

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-CA00063
DATE OF REPORT: DECEMBER 14, 2016

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.

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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: 2014-CA00063

SUBJECT NAME: Victor Ricks

POSITION: Park Manager 6

AGENCY: Ohio Department of Natural Resources

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Misuse of State Property or Equipment;
Theft of Time;
Operating a Business or Private Interest on State Time;
Failure to Comply with State or Departmental Rules, Procedures or Policies.

INITIATED: September 16, 2014

DATE OF REPORT: December 14, 2016

INITIAL ALLEGATION AND COMPLAINT SUMMARY

The Office of the Ohio Inspector General received notification from the Ohio Department of Natural Resources (ODNR) alleging employee misconduct. The complaint stated that Victor Ricks, former park manager ¹ was suspected of multiple instances of misconduct, including: unauthorized use of state-issued vehicle, theft of time (claiming pay for hours not worked), hotel stays for non-business purposes, and conducting personal business during times he was being paid to work for the state. ODNR officials stated they believed Ricks was driving his state-issued vehicle to conduct his secondary employment, providing security for The Lancaster Festival, Inc. (Lancaster Festival), and that he had knowingly signed his name to inaccurate timesheets and other documents. ODNR placed a GPS device on the state-issued vehicle assigned to Ricks. The GPS device was attached to Ricks' state-issued vehicle from July 9, 2014, through July 22, 2014, and again from August 15, 2014, through September 9, 2014. ODNR officials stated they substantiated more than 1,000 miles of unauthorized use of a state-issued vehicle by Ricks, and more than 100 hours for which Ricks collected pay but was in fact not at work for the state of Ohio. ODNR also alleged Ricks stayed at least four nights in hotels during non-business trips that were billed directly to the state.

BACKGROUND

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 590,000 acres of land, including 74 state parks, 21 state forests, 136 state nature preserves, and 138 designated wildlife areas. In addition, ODNR oversees more than 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 central administrative offices that oversee their day-to-day operations. The director of ODNR is appointed by the governor and confirmed by the Ohio Senate. Funding for ODNR is

¹ Victor Ricks retired effective October 1, 2014.

provided through general revenue funds, federal funds, and licenses and fees for those they regulate.²

Ricks was a park manager 6 assigned to central office as a law enforcement coordinator. The only documentation ODNR was able to provide to the Office of the Ohio Inspector General detailing Ricks' duties was an email Ricks had sent to Gary Obermiller, "deputy director of parks and watercraft," on July 15, 2014. ([Exhibit 1](#)) In that email Ricks stated:

The following are duties that were assigned to me, along with additional duties to assist other central office operations. Although my primary duties dealt with policy compliance in LE areas operation.

- Multi-Jurisdiction
- Evidence Room Management
- Special Events and Procedures
- Beach Safety and Standards
- Monthly District LE Mtgs
- Follow up on critical incidents as needed to ensure safety standards was followed
- Community Programing
- Special Ops review
- Liaison between the Chief and Deputy Chief office in LE matters with District Managers
- One of the Division reps with HR on the upcoming unions contracts
- Field Audits
- AI's as assigned
- Coordinate and assistance Caleb on training, conferences, equipment and any other field support needs. And often a royal pain in his butt with questions.
- Provide Field support to the LE Park Managers
- Park inspections
- Manpower support at large special events along with ICS/Special Ops

² Source: Biennial budget documents.

- Standardizing LE Districts Ops, especially in contractual issues
- Critical Incident Response to Division's properties and areas

Applicable policies and laws

The ODNR policy on *Appropriate Use of Publicly Owned Information Technology Systems and Services* states, in part:

Prohibited Uses of IT Resources ...

- 5.1 Internet use for any purpose other than official State of Ohio business purposes is prohibited; ...
- 5.6 Operating a business, directly or indirectly for personal gain ...
- 5.19 Using an ODNR e-mail address on personal communications in online communities ...

The ODNR *Ethics Policy/Procedure* states, in part: "... Employees are prohibited from using state time, facilities, or resources to promote or conduct their private business."

The ODNR policy on *Personal Use of State Telephones and Cellular Phones* states, in part:

... For cellular telephones, personal calls made or received on state cellular telephones are only acceptable in emergency situations when no wired telephones are available for use. Personal business, which involves an activity undertaken for profit or gain of any kind, shall not be conducted from a state telephone. Employees are prohibited from circulating their state telephone number as a telephone number at which they can be reached for personal business (personal business cards and materials shall not have a state telephone number listed as the contact number).

The ODNR policy on *Work Schedules, Time and Attendance Records, and Pay* states, in part:

Time keeping information that the ODNR and each division is required to record to comply with both the Fair Labor Standards Act and state requirements, which include but are not limited to:

- a. The specific times of the day that the employee begins and ends work on any given day, including times which the employee must sign-in and sign-out for periods of non-paid activities.
- b. The destination for periods when an employee must sign-out to a location other than their regularly assigned work location.
- c. The total hours and minutes the employee has worked each week.
- d. The total number of hours and minutes the employee has worked each week.
- e. The total number of hours and minutes the employee has worked for each two-week pay period.
- f. Timekeeping information may be recorded by means of two or more of the following:
 - i. A sign-in/sign-out form (DNR 1206)
 - ii. “eTARS” Time and Activity Reports (manual or electronic entry)
 - iii. Voice Radio & Mobile Data Communications Directive
 - iv. Daily Logs
- g. Aggregate hours worked by an employee will not satisfy the above listed requirements.
- h. Timekeeping records submitted by an employee must be approved by the employee’s supervisor or designee prior to submission for payroll processing. For auditing purposes, the supervisor shall verify the accuracy of the submitted time reporting records by reviewing all submitted documents, including but not limited to the sign-in/sign-out forms, leave slips and daily logs within five (5) days of payroll processing or within five (5) days of returning to work ...

7. Timekeeping and Recordkeeping: It is the policy of ODNR that all employees who report in to a daily work location must use the daily Sign-in/Sign-out Form (DNR 1206). These sheets are to be maintained in an accessible area for appropriate monitoring by the manager or supervisor. The employee is responsible for logging the exact sign-in and sign-out times, in ink, at the beginning and end of the work day and all lunch and other non-paid periods. Employees shall not pre-fill their sign-in/sign-out forms or have another employee complete the form on the employee’s behalf. The employee must

record the exact time of commencement of work activities, and the exact time of the end of work activities at the end of the day. In addition, all departure and return times and destination to and from meetings, field visits and/or inspections, and all other activities outside of the assigned work location, and beginning and ending times of unpaid lunch breaks and other unpaid activities must be recorded ...

Employees not assigned to report to a daily work location will be subject to Division specific policies and directives, including (if applicable) the logging in and logging out requirements of the Voice Radio & Mobile Data Communications Directive ...

8.1 Timesheets: ... For payroll processing, timekeeping records must be approved by the employee's supervisor or designee prior to submission. For auditing purposes, the supervisor or designee shall verify the accuracy of the submitted time reporting records by reviewing all submitted documents, including but not limited to the Sign-in/Sign-out forms, leave slips, and daily logs within five (5) days of payroll processing. Falsification of time records is subject to discipline and up to and including removal ...

The ODNR *Voice Radio & Mobile Data Communications Directive* states, in part:

Sign in:

Law Enforcement:

Voice Only: Voice only equipped officers will sign on using the voice radio when beginning a work period or when returning from a status that showed the officer unavailable ...

Sign Out:

Law Enforcement:

Voice only: Voice only equipped officers will sign off using the voice radio when ending a work period ...

Updating status:

Law Enforcement:

Voice Only: Voice only equipped officers will update their status when their work status, facility, or geographical jurisdiction changes.

The ODNR *Secondary Employment Policy* states, in part:

No employee shall perform any work activities related to secondary employment while on state premises. In addition, no employee shall use any state-owned or state-leased equipment when engaged in or completing tasks for his/her secondary employer.

... Employees must obtain approval prior to accepting an offer of secondary employment. An employee shall submit to his/her immediate supervisor, a fully completed application for secondary employment to initiate the approval process.

The ODNR *Motor Vehicle Policy* that was in effect from April 1, 2008, to September 1, 2014, states, in part:

... All use of state owned motor vehicles must be authorized by the Chief of the Office/Division to which such motor vehicles are assigned.

... A state owned motor vehicle shall be operated to conduct official state business, and perform duties assigned by their chief.

Ohio Revised Code §102.03(D) states,

No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

Ohio Revised Code §4749.13 states, in part: "... No person shall engage in the business of private investigation, the business of security services, or both businesses in this state unless the person is licensed pursuant to this chapter."

INVESTIGATIVE SUMMARY

ODNR provided the Office of the Ohio Inspector General with the following documents collected to date as part of its investigation:

- The ODNR mapping of Ricks' GPS data.
- Ricks' timesheets from May 18, 2014, through September 6, 2014.
- Ricks' itineraries from July 7, 2014, through September 19, 2014.
- Ricks' cell phone records from May 17, 2014, thorough August 16, 2014.
- Ricks' access card records for Fountain Square.³
- ODNR motor vehicle policies.
- Photographs.
- Emails related to security that Ricks provided at the Lancaster Festival.
- Email Ricks sent to Chief Gary Obermiller outlining his job responsibilities.

The Office of the Ohio Inspector General requested, received, and reviewed the following records from ODNR:

- The ODNR secondary employment policy.
- The ODNR motor vehicle policy.
- Ricks' position description.
- Ricks' timesheets.
- Ricks' personnel file including his discipline file.
- Ricks' state-issued cellular telephone call detail from April 2014 through September 2014, type of cellular telephone plan, and reimbursements Ricks made for personal telephone calls made using his state-issued cellular telephone.
- Voyager card records.
- Secondary employment forms for Ricks, Anna Amerine, Brian Bishop, Brad Copeland, Brad Dobney, Christopher Meyers, Shawn Bailey, Korey Hart, Dustin Jordan, and Robert Kruse.
- State park fuel distribution logs.
- Radio transmission logs from March 1, 2014, to September 30, 2014.

³ The Ohio Department of Natural Resources complex in Columbus, Ohio.

A review of Ricks' timesheets provided by ODNR revealed that ODNR does not require employees to enter on their actual timesheets start and end work times, or start and end lunch times. ODNR timesheets only indicate the total number of hours an employee works per day, any leave time used, and any compensatory time accrued.

On December 4, 2015, the Office of the Ohio Inspector General first requested the radio transmission logs from March 1, 2014, to September 30, 2014. The Office of the Ohio Inspector General continued contacting ODNR numerous times for a status update on the original request for the radio transmission logs. On March 8, 2016, the Office of the Ohio Inspector General received the radio transmission logs from ODNR. From a review of these logs, investigators determined Ricks made only seven entries on three separate days.

The Office of the Ohio Inspector General requested and reviewed Ricks' state email account, including all emails and his Outlook calendar entries. On October 2, 2014, investigators also obtained for forensic analysis the state-issued laptop computer assigned to Ricks. However, investigators later discovered that Patrick Brown, an administrator at ODNR, had already performed an analysis of the device without any use of industry standard protocols or tools in order to preserve the evidence. Brown's actions had significant ramifications on the forensic analysis conducted by the Office of the Ohio Inspector General on Ricks' laptop. The ODNR failure to employ write-blocking equipment or any forensic software allowed modifications to the seized evidence. Furthermore, Brown did not document all the actions he had executed, all the documents he had accessed, or any system modifications he had made while conducting the live analysis.

The Office of the Ohio Inspector General requested and reviewed the raw data report from CovertTrack Group, Inc., for the GPS devices that were placed on Ricks' state-issued vehicle.

The Office of the Ohio Inspector General requested from the Lancaster Festival all records related to security for the festival. A review of those records revealed that, along with Ricks, several other ODNR employees, including Anna Amerine, Shawn Bailey, Brian Bishop, Brad Copeland, Brad Dobney, Christopher Gibson, Korey Hart, Dustin Jordan, Robert Kruse, and

Jason Meyers were employed as security personnel for the Lancaster Festival in 2013 and 2014. The Lancaster Festival provided pay stubs for Ricks dating back to 2003. ([Exhibit 2](#))

Representatives from the Lancaster Festival reported that no written contracts existed between the Lancaster Festival and Ricks. They stated that former Executive Director Lou Ross expensed a meal at Scrambler Marie's on July 14, 2014, using a credit card issued to the Lancaster Festival. A note on the Scrambler Marie's receipt stated, "Meeting with Victor." ([Exhibit 3](#))

On July 9, 2015, the Office of the Ohio Inspector General conducted an interview with Lou Ross, former executive director of the Lancaster Festival. Ross was the executive director for the Lancaster Festival from April 2003 to November 2014. As executive director, Ross was the operational coordinator of the festival which included finding and procuring security for the event. Ross said when he became the executive director,

... they had already been working with Victor for quite a number of years as running the what we called the VIP security ... we hired the VIP security through Victor uh to work usually pretty much directly with our guest artists and with our uh concert site --- our main concert site.

When asked if "VIP Security" was the name of Ricks' company, Ross replied, "No, that's what we called it. And --- I don't think he had a company name...that I recall. I think --- we just called it VIP security 'cause that was our, our purpose." Ross said that Ricks only coordinated the security for the event and that the Lancaster Festival directly paid all the security guards individually. Ross confirmed there were no written contracts between the Lancaster Festival and Ricks, noting the contracts were verbal agreements. Ross stated that Ricks was paid for any time he conducted business for the Lancaster Festival, including all meetings that Ricks attended for the festival which, according to Ross, were conducted during the times of a normal work day.

Secondary Employment

On January 15, 2015, the Office of the Ohio Inspector General issued a subpoena to Victor Ricks requesting all records establishing VIP Security as a legal entity. Additionally, the subpoena requested all VIP Security timesheets from 2013 and 2014 for the following individuals: Anna

Amerine, Shawn Bailey, Brian Bishop, Brad Copeland, Brad Dobney, Christopher Gibson, Korey Hart, Dustin Jordan, Robert Kruse, Jason Meyers, Joel Dobney, Andrew Norcross, and Victor Ricks.

After receiving no response, the Office of the Ohio Inspector General contacted Ricks by telephone on March 19, 2015. Ricks indicated that everything had been turned over to his attorney, Debbie Littlefield. Ricks stated he did not have any timekeeping records for himself or any of the other individuals. Ricks also noted that he did not own any security companies or any business called VIP Security. Ricks stated that all of the individuals that worked security for the Lancaster Festival receive an Internal Revenue Service (IRS) Form 1099 directly from the Lancaster Festival.

On April 14, 2015, the Office of the Ohio Inspector General received a letter from Deborah Littlefield, the attorney representing Ricks. Littlefield stated in her letter that Ricks "... does not own and has never owned any business called 'VIP Security.'" Littlefield explained Ricks contracted for several years to provide security for the Lancaster Festival and that the people who reported to Ricks were also contractors, who received an IRS Form 1099 each year from the Lancaster Festival. Littlefield stated that Ricks did not have any business records in his possession. According to Littlefield, Ricks collected the information regarding the work of these contractors and forwarded it to the Lancaster Festival for payment.

A review conducted by investigators of the secondary employment forms provided by ODNR to the Office of the Ohio Inspector General found the following:

- Anna Amerine submitted a secondary employment form listing Marion County Shopper's Compass as her secondary employer, which was approved by ODNR on October 2, 2012.
- Brad Copeland submitted two separate secondary employment forms which were approved by ODNR on October 2, 2012. On the first secondary employment form, Copeland listed Loudonville Police Department as his secondary employer and "auxiliary patrolman" as his position. On the second form, Copeland listed "North Central State College/Basic Police Academy" as his secondary employer and "Adjunct Instructor/Basic Academy Instructor" as his position. On July 22, 2014, ODNR approved a third

secondary employment form for Copeland. On this form, Copeland listed “VIP security” as his secondary employer and “Security Officer” as his position.

- Brad Dobney submitted a secondary employment form, which was approved by ODNR on July 30, 2014. Dobney listed “VIP Security” as his secondary employer and “security” as his position.
- Christopher Gibson submitted a secondary employment form which was approved by ODNR on June 6, 2013. Gibson listed “Gibson Lawn & Landscape” as his secondary employer and “owner” as his position.
- Jason Meyers submitted a secondary employment form which was approved by ODNR on July 14, 2014. Meyers listed his secondary employer as “Self” and his position as “security.” On the secondary employment form, Meyers stated he performed security duties for the Lancaster Festival for two weeks in July.

ODNR did not have secondary employment forms on file for Victor Ricks, Shawn Bailey, Korey Hart, Dustin Jordan, Robert Kruse, or Brian Bishop. ODNR had two employees named Brian Bishop. Investigators provided to ODNR a Social Security number to identify the correct Brian Bishop. ODNR reported that Brian Bishop retired from service effective May 1, 2012, and therefore, ODNR did not have secondary employment forms on file for him.

On December 17, 2014, the Office of the Ohio Inspector General contacted the Ohio Private Investigator Security Guard Services (OPISGS), a division of the Ohio Department of Public Safety, to determine if VIP Security was a licensed security guard company in the state of Ohio. OPISGS conducted a search and found that VIP Security was not an Ohio licensed security guard company. OPISGS conducted additional searches using Ricks’ name and Social Security number and found no records.

On January 9, 2015, the Office of the Ohio Inspector General met with Anne Vitale, associate legal counsel for the Ohio Department of Public Safety to determine whether or not Ricks, as a commissioned peace officer, would be required to apply for and obtain a license from OPISGS prior to providing security services in the state of Ohio. Vitale confirmed that Ricks, even as a commissioned peace officer, would be required to be licensed by OPISGS to provide security

services. Vitale noted that licensed security guard companies are required to register their employees.

The Office of the Ohio Inspector General attempted to contact Brad Dobney, but messages left for him were not returned. Investigators also made several unsuccessful attempts to locate and contact Korey Hart.

The Office of the Ohio Inspector General conducted an interview with Anna Amerine on July 10, 2015. Amerine is employed with ODNR as a natural resources specialist, which is an intermittent part-time position which permits her to work up to 720 hours per fiscal year. Amerine stated that she worked security under Victor Ricks at the Lancaster Festival for two years, 2013 and 2014. Amerine said she started working the security detail after Ricks asked her if she would like to help provide security. Amerine admitted she had never completed a secondary employment form while employed at ODNR and said she was not aware she was required to submit a form.

Amerine admitted she was not a licensed security guard and stated she did not know if Ricks was a licensed security guard. Amerine described her duties at the Lancaster Festival as standing in front of the stage to prevent people from passing the barriers.

The Office of the Ohio Inspector General conducted an interview with Brad Copeland on July 10, 2015. Copeland stated he was employed by ODNR as an assistant park manager 4, but retired effective November 29, 2014. Copeland admitted that he worked the Lancaster Festival for several years. Copeland noted he did not want to receive an Internal Revenue Service Form 1099 and had worked under the total annual hour limit that would require an individual to file an IRS Form 1099. Copeland admitted that he was not a licensed security guard and stated that he did not know if Ricks was a licensed security guard or if he owned a licensed security guard company. Copeland stated he first filed a secondary employment form in 2014, which according to Copeland was the first full year that ODNR required employees to submit the form for approval. Copeland said that in late 2013, ODNR changed its policy and started requiring the approval of secondary employment.

The Office of the Ohio Inspector General conducted an interview with Christopher Gibson on July 22, 2015. Gibson is a parks maintenance supervisor at ODNR and is responsible for overseeing the maintenance staff at Alum Creek State Park. When asked if he was familiar with the ODNR secondary employment policy, Gibson said, "... I am now ... I think last year was the first year I was aware there even was one."

Gibson stated that he first started providing security at the Lancaster Festival in either 2007 or 2008. When asked how he became aware of the opportunity to provide security at the Lancaster Festival, Gibson said he spoke to some of his co-workers who had provided security in the past. Gibson also noted that one day while he was eating lunch with Ricks, Ricks had mentioned the opportunity to him and Gibson felt it was a way to earn extra money. Gibson admitted he was not a licensed security guard and stated he did not know if Ricks was a licensed security guard. When asked if he completed secondary employment forms as required by ODNR, Gibson stated, "...I started last year. Last year would have been the first one I've ever filled out. And I fill --- I...filled another one out for this year."

The Office of the Ohio Inspector General conducted an interview with Jason Meyers on July 21, 2015. Meyers is a park manager at Alum Creek State Park and is responsible for the day-to-day operations at Alum Creek State Park. Meyers said that Victor Ricks was his former boss when Ricks served as the central district manager. Meyers stated he had provided security at the Lancaster Festival with Ricks for 15 years. Meyers explained that when he worked at the Lancaster Festival, he was working for the festival and not for Ricks, but Ricks did "... kind of organize it." Meyers stated that Ricks was the person that telephoned him and asked Meyers to work at the festival. Meyers said it was Ricks who collected the number of hours worked by everyone and reported the hours to the festival. Investigators noted to Meyers that he had completed a secondary employment form in 2014 and asked him whether he had submitted any secondary employment forms in any year prior. Meyers stated, "...it seemed to me that that was a new policy last year ... or it was the first time it was brought to our attention. And I filled one out last year. I filled one out for this year." Meyers said he was not aware of a secondary employment policy prior to 2014. When asked if Meyers was aware of Ricks operating a security business, Meyers stated, "I believe so...I'm --- I think he runs a, a business called VIP

security.” Meyers did not know if Ricks was a licensed security guard, but did say Ricks was a “commissioned officer.”

The Office of the Ohio Inspector General conducted an interview with Dustin Jordan on July 22, 2015. Jordan is a natural resource worker assigned to Alum Creek State Park. At the time of his interview, Jordan had held the position for two years. When asked if he was aware of the ODNR secondary employment policy, Jordan replied, “...Kinda. They said something to me about it just like recently.” Investigators asked Jordan if he had filed a secondary employment form with ODNR before working the Lancaster Festival in 2014. Jordan stated, “Uhhh...I don’t – no. I don’t --- no, I don’t believe I did.” Jordan stated that he was asked if he wanted to work the Lancaster Festival, which paid more than what Jordan was making at ODNR. Jordan told investigators he could not recall who had asked him. Jordan noted 2014 was the first year he worked security at the festival. Jordan said he was unsure if Ricks operated a security guard business and stated he did not know if Ricks was a licensed security guard. Jordan admitted that he was not a licensed security guard.

The Office of the Ohio Inspector General conducted an interview with Robert Kruse on July 22, 2015. Kruse is an auto mechanic 2 at Alum Creek State Park and, at the time of his interview, had held the position for approximately eight years. Kruse stated he was vaguely familiar with the ODNR secondary employment policy. When asked if he filed a secondary employment form with ODNR, Kruse replied, “I hadn’t --- I have not.” When Kruse began employment at Alum Creek State Park, Victor Ricks was the manager of the park and Kruse’s boss. Kruse stated that Ricks asked him (Kruse) if he wanted to work the festival. Kruse said the 2015 Lancaster Festival would be his third year working there. Kruse said Ricks was in charge of security at the festival. When asked if Ricks operated a security guard business, Kruse responded, “I’ve heard that he, he had a security business. But I’ve nev --- I’ve never, never talked to him about it. I just...that was just rumor that he had a security business.” Kruse did not know if Ricks was a licensed security guard. Kruse admitted that he was not a licensed security guard, nor a commissioned peace officer.

On April 11, 2016, the Office of the Ohio Inspector General conducted an interview with Victor Ricks, former park manager 6 at ODNR. When asked if he had an additional position outside of ODNR or a business that he was involved with, Ricks stated,

Uh never --- well, another in --- a business that I was involved with. I worked for several people...and the division had a policy that if you was um, uh working an exist --- it was -- it existed for a long time 'cause when I worked for the Clinton County Sheriff's Department...I had to get permission from my supervisor to be a special deputy with them. And then they revised it and came out with a form that if you um had secondary employment you had to fill out a form, had to be approved by your supervisor and before you could work it. Now...that procedure, I know of twice somebody thought I was working and I had to send a e-mail to HR 'cause I...got the communication from HR. They'd been notified I had secondary employment that I was working. And I sent them e-mails stating that I, you know, I was not working um...anything at that time and I didn't have anything coming up until July. "Cause...I said um I'll offer my 1099s and I said I was not coaching; I wasn't working mentoring student athletes; I...didn't have any special detail escorting or working people on vacation. A lot of times had contacts while traveling people on their vacation. Providing security.

Ricks was asked if he had ever completed a secondary employment form. Ricks stated,

Yes. Yes. When I worked for --- when I worked the Lancaster Festival I filled it out and then anybody that was associated with them, make sure --- I'd say you guys make sure you get this form filled out or approved by your supervisor.

When asked if he was a licensed security guard, Ricks stated, "I didn't think I had to be, being a peace officer. Been already commissioned...I didn't think that license would apply because I was a --- in law enforcement and a peace officer and an instructor." Investigators asked Ricks how he came to that understanding or if he had ever verified with anyone whether or not he needed to be licensed. Ricks responded,

...'cause I was working --- I was working one-on one through a client. And for years we have done that. You know, I think most of the guys I knew in my own agency worked

directly for like Wexner or worked for this person or for that person as law enforcement officer that was um...lack for bit --- lack for better term, moonlighting on the side.

Ricks' State-Issued Vehicle

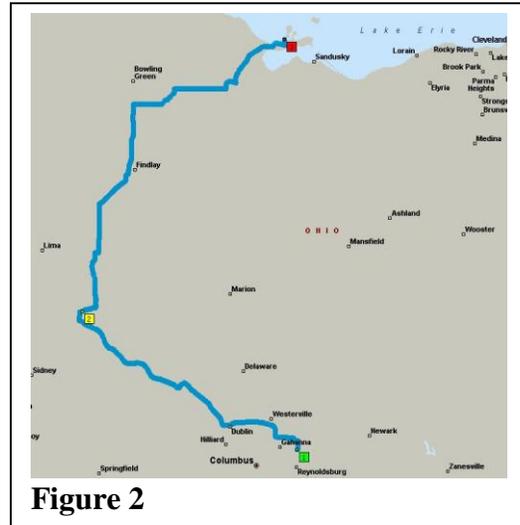
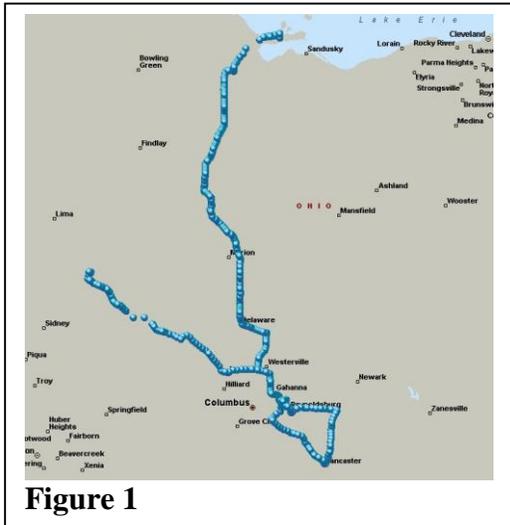
ODNR attached a GPS device on the state-issued vehicle assigned to Ricks from July 9, 2014, to July 22, 2014. According to ODNR, this GPS device was removed due to issues with the life of the battery and replaced it with another GPS device, which was attached to Ricks' state-issued vehicle from August 15, 2014, to September 9, 2014. The vendor for the GPS devices was CovertTrack Group, Inc. The Office of the Ohio Inspector General issued a subpoena for the raw data report for the GPS devices that were placed on Ricks' state-issued vehicle.

An analysis by investigators of the GPS data found that from July 10, 2014, to September 7, 2014, Ricks had driven his state-issued vehicle more than 1,100 miles for personal use.

Ricks' personal mileage included, but was not limited to: several trips to Robyn Peterson's house, who at the time of this investigation was his fiancé, currently his wife; trips to Lancaster, Ohio for his personal security business; and a trip to northern Ohio for his high school class reunion. Though the Office of the Ohio Inspector General requested and reviewed timekeeping records from ODNR, the ODNR timesheets did not indicate the start and end times for each day worked. The ODNR timesheets only indicated the total number of hours an employee worked per day, any leave time used, and any compensatory time accrued.

From the analysis conducted by the Office of the Ohio Inspector General, investigators identified one particular incident which had occurred on July 10, 2014. On this date, records show that Ricks drove his state-issued vehicle from his personal residence located in Blacklick, Ohio, to Indian Lake State Park. Ricks left Indian Lake State Park and drove to Lancaster, Ohio, and then drove to Port Clinton, Ohio. The review of Ricks' Outlook calendar found that on July 10, 2014, Ricks had a security meeting at the Emergency Management Agency office at 4:00 p.m. Investigators found an email sent to Ricks on July 3, 2014, at 12:25 p.m. from Lou Ross notifying him of a 2014 Lancaster Festival Site and Security meeting on Thursday, July 10 at the Fairfield County Emergency Management Agency office at 4:00 p.m. Ricks responded to that email, "See you on the 10th," on July 3, 2014, at 3:14 p.m. ([Exhibit 4](#)). Figure 1 below shows

the route that Ricks took on July 10, 2014, which resulted in 174 additional miles driven unrelated to Ricks' ODNR duties. Figure 2 shows the route Ricks should have taken in performing his ODNR duties from his personal residence to Indian Lake State Park and then from Indian Lake to Port Clinton.



The analysis found that on August 29, 2014, Ricks drove his state-issued vehicle from his personal residence to the personal residence of his fiancé, Robyn Peterson.⁴ From Peterson's house, Ricks drove to the Holiday Inn Express in Port Clinton, Ohio. Ricks direct billed his room to the statewide dredge crew account.⁵ In an email to Ricks, dated May 15, 2014, from Sue Strickland, financial associate of ODNR, Strickland provided Ricks with the list of hotels where the statewide dredge crew had direct billing. Strickland told Ricks that when reserving his room, he should specify that it should be direct billed to the dredge account. Strickland stated once she received the bill, she would forward it to "Judi" (Love), program administrator 2 at ODNR, "... to take care of." ([Exhibit 5](#))

⁴ Robyn Peterson is now Robyn Peterson-Ricks and is employed at the Ohio Department of Youth Services.

⁵ The dredge crew is a part of the Ohio Division of Parks that is required to travel quite a bit; therefore, the dredge crew has set up direct billing with various hotels across the state.

On October 19, 2015, the Office of the Ohio Inspector General interviewed Patrick Brown, who was an administrator at ODNR in charge of law enforcement for the “divisions of parks and watercraft.” Brown stated on the occasions when Ricks was traveling for work and the travel required an overnight stay, Ricks was expected to stay in a hotel. When asked if Ricks was permitted to use the dredge account to direct bill his hotel stays, Brown replied, “He was.”

A review of the “ODNR Division of Parks and Recreation Itinerary” for the week of August 25, 2014, stated that Ricks would be in the “NW/NE District” on Friday August 29, 2014. ([Exhibit 6](#)) Ricks’ daily time recording sheet that included August 29, 2014, showed Ricks reported starting to work at 9:00 a.m., with “NO LUNCH” recorded, and no end of workday time, but recorded 14 hours worked. Ricks listed his destinations as “Catawba-Mary Jane Th-Van Buren-Harrison-Indp.” ([Exhibit 7](#))

The GPS analysis indicated that on August 30, 2014, Ricks left Port Clinton, Ohio, in the state-issued vehicle and drove the vehicle to the Holiday Inn Express in Lordstown, Ohio. From the Holiday Inn Express in Lordstown, Ricks drove to the Mahoning County Country Club, where the vehicle remained for several hours before returning to the Lordstown Holiday Inn Express. Ricks’ daily time recording sheet that included the date of August 30, 2014, showed Ricks had reported starting work for that day at 9:00 a.m., recorded “NO LUNCH,” did not specify a work end-time, and reported working a total of eight hours. Ricks also listed his destination as “Punderson Headlands.” ([Exhibit 7](#))

The Office of the Ohio Inspector General contacted the Mahoning County Country Club on Monday February 23, 2015, to request information regarding any events that had occurred on August 30, 2014. Mahoning County Country Club staff said that North High School had a two-day reunion scheduled for August 30, 2014, and August 31, 2014. The event began at approximately noon and ran until 11:30 p.m. each day. North High School was a high school located in the Youngstown area, and is now closed.

During the interview with Ricks conducted on April 11, 2016, Ricks admitted to driving his state-issued vehicle for personal business, including driving to Lancaster, Ohio, while conducting

security business for the Lancaster Festival and driving to Peterson's house on several occasions. Ricks stated he drove his state-issued vehicle to Peterson's house in case he would be "called out." Ricks admitted he did not have permission from his supervisors to drive his state-issued vehicle to Peterson's house. Ricks also admitted to driving the state-issued vehicle to the Mahoning County Country Club, the site of his high school reunion on August 30, 2014.

During the interview with Patrick Brown conducted on October 19, 2015, Brown stated he supervised Ricks for a short period of time before Ricks retired. Prior to that time, Brown was a law enforcement officer in a "... small office attached to the Director's office ...". Brown explained that in his position as a law enforcement officer, he was charged with overseeing the security operations for the ODNR Fountain Square complex, as well as conducting administrative investigations. Brown stated when he became Ricks' supervisor, he met with Ricks to review a list of duties Ricks had provided to Chief Obermiller, and that he (Brown) told Ricks to "... continue doing what he was doing on the list...continue to do whatever his expectation was prior to me coming in." Brown noted that Ricks would also assist with law enforcement-related duties for special ODNR events.

The Office of the Ohio Inspector General conducted an interview with Robyn Peterson-Ricks on October 19, 2015. Peterson-Ricks stated she was employed as a training program manager at the Ohio Department of Youth Services. Peterson-Ricks noted, at the time of the interview, that she had been married to Victor Ricks for approximately a year. When asked if she was aware of any instances where Ricks drove his state-issued vehicle for personal use, Peterson-Ricks stated, "No." However, when asked if Ricks ever drove his state-issued vehicle to her personal residence, Peterson-Ricks replied, "Umm...yes."

The Office of the Ohio Inspector General was unable to complete a time analysis due to the lack of records maintained by ODNR. ODNR policy requires employees to record work start and end times daily either on a sign-in/sign-out form, eTARS (Time and Activity Reports), MARCS⁶ radio, or daily logs. These records, according to ODNR policy, are to be "monitored" by supervisors. For the period of time under review, ODNR was not able to provide to investigators

⁶ Ohio MARCS - Multi-Agency Radio Communications.

time recording information for Ricks that specified his daily work start and end times, and lunch start and end times. The MARCS radio transmission logs provided by ODNR revealed that only seven entries were made by Ricks on three separate days; therefore, the Office of the Ohio Inspector General was unable to determine the exact times Ricks was on or off duty and what hours he was reportedly working, making a time analysis impossible.

During the interview with Patrick Brown conducted on October 19, 2015, Brown was asked by investigators how Ricks reported his daily start and end times since they were not reported on his timesheets. Brown replied,

Um at the time that he was sup --- that I was supervising him it, it really was just that. He was calling uh Judy Roberts and would report uh, report the hours which he worked.

Um...it was a little bit relaxed on direction for um any kind of daily activity log at the time. And um there was direction that he was to use the MARCS radio. So to a degree, there may have been some communications with our DNR communications center as to when he was on or off duty. But uh other than that, there was no set sign-in, sign-out sheet that he was using or anything of that nature.

When investigators asked Brown to clarify whether he was stating that Ricks was required to sign in and off on the MARCS radio, Brown said,

There was a policy in place --- I don't know that uh --- uh I'm not sure if that's been explored to see if he was or was not using the, the MARCS radios. But there was a policy in place that uh, um any commissioned employee was supposed to be using when signing in and signing out. Which would essentially be when he came on duty and when he would go off duty.

Brown was then asked if there were any other employees that worked at the Fountain Square location that were required to sign in and out on the MARCS radio. Brown said, "There are. And...any, any commissioned officer, which would be anybody in the field, any manager, exempt manager --- they would all have that same requirement."

Brown confirmed that Ricks was permitted to work from his home instead of his office located at Fountain Square. Brown also verified that as Ricks' supervisor, he (Brown) signed Ricks' timesheets, approving the time reported by Ricks. Brown was asked why he would approve Ricks' timesheets, when he was aware of, and had actively participated in, investigations involving Ricks' possible time reporting issues. Brown said,

Right...um yeah. A uh --- at the time that discussion was had with uh my administrators, uh Chief Toby Wagner and Deputy Director Rick Corbin. And it was decided to go ahead and continue to sign the payroll, even though there was question as to if those hours were accurate or not. And then also Gary Obermiller would have been in that same communication loop.

Investigators then asked Brown how he knew what times Ricks was working when he (Brown) had no type of time reporting (starting and ending times) documentation to reference. Brown stated, "I, I really didn't. Other than what he was --- what he was claiming on the itinerary. Um I just assumed that uh he was working accurate to the itinerary as he was instructed to do." Investigators noted to Brown that the itinerary did not list work start and end times, and asked Brown as to how he would know when Ricks was working. Brown said, "... um at that time I would not."

Brown was asked if he believed it was necessary for Ricks, based on his job duties, to be assigned a state vehicle for use to take home. Brown stated,

Yes. Because he was working statewide and he really did not have a specific report to. When I came in it was uh --- I was told that he had been moved from Alum Creek to Columbus, to Fountain Square. He had an office at Fountain Square. For the most part he worked out of his house and went to field locations. If he had office work to do then he would come to Fountain Square.

Email Account

The Office of the Ohio Inspector General requested and reviewed Ricks' state email account. The analysis found numerous emails that were of a personal nature, including several related to the security he provided for the Lancaster Festival.

During an interview conducted on April 11, 2016, Ricks admitted to using his state email account for personal business. Ricks acknowledged he had used his state-issued email account to communicate with Robyn Peterson-Ricks. Ricks admitted he used his state email address at many retail establishments, stating it dated back to when he was assigned to the “district” and he would shop at stores. Investigators pointed out to Ricks that some of the emails from his state email account were sent from Norwegian Cruise Lines and Living Social Escapes, which Ricks admitted were personal. Ricks stated he did send out an email “... to cease using this information, um these address and kind of forward everybody my personal email... .”

During an interview conducted on October 19, 2015, Peterson-Ricks was asked if Ricks performed any duties related to his security guard business while on state time or using state resources. Peterson-Ricks stated, “I don’t re --- I honestly don’t recall...” Peterson-Ricks was asked if she would be surprised if investigators found emails she had sent to Ricks regarding information about the Lancaster Festival. Peterson-Ricks said, “No. I wouldn’t be surprised. I just don’t recall.” Peterson-Ricks admitted to communicating with Ricks using both her state email account and his state email account.⁷

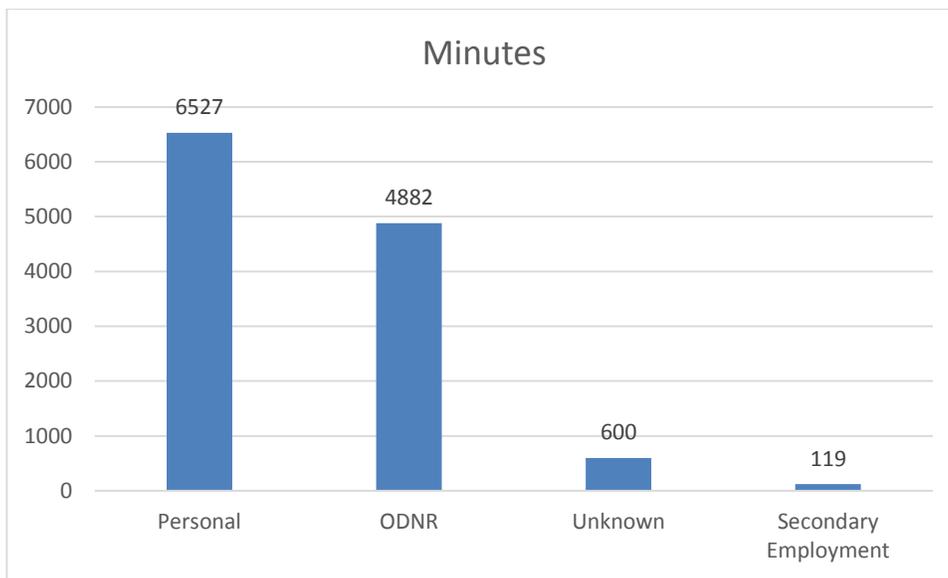
State-Issued Cell Phone

The Office of the Ohio Inspector General requested and reviewed Ricks’ state-issued cell phone call detail for the dates from April 16, 2014, to September 16, 2014. The analysis of Ricks’ cell phone usage for the four-month period found:

- 119 minutes, or 1 hour 59 minutes of phone usage with his secondary employer, the Lancaster Festival.
- 6,527 minutes, or 108 hours 49 minutes of personal phone usage.
- 4,882 minutes, or 81 hours 22 minutes of phone usage with ODNR.
- 600 minutes, or 10 hours of unknown phone usage.

⁷ After Peterson-Ricks interview, she reported use of her state email account to superiors, who contacted the Office of the Ohio Inspector General. This matter is addressed in 2014-CA00054.

Ricks' cell phone usage from April 16, 2014, to September 16, 2014



During the interview conducted on October 19, 2015, Peterson-Ricks confirmed communicating with Ricks on a regular basis via his state-issued cell phone. Peterson-Ricks said that Ricks provided her with his state cell phone number as a contact number for him.

During the interview with Ricks conducted on April 11, 2016, investigators asked Ricks if he had ever used his state-issued cell phone for his outside employment. Ricks stated, "I might have. Like, I mean between the two phones going back and forth, yes, I might have. With no doubt." Ricks admitted using the state-issued cell phone for his outside employment and for personal calls, agreeing that the usage for that time period was excessive.

CONCLUSION

Secondary Employment

The investigation found that the following ODNR employees held secondary employment providing security guard services for the Lancaster Festival in 2013 and 2014:

- Anna Amerine
- Brad Copeland
- Brad Dobney
- Christopher Gibson

- Jason Meyers
- Shawn Bailey
- Korey Hart
- Dustin Jordan
- Robert Kruse
- Victor Ricks

Records obtained from ODNR revealed that none of these individuals submitted a secondary employment form in 2013 requesting approval of secondary employment at the Lancaster Festival. In 2014, the following three individuals were the only ODNR employees that worked the Lancaster Festival and submitted a secondary employment form to ODNR:

- Brad Copeland – approved by ODNR July 22, 2014
- Brad Dobney – approved by ODNR July 30, 2014
- Jason Meyers – approved by ODNR July 14, 2014

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

Ricks' State-Issued Vehicle

The investigation found that between July 10, 2014, and September 7, 2014, Ricks drove his state-issued vehicle more than 1,100 miles for what was determined as personal use. Ricks' personal mileage included, but was not limited to: several trips to Robyn Peterson's house, who at the time of this investigation was his fiancé; trips to Lancaster, Ohio for his personal security business; and a trip to northern Ohio for his high school class reunion.

Ricks admitted to using his state-issued vehicle to travel to Lancaster, Ohio, to attend meetings related to security services he provided at the Lancaster Festival, as well as for other personal use.

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

Ricks' Email Account

From a review of Ricks' state email account, the investigation found numerous email communications related to Ricks' security guard services with the Lancaster Festival and numerous personal email communications.

During an interview conducted with Ricks, he admitted to investigators to using his state email account for personal business. Ricks acknowledged using his state email account to communicate with Robyn Peterson-Ricks. Ricks admitted using his state email address at many retail establishments, stating it dated back to when he was assigned to the "district" and he would shop at stores. Investigators noted to Ricks that some of the emails found in his state email account were from Norwegian Cruise Lines and Living Social Escapes, which Ricks admitted were personal.

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

Ricks' State-Issued Cell Phone

The investigation determined Ricks used his state-issued cell phone for personal use and for his secondary employment with the Lancaster Festival. Investigators identified 6,527 minutes of personal use, and 119 minutes conducting business concerning his secondary employment with the Lancaster Festival from April 16, 2014, to September 16, 2014. During the interview, Ricks admitted to using a state-issued cell phone for personal use and for conducting business concerning his secondary employment with the Lancaster Festival, agreeing that the usage was excessive.

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

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 recommendations will be implemented. The Ohio Department of Natural Resources should:

1. Review the conduct of ODNR employees and consider whether administrative action is warranted.
2. Require all ODNR employees to complete a timesheet, either paper or electronic, that identifies starting time, ending time and lunch in and out times to ensure compliance with ODNR policy and state policy.
3. Provide employees with a review of the policies on secondary employment, motor vehicle, state telephones and cell phones, and use of publicly owned information technology systems.

REFERRALS

This report of investigation will be provided to the Franklin County Prosecuting Attorney and the Ohio Department of Public Safety Private Investigator Security Guard Services for consideration.



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Natural Resources

FILE ID #: 2014-CA00063

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
December 14, 2016

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