews. The pay range for the intern position was \$11.72 to \$17.91/hr. and was based on what year the applicant was in school.

During an interview with Tim Adams on February 7, 2012, Adams stated he did not have any discussions with Mike Travis about hiring his son. Adams recalled Travis did advise him that Travis' son had applied for a position with the management planning section of the OIC. Deputy Director of Management Planning Scott Greene, also notified Adams that Travis' son had applied for the internship position. Adams said he did not put any pressure on Greene to select Travis' son and he did not participate in the son's interview.

During an interview with Scott Greene on January 30, 2013, Greene explained that, once applications were received for the intern position, the applications were reviewed by Pamela Davis in Human Resources to screen out applicants that did not meet certain criteria, including current enrollment in college and returning to college in the fall. Greene believed once this was complete, Greene received about 40 applications to review. Greene, along with two analyst supervisors, Kathleen Miller and Sandy Sukul, narrowed down the applications to five for interviews, but only interviewed three because two applicants declined. Greene recalled that, of the three interviewed, Travis' son was the only one not currently working on an internship position, which is why he was selected.

Green also indicated he knew Travis, as Travis used to be employed at the OIC before going to OBWC and then being hired as chief ombudsperson. Greene confirmed no one had spoken to him about Travis' son applying for the intern position. Greene recalled one occasion when Greene ran in to Travis in the hallway when Travis was on the floor talking with his daughter Allison. Travis mentioned to Greene that his son had applied for an intern position. Greene stated that he inquired as to Travis' son's major, which Travis provided to Greene. Greene said that was the end of the conversation with Travis regarding Travis' son.

Greene reiterated Travis did not pressure or try to influence Greene into hiring his son. Greene stated approximately two weeks after the interviews were complete, he ran into Mike Travis, who asked Greene if a decision had been made. Greene advised Travis that his son would receive a notification letter one way or the other. Greene stated when he originally reviewed the applications for the intern position, he was not aware that the young Travis was the son of Mike Travis and the brother of Allison Travis. Greene noted that if the position Travis' son had

applied for was full-time and permanent, Greene said he would not have hired him due to Allison's position in the communications department.

In the interview with Mike Travis on April 23, 2013, he recalled that his son worked a summer internship at the OIC. Travis indicated his son became aware of the intern opportunity through a posting online, which his son found on his own. Travis stated he did not recommend his son for the position and notified no one that his son was even applying for the position.

CONCLUSION

Ohio Revised Code §4121.45 (A) states in part "... ombudsperson program shall be funded out of the budget of the bureau and the chief ombudsperson and assistant ombudsperson shall be carried on the bureau payroll but shall be under the direction of the nominating council."

The Workers' Compensation Ombudsperson System was unable to produce any formal policies and procedures, and it was later determined that the Ombudsperson System does not have formal policies and procedures. Also, the ICNC was unable to produce any policies and procedures for the Workers' Compensation Ombudsperson System. However, multiple individuals indicated the Workers' Compensation Ombudsperson System follows the policies as issued by the Ohio Bureau of Workers' Compensation.

The Office of the Ohio Inspector General received information alleging Michael Travis, chief ombudsperson was teaching college courses at Columbus State Community College (CSCC) on Monday and Wednesday during the course of his normal working day. The investigation found Travis was teaching Business Organization on Mondays and Wednesdays from 10:00 a.m. to 11:50 a.m. at CSCC Columbus campus for summer quarter (June 18, 2012, to August 18, 2012). The investigation determined Travis was using unpaid time to teach the course at CSCC as evidenced through his timesheets showing Travis listed his lunch break during the time he would be teaching the class. Travis indicated that he had filed a secondary employment form with the OBWC, but the completed form could not be located in Travis' personnel file. Although the chair of the ICNC was unaware that Travis was teaching during normal workday hours, Travis stated the ICNC was aware of his employment with CSCC dating back to his initial hire.

The ICNC had not received any complaints on Mike Travis, in his capacity as chief ombudsperson, regarding his availability on the job or failure to perform his duties.

Through the forensic computer analysis of Travis' OBWC and OIC computers, the analysis of the print logs, and the screen shots provided by OBWC digital forensics, the investigation conducted by the Office of the Ohio Inspector General determined Travis used state resources to perform duties associated with his secondary employment as an adjunct professor at CSCC while receiving compensation from the State of Ohio. Travis' participation in this activity was in direct violation of several of OBWC's policies, including:

- OBWC Memo 1.01, Chapter 4123-15 Ethics Rules;
- OBWC Memo 4.11, Outside Employment Policy;
- OBWC Memo 4.13, Phone, Personal Computer, FAX, Software, Printer, and Handheld Organizers;
- OBWC Memo 4.14, Internet, Electronic Mail, Webmail and Instant Messaging Policy;
- OBWC Memo 4.35, Computer Security Acceptable Use Policy;

Furthermore, the Ohio Ethics Commission Advisory Opinion Number 96-004 states in part, "...R.C. 102.03 (D) prohibits a public official or employee from using public time, facilities, personnel, or resources in operating a private business or while engaging in private outside employment, including conducting demonstrations for clients on public equipment."

Accordingly, the Office of the Ohio Inspector General finds there is reasonable cause to believe that a wrongful act or omission occurred in this instance.

The investigation found Travis used the parking access card provided to him as chief ombudsperson to park at the OBWC surface lot and on numerous occasions allowed his daughter Allison to use the access card to park her vehicle as well, resulting in double parking. The practice of double parking by Travis and his daughter, Allison, provided her with free parking and circumvented the \$50.00 monthly fee associated with a parking access card. Both Travis and Allison admitted to sharing Travis' parking access card on numerous occasions.

The investigation further determined Travis was transferring his parking access card to his daughter for use on days when Travis was out of the office. In the interview conducted with Allison on April 18, 2013, Allison admitted she used her father's parking access card on days Travis did not report to the office. Travis could not remember if Allison used his parking access card on days when Travis was out of the office, but indicated all executive staff members transfer their parking access cards, from members of the governor's cabinet on down.

The transfer of the parking access card by Travis to his daughter Allison was in direct violation of the parking agreement Travis signed on March 2, 2012, as well as in violation of OBWC's Parking Policy.

Accordingly, the Office of the Ohio Inspector General finds there is reasonable cause to believe that a wrongful act or omission occurred in this instance.

During the forensic computer analysis, the Office of the Ohio Inspector General discovered an email Travis sent to his daughter Allison, providing her with the name, telephone number, and address of an employee at CareWorks, an OBWC-managed care organization. While speaking to CareWorks, in his official capacity as chief ombudsperson, Travis solicited CareWorks employee, Krista Lallow, about a position at CareWorks for his daughter, Allison. Travis admitted to asking Lallow about possible employment for his daughter, Allison, but Allison never followed through with the contact.

This solicitation for employment for his daughter was in direct violation of OBWC Memo 1.01, Chapter 4123-15 Ethics Rules.

Accordingly, the Office of the Ohio Inspector General finds there is reasonable cause to believe that a wrongful act or omission occurred in this instance.

During the course of the investigation, the Office of the Ohio Inspector General found Travis' daughter, Allison was hired as a public information officer with the OIC and Travis' son was

hired as a summer intern by the OIC. The Office of the Ohio Inspector General did not find evidence that Travis used his position to gain employment for his children at the Ohio Industrial Commission.

Accordingly, the Office of the Ohio Inspector General finds there is no reasonable cause to believe that a wrongful act or omission occurred in this instance.

On Friday, May 10, 2013, the Office of the Ohio Inspector General received a written response via email from Mike Travis. ([Exhibit 9](#))

RECOMMENDATIONS

The Office of the Ohio Inspector General makes the following recommendations and asks the Ohio Industrial Commission Nominating Council to respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Industrial Commission Nominating Council should:

1. Review the conduct of Michael Travis and determine whether administrative action or discipline is warranted.
2. Develop and implement policies and procedures for the Workers' Compensation Ombudsperson System.
3. Although the Ohio Revised Code provides that the administrator of Ohio Bureau of Workers' Compensation shall furnish the Workers' Compensation Ombudsperson System with office space, supplies, and clerical support to enable effective performance of duties, the ombudsperson system is funded through OBWC and the chief ombudsperson and the assistant ombudsperson are carried on the OBWC payroll, the Workers' Compensation Ombudsperson System is under the direction of the ICNC. Therefore, the ICNC should develop and implement policies and procedures to actively participate in the oversight of the Workers' Compensation Ombudsperson System.

4. Seek clarification of the ICNC's role over the actions of the chief ombudsperson and the assistant ombudsperson.

The Office of the Ohio Inspector General makes the following recommendation and asks the Ohio Industrial Commission to respond within 60 days with a plan detailing how this recommendation will be implemented. The Ohio Industrial Commission should:

1. Review the conduct of Allison Travis and determine whether administrative action or discipline is warranted.

REFERRALS

The Office of the Ohio Inspector General will forward a copy of this report of investigation to the Franklin County Prosecutor's Office and the Ohio Ethics Commission for further consideration.

[\(Click here for Exhibits 1-9 combined\)](#)



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Workers' Compensation Ombudsperson System

FILE ID #: 2012-CA00079

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
June 27, 2013

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