

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF NATURAL RESOURCES  
FILE ID NO.: 2014-CA00027  
DATE OF REPORT: JANUARY 22, 2015

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*“Safeguarding integrity in state government”*

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Randall J. Meyer  
Ohio Inspector General



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**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2014-CA00027

**SUBJECT NAME:** Douglas A. Lindsley

**POSITION:** Park Officer

**AGENCY:** Ohio Department of Natural Resources  
Dillon State Park

**BASIS FOR INVESTIGATION:** Agency Complaint

**ALLEGATIONS:** Theft

**INITIATED:** April 8, 2014

**DATE OF REPORT:** January 22, 2015

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

On April 7, 2014, the Office of the Ohio Inspector General received from the Ohio Department of Natural Resources (ODNR) a document entitled: Notice of Alleged Employee Misconduct, dated April 1, 2014. The notice indicated that on March 31, 2014, a black Chevrolet truck, thought to be the personal vehicle of ODNR Park Officer Douglas Lindsley, was seen by an ODNR employee leaving Dillon State Park in Nashport, Ohio, pulling a trailer loaded with assorted logs 8-12 feet in length. Dillon State Park Manager Mike Jarvis checked with the U.S. Army Corps of Engineers and verified that no firewood or timber removal permits had been issued to Lindsley.

On April 8, 2014, the Office of the Ohio Inspector General opened a preliminary inquiry and subsequently opened an investigation on April 28, 2014.

## **BACKGROUND**

### *Ohio Department of Natural Resources*

The Ohio Department of Natural Resources (ODNR) is responsible for the state's wildlife, forests, natural areas, state parks, geological and mineral resources, inland lakes and waterways, regulation of the issuance of hunting and fishing licenses, watercraft registrations, the Lake Erie coastline; and enforces state law in regard to natural resources and conservation. ODNR is also responsible for more than 714,000 acres of land, including 75 state parks, 21 state forests, 135 state nature preserves, and 140 designated wildlife areas. In addition, ODNR oversees 120,000 acres of inland waters, 7,000 miles of streams, 481 miles of the Ohio River, and 2.25 million acres of Lake Erie. ODNR has 10 operating divisions to carry out these functions, as well as a central administrative office that oversees day-to-day operations. The director of ODNR is appointed by the governor and is confirmed by the Ohio Senate. Funding for ODNR is provided through General Revenue Funds, federal funds, and licenses and fees from those they regulate.<sup>1</sup>

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<sup>1</sup> Source: Biennial budget documents.

### *Dillon Lake/Dillon State Park*

Dillon Lake is a U.S. Army Corps of Engineers water resource project constructed primarily for flood control purposes, encompassing 748 square miles of watershed. The area includes 1,376 acres of water and 5,345 acres of land, of which 4,400 acres are open for public hunting.

Development and management is carried out jointly by the U.S. Army Corps of Engineers, the ODNR Division of Ohio State Parks, and the ODNR Division of Wildlife.

### *EP 1165-2-316*

EP 1165-2-316 is the U.S. Army Corps of Engineers publication containing the rules and regulations, published in the Federal Register of February 11, 2000, and amended on May 5, 2000, governing public use of Corps of Engineers water resources development projects. The publication includes Title 36 – Parks, Forests, and Public Property; Chapter III, Part 327 – “Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers, U.S. Army Corps of Engineers.” ([Exhibit 1](#))

### **INVESTIGATIVE SUMMARY**

On April 7, 2014, the Office of the Ohio Inspector General received notification from the Ohio Department of Natural Resources (ODNR) of a Notice of Alleged Employee Misconduct. The complaint indicated that on March 31, 2014, at approximately 10:00 a.m., a black Chevrolet pickup truck, thought to be the personal vehicle of ODNR Park Officer Douglas Lindsley, was seen leaving Dillon State Park ([Exhibit 2](#)), located in Nashport, Ohio, pulling a trailer loaded with assorted logs 8-12 feet in length. Dillon State Park Manager Mike Jarvis contacted the U.S. Army Corps of Engineers and verified that no firewood or timber removal permit had been issued to Lindsley.

On April 21, 2014, the Office of the Ohio Inspector General interviewed Mike Jarvis, Ohio Department of Natural Resources park manager for Dillon State Park. Jarvis stated that he has been employed by ODNR for nearly 27 years, and has been a park manager since 1998.

Jarvis stated that on Monday, March 31, 2014, at approximately 10:20 a.m., he observed a newer model black Chevrolet pickup truck leaving the Dillon State Park area, proceeding past the park

office, and pulling a trailer that contained seven to nine logs that were 10-12 feet in length and 18-24 inches in diameter. Jarvis noted that the logs were large enough that they would have required the use of a skid steer loader to place them onto the trailer. Jarvis said that he was not sure who was driving the truck, but it appeared to be Doug Lindsley's truck. Jarvis indicated that Lindsley, who is a park officer at Dillon State Park, personally owned the same type of truck.

Jarvis stated that a U.S. Army Corps of Engineers permit is required to remove any firewood from the park. Jarvis stated he did not believe that large saw logs are considered "firewood" by ODNR; and noted that ODNR employees are prohibited from requesting a permit to remove firewood. Jarvis was unable to identify any of the logs as wood of special value, and thought, based on the area being cut, that the logs were probably ash.

Jarvis noted that the process for removing firewood from the park is for individuals to obtain a permit from the U.S. Army Corps of Engineers office at Dillon Dam. The permit is then brought to the ODNR park office where it is checked, and then the permit holder is directed to the wood that can be removed. Chain saws are permitted, but only trees that have been dropped and piled by ODNR or Corps of Engineers work crews are permitted to be taken. No cutting of standing timber is permitted.

Jarvis said that after seeing the truck with the logs leave the park, he drove to cottage area 16-29, where ODNR workers Ron Mingus and Randy Cunningham were working to remove some trees. [\(Exhibit 3\)](#) Mingus and Cunningham told Jarvis they saw Lindsley loading the logs; that he was present in plain clothes, and had access to a skid steer loader to load the logs. The ODNR workers said Lindsley did not use ODNR or Corps equipment, and they did not know where Lindsley obtained the use of a skid steer loader.

Jarvis stated that he called the U.S. Army Corps of Engineers office. Personnel at the Corps office informed Jarvis that they had not issued a permit to Lindsley.

On April 21, 2014, the Office of the Ohio Inspector General interviewed Clifton Kilpatrick, U.S. Army Corps of Engineers manager for the Dillon Reservoir. Kilpatrick has been employed by the Corps of Engineers at Dillon Dam for approximately 27 years. Kilpatrick stated that he knew Lindsley and had spoken to ODNR Manager Mike Jarvis about the March 31, 2014, removal of logs from the cabin area at Dillon State Park. Kilpatrick stated that Title 36, *rules and regulations governing public use of property administered by the U.S. Army Corps of Engineers*, requires a permit for anything removed from Corps property. Kilpatrick provided a copy of the EP 1165-2-316: U.S. Army Corps of Engineers Rules and Regulations. ([Exhibit 1](#)) Kilpatrick said the removal of logs and firewood requires a permit. He reviewed the permit file and verified that there were no permits issued to Douglas Lindsley. Kilpatrick stated that he recalled speaking with Lindsley about firewood, but could not remember exactly when the conversation occurred.

The Office of the Ohio Inspector General reviewed the rules and regulations outlined in the EP 1165-2-316 for the permit requirement referenced by Kilpatrick, in particular, Section 327.14:

327.14 Public property.

- (a) Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers and vegetative growth, is prohibited except when in accordance with written permission of the District Commander.
- (b) Cutting or gathering of trees or parts of trees and/or the removal of wood from project lands is prohibited without written permission of the District Commander.
- (c) Gathering of dead wood on the ground for use in designated recreation areas as firewood is permitted, unless prohibited and posted by the District Commander.<sup>2</sup>

The Office of the Ohio Inspector General contacted ODNR SE District Manager Mike Powers. Powers oversees the entire SE District, including Dillon State Park. Powers stated that he did not witness the log removal but was contacted about the matter by Mike Jarvis, Dillon State Park

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<sup>2</sup> Section 327.14 is included in [Exhibit 1](#).

manager. Since the issue involved an ODNR employee, and ODNR employees are prohibited from obtaining firewood permits, Powers forwarded the complaint to the ODNR central office in Columbus. Powers said he did not know what the U.S. Army Corps of Engineers' policy was regarding ODNR employees obtaining permits to remove firewood. Powers emailed to investigators an example of an ODNR firewood permit. ([Exhibit 4](#)) The permit includes specific language concerning ODNR employees; "Conditions to note: 6. Division employees are prohibited from participating in this program."

On April 30, 2014, the Office of the Ohio Inspector General interviewed ODNR Maintenance Repair Worker Ron Mingus. Mingus stated that on Monday March 31, 2014, between 9:00 - 9:30 a.m., he was driving through the cottage area 1-15 at Dillon State Park to conduct a count of trees that had been cut on the previous Friday. Mingus said he was counting the dropped trees at the request of Park Manager Jarvis. While in the area, Mingus said that he saw a newer black four-door pickup truck and a trailer, but could not recall an exact make or model. Mingus said he saw one or two logs on the trailer and that a skid steer loader was in the process of loading another log. Mingus stated that he did not know the white male operating the skid steer loader. Mingus also said that the skid steer loader was not an ODNR or Army Corps of Engineers piece of equipment.

Mingus said that he recognized Doug Lindsley, who was there working in street clothes. He also said that Park Officer Mike Zaborowski was present in his uniform and with a marked ODNR cruiser. Mingus said that he and Randy Cunningham had cut approximately 20-23 trees in cottage area 1-15 on the previous Friday. Mingus indicated that the cut trees were approximately 18-30 inches in diameter, adding that he was using a chain saw with a 32-inch bar. Mingus noted that even this saw was not large enough to completely cut two of the trees.

Mingus stated that he believed a U.S. Army Corps of Engineers permit is required to remove any wood from Corps property, but said he did not know how the permit process worked. Mingus said that the logs were approximately 10-14 feet in length and were not cherry, walnut, or any other wood of special value, but were, "... all ash with maybe 1 or 2 oaks."

Mingus repeated that Lindsley and the others with him did not use ODNR or Corps equipment. Mingus also stated that he did not know where the skid steer loader came from or the identity of the operator. Mingus recalled that later in the day, between 2:00-3:00 p.m., when he and Cunningham were putting away equipment at the Dillon Park maintenance barn, they saw the same pickup truck pulling a trailer with a skid steer loader leaving the beach entrance near the park office. Mingus was not able to identify the driver or any passenger in the truck, but recalled that Cunningham said something like, "... there goes Doug with the skid steer."

On May 2, 2014, the Office of the Ohio Inspector General interviewed ODNR Lock Technician Randy Cunningham. Cunningham stated that he has been employed by the Ohio Department of Natural Resources for nearly 36 years.

Randy Cunningham stated that he and ODNR coworker Ron Mingus had cut approximately 30-35 trees in two separate areas on Friday, March 28, 2014, with probably 20-23 trees in cottage area 1-15. Cunningham stated that most of the trees were ash and included a few oak trees. Cunningham said the trees were all fairly large, with diameters of approximately 20-30 inches.

Cunningham stated that on the morning of Monday, March 31, 2014, he drove to cottage area 16-29 to begin work. His coworker, Ron Mingus, drove through cottage area 1-15 at Dillon State Park because the park manager had asked him to count the trees that had been cut on the previous Friday. When Mingus returned to cottage area 16-29, he told Cunningham that he saw Lindsley at cottage area 1-15 with a trailer and a skid steer loader. Mingus told Cunningham they were cutting the trees to length and loading them on the trailer, and noted that the skid steer loader was not ODNR or Corps equipment. Mingus said that Lindsley was not in uniform, and that Park Officer Mike Zaborowski was there in his uniform, watching.

Cunningham was asked if he thought any of the cut trees were walnut, cherry, or other high value wood. Cunningham said that he believed the logs were not wood of any special value. Cunningham noted that the trees were large and straight and would possibly make good lumber, if someone had access to a saw mill.

Investigators asked Cunningham what he believed ODNR's policy was on removing items from state park property. Cunningham stated that it had always been his understanding that ODNR employees cannot take firewood or timber that has been cut. Cunningham said, "... it's policy; everyone knows if we cut 'em, they can't have 'em." Cunningham said throughout that day, he and Mingus discussed the impropriety of Lindsley taking the logs.

Cunningham said later in the day, between 2:00-3:00 p.m., he and Mingus were at the Dillon Park maintenance barn. Cunningham saw a black Chevy four-door pickup truck pulling a trailer with a skid steer loader leaving the beach entrance near the park office. Cunningham said he told Mingus, "... there's Doug's truck with that skid steer behind it." Cunningham did not see who was driving or if any passengers were in the truck.

The Office of the Ohio Inspector General contacted Park Officer Doug Lindsley and Park Officer Mike Zaborowski. Both individuals declined to be interviewed.

The Office of the Ohio Inspector General identified and contacted 14 sawmills, wood processing, or manufacturing businesses near Dillon State Park, in an attempt to locate a purchaser of the saw logs removed from Dillon State Park. None of the businesses or individuals contacted had any record of saw logs purchased from Douglas Lindsley.

The Office of the Ohio Inspector General contacted Toby Wagner, chief of law enforcement for the Ohio Department of Natural Resources. Wagner provided the Office of the Ohio Inspector General with the payroll and schedule information, as well as the patrol and arrest logs, for park officers Lindsley and Zaborowski. The records confirmed that Park Officer Doug Lindsley was off duty on March 31, 2014, and that Park Officer Mike Zaborowski worked 8:00 a.m. until 4:00 p.m. on March 31, 2014.

## **CONCLUSION**

The Office of the Ohio Inspector General found evidence supporting the allegation that ODNR Park Officer Douglas Lindsley did remove logs from the cabin area of Dillon State Park on March 31, 2014, while off duty, without a permit from the U.S. Army Corps of Engineers as

required by USC Title 36, Section 327.14. The removal of the logs is also a violation of Ohio Administrative Code sections 1501:41-3-18 and 1501:41-3-10.

§1501:41-3-18 Firewood, chainsaws.

(A) No person shall gather firewood nor use a chain saw in any area administered by the Division, except as noted in paragraphs (B) and (C) of this rule.

(B) Firewood supplied by the division for cooking or campfires may be gathered and used only on the areas administered by the division.

(C) With written permission of the chief persons may cut and gather standing timber that as a result of wind, storm, or any other natural occurrence may present a hazard to life or property, or cut and gather timber that has fallen on lands under the control and management of the division.

§1501:41-3-10 Plants.

Except by permit issued for scientific or educational purpose by the chief of the division, no person shall willfully or negligently pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, alter, treat, burn, or carry away any tree or plant or portion thereof, including but not limited to leaf mold, flowers, foliage, berries, fruit, grass, turf, humus, shrubs, cones, and dead wood, except in a specific area where the chief has authorized and has posted at the headquarters of such area notification of such authorization to take berries, gather mushrooms, pine cones or wood or except in an area that the chief has designated as a nature study area. Such taking may be done for personal use only and not for commercial purposes.

The U.S. Army Corps of Engineers manager for the Dillon Reservoir confirmed that no permit was issued to Lindsley for March 31, 2014, or for any other date. The ODNR SE district manager confirmed that ODNR employees are prohibited from obtaining permits to remove wood from property administered by ODNR. The ODNR permit actually includes specific language concerning ODNR employees; “Conditions to note: 6. Division employees are prohibited from participating in this program.”

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

The Office of the Ohio Inspector General found evidence that ODNR Park Officer Mike Zaborowski, while on duty March 31, 2014, observed Douglas Lindsley removing logs from the cabin area of Dillon State Park on March 31, 2014, without a permit from the U.S. Army Corps of Engineers as required by USC Title 36, Section 327.14 and in violation of Ohio Administrative Code sections 1501:41-3-18 and 1501:41-3-10. Park Officer Mike Zaborowski failed to take appropriate corrective action on the violations of law that he observed while on duty March 31, 2014.

**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 director of the Ohio Department of Natural Resources to respond within 60 days with a plan detailing how the recommendation(s) will be implemented. The Ohio Department of Natural Resources should:

1. Review the actions of park officers Douglas Lindsley and Mike Zaborowski to determine whether this conduct warrants administrative action.
2. Review existing policies governing the actions of ODNR employees and conduct refresher training.

**REFERRALS**

This report of investigation will be provided to the Office of the Muskingum County Prosecuting Attorney for consideration.



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Natural Resources**

**FILE ID #: 2014-CA00027**

**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**  
**January 22, 2015**

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