

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF
INVESTIGATION**



**AGENCY: OHIO DEPARTMENT OF EDUCATION
FILE ID NO.: 2012-CA00114
DATE OF REPORT: OCTOBER 16, 2013**

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

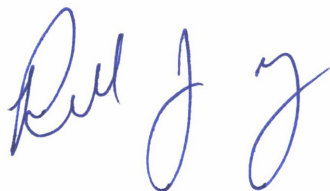
“Safeguarding integrity in state government”

The Ohio Office of the Inspector General is authorized by state law to investigate alleged wrongful acts or omissions committed by state officers or state employees involved in the management and operation of state agencies. We at the Inspector General’s Office recognize that the majority of state employees and public officials are hardworking, honest, and trustworthy individuals. However, we also believe that the responsibilities of this Office are critical in ensuring that state government and those doing or seeking to do business with the State of Ohio act with the highest of standards. It is the commitment of the Inspector General’s Office to fulfill its mission of safeguarding integrity in state government. We strive to restore trust in government by conducting impartial investigations in matters referred for investigation and offering objective conclusions based upon those investigations.

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.

The Office of the Inspector General does not serve as an advocate for either the complainant or the agency involved in a particular case. The role of the Office is to ensure that the process of investigating state agencies is conducted completely, fairly, and impartially. The Inspector General’s Office may or may not find wrongdoing associated with a particular investigation. However, the Office always reserves the right to make administrative recommendations for improving the operation of state government or referring a matter to the appropriate agency for review.

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-CA00114

SUBJECT NAME: Melanie Brown

POSITION: Educational Consultant 3

AGENCY: Ohio Department of Education

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Failure to comply with state or department rules
procedures or policies;
Theft of state property;
Falsification of records.

INITIATED: November 7, 2012

DATE OF REPORT: October 16, 2013

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On November 7, 2012, the Ohio Department of Education (ODE) informed the Office of the Ohio Inspector General of alleged wrongdoing by Melanie Brown, Educational Consultant 3. In a memorandum, ODE alleged Brown failed to perform annual inspections of child care centers assigned to her throughout Hancock, Fulton, and Williams counties, and allegedly filed documentation indicating she had performed these site visits as assigned. Additionally, Brown allegedly used a state vehicle for personal purposes.

BACKGROUND

The Ohio Department of Education oversees all public school districts and public community schools; and monitors educational services centers, early learning programs, and state-chartered nonpublic schools. ODE also administers funding to the schools, collects student data, develops academic standards and curricula, administers state achievement tests, and licenses education personnel. The department is governed by a 19-member State Board of Education with 11 elected members and eight members appointed by the governor. The board hires the Superintendent of Public Instruction, who is responsible for the day-to-day operations of the department. The Ohio Department of Education is funded through General Revenue Funds, federal funding, and transfers from lottery profits.¹

The ODE Early Learning Office oversees 1,400 child care centers that are operated by public schools or chartered non-public schools (Ohio Department of Job & Family Services regulates private child care facilities). As part of licensing and oversight, ODE field staff conduct mandatory annual inspections of each facility to ensure they are complying with all basic health and safety requirements under state law. For example, ODE staff ensure each facility has had its fire inspection. These inspections are conducted by regular ODE employees supplemented by regionally located contractors. Inspectors are assigned regions for which they conduct these annual site visits.²

¹ Biennial budget documents.

² ODE Early Learning Office.

An Educational Consultant 3 assists administrators in determining the type of program evaluation for each program based upon a data driven decision process; sets regional program evaluation schedules; provides notice to programs regarding type of program evaluation visits; provides relevant documents to programs prior to review; has oversight of the evaluation activities; determines compliance and/or deficiency issues; and provides notice to programs regarding the outcome of the evaluation. The Educational Consultant 3 also assists programs in developing improvement plans; recommends appropriate technical assistance resources; maintains data related to program demographics, type, size, contact persons and funding; maintains data related to compliance, deficiencies and improvement plans; collects and reviews program quarterly reports and child count.³

ODE employees requiring a state vehicle to perform official duties request the use of one of ODE's 11 pool vehicles by sending an email to an ODE dispatcher with the dates the vehicle is needed. Employees pick up their vehicle packet at the facilities office located in the ODE main building. The packet contains keys, Voyager credit card, map, authorized/unauthorized use guidance, car location/pickup sites, contact information, road assistance procedure guide, log, and fuel receipts. Employees are able to pick up and drop off the vehicle packet after normal business hours if they make prior arrangements. If a vehicle packet is turned in after normal business hours, on a Friday, or prior to a holiday, the vehicle return date will be entered as the date the packet is processed. ODE pool vehicles are parked at an off-site facility in West Columbus. If there are no ODE pool vehicles available, the employee may request a state vehicle through an online system from the Ohio Department of Administrative Services.

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General and the Ohio State Highway Patrol (OSHP) conducted a joint investigation into the allegations that Melanie Brown failed to comply with state or departmental rules, procedures or policies, committed theft of state property, and falsified records. During the period of November 13, 2012, through May 10, 2013, the Office of the Ohio Inspector General and OSHP interviewed ODE administrative staff, supervisors, and conducted site visits to four locations within Brown's area of responsibility. Investigators attempted to

³ Office of Human Resources, Ohio Department of Education.

interview Brown on March 22, 2013, and April 2, 2013, but she declined to be interviewed. Brown was an Educational Consultant 3 assigned to the ODE Early Learning Office from January 24, 2005, until she resigned, effective October 25, 2012.

ODE Early Learning Office provided the Office of the Ohio Inspector General with a schedule of Brown's assigned schools, and identified the dates she was expected to visit these sites.

([Exhibit 1](#)) Brown was assigned a total of 135 schools with preschool programs throughout 15 counties, primarily in northwest Ohio. According to ODE, schools are certified every two years and site visits occur during the school year. Education consultants are provided a schedule indicating when certification visits are due; however, these scheduled visits may not occur on the specified dates due to weather, availability of school personnel, or if a consultant is assigned another visit with little prior notice. A review of Brown's emails and calendar revealed numerous inconsistencies between her schedule and actual site visits. For example, on August 21, 2012, Brown was scheduled to visit Laurels at Shane Hill in Celina, Ohio (Mercer County). However, she was instructed in an August 20, 2012, email to visit Westside Montessori in Toledo, Ohio (Lucas County) on August 21.⁴

A review of site visits by the Office of the Ohio Inspector General and OSHP determined there was no consistent method of conducting these visits. Each school varied in size in the number of preschool classrooms. Also, the point of contact at each school was different, ranging from the principal, to the program coordinator, to the preschool teacher. The ODE representative was not required to sign-in the visitor's log at all schools. When a visit occurred, there was no standard documentation that would verify a visit occurred on a given date.

On May 10, 2013, the Office of the Ohio Inspector General interviewed Barbara Weinberg, the assistant director of the ODE Early Learning Office. Weinberg was Brown's supervisor from January 2012 until October 2012 when Brown resigned. Brown was among seven personnel Weinberg supervised. Weinberg recalled that after supervising Brown for three or four months, she noted changes in Brown. These changes ranged from extreme variances in the way Brown

⁴ Supervisors or educational consultants can change schedules as appropriate. Schedule changes may result from shifting priorities, availability of school personnel, weather constraints, consultant issues, etc.

dressed, to failing to attend staff meetings or keep her calendar current in posting her schedule. Weinberg began supervising Brown in the middle of the 2011-2012 school year, and after assessing her performance at the end of that school year, Weinberg believed the summer period would be a good time for more frequent and direct involvement with Brown to ensure that she was prepared for the upcoming school year. Weinberg instituted weekly meetings in June 2012 to counsel Brown and monitor her performance. Weinberg recalled her concern with Brown was not whether she was actually conducting the site visits, but whether Brown was conducting the site visits to proper standards. Weinberg discussed the unpredictable nature of the inspectors' schedules, indicating that there were times when an inspector could not visit a site or had a conflict and another inspector would conduct the visit. Weinberg also spoke about the Integrated Monitoring Process and Continuous Improvement Tool (IMPACT) program. The purpose of IMPACT is to engage programs in a "continuous improvement process" that relates to the Early Learning Program Guidelines. The IMPACT program required additional site visits, and according to Weinberg, site inspectors volunteered to cover these visits. Weinberg discussed how Brown volunteered to take on more work to support these additional requirements. Weinberg stated that she first became aware that Brown may not be conducting site visits from another consultant. Weinberg said the consultant had reported to her in October 2012 that during his/her visits to six preschool programs, he/she found that the preschools had received their certification documents but had not received their site visits.

The Office of the Ohio Inspector General reviewed Brown's time reports and state vehicle usage data ([Exhibit 2](#) & [Exhibit 3](#)). *ODE Policy Human Resources Policies and Procedures Manual - 207.0, Fleet/Use of State Vehicles for Travel, August 25, 2009, paragraph VII, Unauthorized Use, subparagraph A.* outlines the unauthorized use of state vehicles as "... any use for personal purpose, other than commuting, which has been authorized as specified above," and subparagraph J. states "... extending the length of time the vehicle is in an employee's possession beyond that which is required to complete the official purpose of the trip." A comparison between the Brown's schedule provided by ODE and Brown's vehicle dispatches indicated that Brown logged 30,036 state vehicle miles for the period from November 1, 2009, to October 6, 2012, in excess of 12,437 miles.⁵ ([Exhibit 3](#)) Additionally, Brown's driver's license

⁵ The additional mileage beyond what she would have driven if she followed her schedule.

was suspended for the period November 9 through November 21, 2011, as the result of not responding to a speeding violation which occurred on September 6, 2011, in Marysville, Ohio while operating a state vehicle. During this period she had a state vehicle dispatched to her. ODE requires employees to have and maintain a valid Ohio Driver's License when utilizing a state vehicle.

As a result of the variability of Brown's schedule and the incomplete documentation of site visits, the Office of the Ohio Inspector General was only able to verify 15 instances where Brown reported a site visit and the school verified that no licensing visit occurred. These visits were scheduled as follows:

Edon Elementary (Williams County) – October 6, 2011
Northview Elementary (Hancock County) – October 18, 2011
Cory Rawson Elementary (Hancock County) - October 19, 2011
Arlington Local Elementary (Hancock County) – October 19, 2011
Saint Michael (Hancock County) – December 8, 2011
Van Buren Elementary (Hancock County) – December 8, 2011
North Central Elementary (Williams County) – March 12, 2012
Stryker High School (Williams County) – March 12, 2012
Wilson Vance Elementary (Hancock County) – March 28, 2012
Falconview Elementary (Hancock County) - March 28, 2012
Lincoln Elementary (Hancock County) - May 1, 2012
Faith Academy of Findlay Inc. (Hancock County) – May 1, 2012
Trinity Evangelical Lutheran (Hancock County) – May 1, 2012
McComb Elementary (Hancock County) – June 8, 2012
LBES Elementary (Hancock County) - June 8, 2012

On all dates above, Brown reported working her regular 8-hour schedule.⁶ On May 1, 2012, Brown did access the ODE building at 11:57 a.m. and 2:17 p.m. ([Exhibit 4](#))⁷ The schools where Brown was scheduled to visit were in Findlay and Jenera, Ohio, (Hancock County). The schools

⁶ Brown's typical work hours are 8:30 a.m. to 5:00 p.m.

⁷ Only 2012 Card History was available.

are within 15 miles of each other and the round trip distance from the ODE building is 187.42 miles, an approximate driving time of two hours one way. For Brown to have visited these schools, she would have had to leave Columbus at approximately 4:00 a.m., arrive at the first school at 6:00 a.m., which was before the school opened, completed the inspection, travel to the next school, complete that inspection and return to Columbus by 11:57 a.m. On all other dates, there were no records of Brown accessing the ODE building. There was evidence that Brown conducted visits not to the appropriate standards. For example, a witness interviewed by the Office of the Ohio Inspector General stated that Brown's visit to Triad Elementary (Champaign County) on October 4, 2012, "lasted only five minutes." According to ODE, these visits generally require two to four hours of staff time to complete, depending on the number of classrooms and students enrolled. Another witness stated to the Office of the Ohio Inspector General, that although Brown was scheduled to conduct a site visit at Bigelow Elementary School in Findlay, Ohio (Hancock County), on May 1, 2012, Brown "did this visit by desk audit." A desk audit is conducted over the telephone and is not an ODE authorized site visit.

The Office of the Ohio Inspector General reviewed ODE Motor Vehicle Logs for vehicles dispatched to Brown for the period February 2010 to November 2012. These logs included Voyager Fleet credit card⁸ activity. The logs revealed that Brown reserved and used a pool vehicle during periods where there were no visits scheduled. For example, vehicles were in Brown's possession from June 13, 2011, to August 19, 2011; however, there were no scheduled visits during this period. From November 2009 through September 2012, Brown had a state-issued vehicle in her possession for 89 weekends.⁹ Of these instances, there were only six in which Brown's licensing visit list included a site visit on a Friday and the following Monday. Likewise, of the 89 weekends for which Brown had a vehicle, licensing visits were scheduled on either a Friday or the following Monday 27 times. Brown purchased fuel on a weekend (Saturday or Sunday) 16 times. On one occasion, Sunday, December 18, 2011, Brown purchased fuel in Lancaster, PA. Mapping software identified the distance between Brown's

⁸ Employees using a state-owned or leased vehicle are provided with a Voyager Fleet credit card used for purchasing fuel. Before the pump will operate, a unique pin number and the mileage shown on the vehicle odometer is entered by the purchaser.

⁹ Vehicles may be taken home over a weekend for the convenience of the government and employee if there is an official obligation that requires an employee to conduct official business early Monday morning.

residence¹⁰ to Lancaster, PA, as being 392 miles away. ([Exhibit 3](#)) Also, during this period, December 27, 2011, Brown purchased fuel at a Circle K in Bedford, Ohio.¹¹ Brown's financial records documented activity in this vicinity December 22 and December 23, 2011. Brown's time keep records showed that she was on vacation December 22nd, 23rd and 27th, 2011.¹²

The Office of the Ohio Inspector General reviewed Brown's vehicle registration records and found Brown's personal vehicle registration expired on June 16, 2011. Brown's financial records showed that she sold the vehicle identified in the vehicle registration records to a salvage business on October 25, 2011. OSHP found no evidence of any other vehicle registered at Brown's home address.

On June 11, 2013, investigators interviewed an ODE Early Learning & School Readiness licensing contractor. The contractor has worked for ODE as a licensing contractor since February 2010, and conducts pre-school and School Age Child Care (SACC) site visits primarily in the 13 counties in ODE Region 1 (northwest Ohio). The contractor worked with Brown conducting visits in other counties within Brown's area of responsibility. The contractor and Brown worked autonomously and were assigned schools by Educational Employee Consultant 3 John Webb, ODE Early Learning and School Readiness. The contractor described the methodology used in conducting site visits. When assigned a list of schools, the contractor would determine when a school's license expired. The contractor would make a schedule based on this information and then contact the school's point of contact as provided by ODE. The contractor would consider schools' proximities to each other when developing a visitation schedule. Once arriving at the school and meeting the point of contact, the contractor would conduct the site visit and complete the ODE compliance checklist. The contractor said school protocol varied in that some schools required the individual to sign in, while other schools did not. The contractor said the length of the inspections varied, depending on the number of classrooms and students within a building, and that the visits ranged from one and a half hours to four hours. After completing the inspection, the contractor would then review the findings with

¹⁰ Brown's residence is on the northeast side of Columbus.

¹¹ Bedford, OH is 133.49 miles (266.98 round-trip) from Brown's residence.

¹² Ohio Department of Administrative Services Directive No. GS-D-02 prohibits "extending the length of time a vehicle is in your possession beyond that which is required to complete the official purpose of the trip." Any use for personal purpose is prohibited as well under this directive.

the point of contact and identify non-compliance issues. After the visit, the contractor would post the inspection results into the ODE database and would receive a confirmation email indicating that these results were received. ODE would then issue a letter and license via email to the site and send a copy the ODE inspector.

The Office of the Ohio Inspector General could not consistently determine Brown's location on a given work day. ODE provided her site visit schedule; however, an analysis of this information found that this schedule was not always accurate. There was evidence that Brown did not conduct inspections on the assigned days, that other inspections pre-empted the scheduled inspection, and that she was tasked to perform additional inspections. ODE has an inconsistent manner in informing schools of inspection results and issuing licenses. These notifications and documents are sent via a general ODE email address after an ODE inspector or contractor enters the inspection data, and upon completion of the data entry, an automated email is sent out to both the inspected school and the inspector. The ODE licensing certificates have conflicting dates as to when the site visit occurred, when the document was printed, and the duration of the certification.

When ODE became aware that site visits may not have occurred or that they may not have been conducted to standard, ODE directed a re-inspection of the 135 facilities assigned to Brown. All facilities were found in compliance and their licenses were renewed based on these site visits. ODE found that no enrolled preschool student was ever at risk and that the preschool teachers and administrators were conducting these programs appropriately.

OSHP briefed the Franklin County Prosecutor's office of these investigative findings. The prosecutor's office informed OSHP that they were not inclined to pursue criminal charges in this matter.

CONCLUSION

The Office of the Ohio Inspector General and the Ohio State Highway Patrol (OSHP) conducted a joint investigation into the allegations that Melanie Brown failed to comply with state or department rules, procedures or policies, misused state property, and falsified records. During

the period November 13, 2012, through May 10, 2013, investigators interviewed ODE administrative staff, supervisors, and conducted site visits of four locations within Brown's area of responsibility. The Office of the Ohio Inspector General and OSHP attempted to interview Brown on March 22, 2013, and April 2, 2013, but Brown declined to be interviewed. Brown was an Educational Consultant 3 assigned to the ODE Early Learning Office from January 24, 2005, until she resigned effective October 25, 2012. Brown was responsible for conducting pre-school licensing visits in 135 schools throughout 15 counties primarily in northwest Ohio.

On a minimum of 15 occasions, Brown documented that she performed site visits resulting in the certification of these preschool programs, when in fact she did not conduct these inspections; thus, Brown failed to comply with state or department rules procedures or policies.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.

On a minimum of 16 occasions Brown used a state vehicle for other than state business in violation of state vehicle usage law and policy. Additionally, on a minimum of 14 occasions, Brown was not at her ODE office nor did she conduct a scheduled site visit. Brown reported that she worked regular hours. Brown's salary was \$33.71 per hour for a total of \$269.68 per day or a total of \$3775.52 for these days.¹³ On these occasions the state of Ohio compensated Brown for services she did not provide.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.

On a minimum of 15 occasions, Brown documented that she performed site visits resulting in the certification of these preschool programs when in fact Brown did not conduct these inspections, thus falsifying official records.

¹³ Based on a standard eight-hour work day.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.

RECOMMENDATION(S)

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

- 1) Review the method of conducting site inspections to ensure a common standard.
- 2) Consider revising the vehicle use approval and monitoring process to ensure state vehicles are being utilized per established policies. Also, ensure that ODE employees inform their supervisors of any traffic citations or license suspension.
- 3) Consider revising supervisor monitoring process regarding oversight of site visit scheduling to verify inspections are conducted as scheduled and to standard.
- 4) Consider revising the licensing certificate issuance to ensure dates of inspection, effective date of the license and point of contact are consistent and clearly identified on licensing certificates and notification letters.
- 5) Require employees inspecting a facility to sign-in on any visitors logs, and develop or revise an existing inspection document which the ODE employee must submit for a date, time, and signature of the facility point of contact at the time of inspection.
- 6) Consider revising travel policy to ensure efficiency in use and management of state resources.

REFERRALS

The Office of the Ohio Inspector General forwarded a copy of this report to the Columbus City Attorney's Office for consideration.¹⁴

[\(Click here for Exhibits 1 – 4 combined\)](#)

¹⁴ OSHP discussed this case with the Franklin County Prosecutor's Office.



STATE OF OHIO

OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Education

FILE ID #: 2012-CA00114

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
October 16, 2013

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