

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.: 2016-CA00024
DATE OF REPORT: SEPTEMBER 14, 2017

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

“Safeguarding integrity in state government”

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Randall J. Meyer
Ohio Inspector General



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REPORT OF INVESTIGATION

FILE ID NUMBER: 2016-CA00024

SUBJECT NAME: Scott Santos

POSITION: ODNR Law Enforcement Staff Officer

AGENCY: Ohio Department of Natural Resources

BASIS FOR INVESTIGATION: Agency Referral

ALLEGATIONS: Operating a Business or Private Interest on State Time

INITIATED: July 1, 2016

DATE OF REPORT: September 14, 2017

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On July 1, 2016, the Ohio Department of Natural Resources (ODNR) reported to the Office of the Ohio Inspector General a possible wrongdoing on the part of ODNR Law Enforcement Staff Officer Scott Santos. ODNR alleged that,

Santos performed firearms training as a side business in 2015 and 2016. While Santos used leave for the actual days that he performed training, he used State time and equipment in the planning aspects of this secondary business activity. Further, it appears that he exercised privileges of his employment in order to gain unpaid private access to the firearms training range during a time when it was otherwise closed to the general public. In doing so, he avoided normal use fees that would have been collected from those who attended the training (presumably enhancing the appeal of the training by reducing the cost to the attendees).

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, and 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 117 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 provided through general revenue funds, federal funds, and licenses and fees for those they regulate.¹

¹Source: Biennial budget documents and ODNR website.

The ODNR Office of Law Enforcement administers and coordinates the law enforcement activities, training, and policies of the Ohio Department of Natural Resources, including but not limited to:

- Serving as the department’s liaison with other law enforcement agencies and jurisdictions;
- Representing the director in situations concerning law enforcement activities;
- Conducting and coordinating internal investigations of department employees;
- Performing other functions related to the department’s law enforcement activities, training, and policies as assigned by the director.²

ODNR Policies

The ODNR policy regarding the appropriate use of publicly owned information technology (IT) systems and services lists the following prohibited activities, in part:

- Internet use for any purpose other than official State of Ohio business;
- Operating a business, directly or indirectly, for personal gain.

The ODNR secondary employment policy establishes guidelines and procedures governing secondary or outside employment to avoid any direct or indirect conflict of interest or the appearance of such conflict. This 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.”

Delaware Wildlife Area (DWA)

The Delaware Wildlife Area (DWA) shooting range is located in Ashley, Ohio, and has Class A, B, C, and D target ranges. A “Class A” range is for rifle and pistol use that is supervised by a range attendant. Annual shooting range permits can be purchased for \$24 and allow the permit holder to access any of the five Ohio Division of Wildlife-owned “Class A” ranges throughout

² ODNR website.

the year. A one-day shooting range permit is \$5 and allows a permit holder to access a “Class A” range for one visit. The Ohio Division of Wildlife allows use of the shooting ranges by outside law enforcement agencies for firearms training and qualification purposes at no cost. The Ohio Division of Wildlife shooting ranges are closed to the public on Mondays and Tuesdays and are used by law enforcement entities to conduct training courses. An ODNR Division of Wildlife assistant wildlife management supervisor is responsible for scheduling and issuing permits for the use of the DWA range by outside law enforcement.

INVESTIGATIVE SUMMARY

ODNR Law Enforcement Staff Officer Scott Santos became a park officer on September 13, 2003, and was promoted to ODNR staff officer 2 on April 5, 2015. Santos is an Ohio Peace Officer Training Commission-certified firearms instructor and conducts firearms qualification courses for ODNR law enforcement officers. Santos submitted five secondary employment applications which were approved by ODNR:

- 10/06/2012 – Polaris Career Center – teaching peace officer basic training;
- 09/19/2014 – Delaware Area Career Center – guest instructor;
- 09/19/2014 – Boy Scouts of America – volunteer;
- 09/19/2014 – Scott Santos – trainer;
- 07/01/2016 – Ashley Police Department – training officer.

ODNR officials, while conducting an unrelated investigation involving Santos, discovered email traffic involving Santos’ requests for permits to use the Delaware Wildlife Area (DWA) shooting range to conduct firearms training and qualification courses for outside law enforcement agencies.

The Office of the Ohio Inspector General obtained and reviewed the Microsoft Outlook PST³ file of Santos’ computer activity during days and times he was at work for the State of Ohio for the period from January 1, 2012, to July 11, 2016. The PST file contained 27,717 items (e.g., email strings, calendar entries, and attachments). From this review of Santos’ computer activity,

³ Personal Storage Table (pst) is an open proprietary file format used to store copies of messages, calendar events, and other items within Microsoft.

investigators found 42 items that were not related to Santos' position at ODNR, and involved his use of the Delaware Wildlife Area (DWA) shooting range to conduct training or qualification courses for outside law enforcement agencies. Specifically, investigators found emails to or from agencies outside of ODNR listing available shooting range dates; and emails about obtaining shooting range permits to be used by agencies outside of ODNR for trainings provided by Santos as part of his secondary employment. Investigators also discovered letters verifying the completion and certification of individuals for an Ohio "Carrying a Concealed Weapon (CCW)" course instructed by Santos as part of his secondary employment, and for which he received pay.

Additionally, investigators obtained for review copies of all Delaware Wildlife Area (DWA) range permits issued to Santos for years 2012, 2013, 2014, 2015, and 2016. During this time period, Santos was issued 15 DWA range permits. Investigators also reviewed invoices and payments to Santos from the Ohio Auditor of State's Office in the amount of \$2,605.60 for firearms training; and payments to Santos in the amount of \$1,652.71 for Village of Ashley Police Department firearms requalification services.

On February 9, 2017, investigators interviewed Ashley Police Department (APD) Chief Douglas Patrick regarding Santos' relationship with the police department. Patrick told investigators that he had known Scott Santos since Santos was in high school. Patrick said Santos was commissioned as an Ashley police officer from March 28, 2000, to October 9, 2003, when Santos began his employment with ODNR. Patrick said he remained in contact with Santos and recalled that after Santos received his firearms instructor certification, APD began using Santos to conduct their annual firearms qualification course. Patrick added that Santos had conducted the department's firearms training at least back to 2012, and noted the department had on occasion used another instructor. Patrick confirmed that Santos arranged these training courses conducted at the DWA range and had obtained the necessary permits from ODNR at no cost. Patrick said he would contact Santos by telephone requesting a training date, and that Santos would later submit an invoice for the trainings which would be paid by the clerk for the Village of Ashley. Patrick noted that Santos conducted CCW courses at individuals' homes for his (Patrick's) family members and friends, and the DWA range was not used for these

qualifications. Patrick added that Santos had applied for a part-time police officer position with the Ashley Police Department at the time of this interview, but that a position was not available at the time.

On February 14, 2017, Auditor of State (AOS) Chief of Special Investigation Unit Michael Spiert was interviewed regarding the firearms training provided to AOS investigators by Santos. Spiert stated that he has eight investigators who carry firearms and the AOS used Santos to conduct their annual firearms qualification and additional firearms trainings. Spiert said one of his former employees knew Santos from her prior employment at the Ashley Police Department and she contacted Santos to conduct the firearms qualification course for AOS investigators. Spiert said most, but not all, of the trainings for the AOS investigators were held at the DWA range.

On February 16, 2017, the Office of the Ohio Inspector General interviewed ODNR Staff Officer Scott Santos. Santos told investigators that his duties at ODNR included security operations at its headquarters facility, assisting with investigations, and serving as a law enforcement liaison and firearms instructor. Santos noted that he is a certified Ohio Peace Officer Training Commission firearms instructor and conducts ODNR firearms trainings and qualifications for the ODNR law enforcement officers.

During this interview, Santos acknowledged to investigators that he provided firearms training and qualification courses for employees from the Ohio Auditor of State's Office and the Ashley Police Department, for which he was paid by those agencies. Santos admitted using his state-issued computer to schedule and obtain the permits to conduct firearms qualifications at the DWA range during hours he was working for the State of Ohio. Santos also admitted that he had obtained a permit for the DWA range to qualify a deputy sheriff from Hardin County. Santos denied conducting any training or firearms qualifications for AOS or APD during days or times he was working for the State of Ohio. Santos acknowledged conducting CCW courses; however, he noted to investigators that those courses were not held at the DWA range. Santos said that the documentation discovered by investigators on his state-issued computer regarding the CCW courses was from a training file he had downloaded from a thumb drive to his computer.

Santos explained to investigators that he does not conduct firearms trainings and qualifications or the CCW courses as a business, but as a favor to friends who know he is certified to conduct the trainings. Santos stated that the trainings he provided for the AOS began after he had been contacted by an AOS investigator whom he had worked with previously and requested he conduct their trainings. Santos said the Ashley Police Department, particularly Patrick, contacted him to provide CCW trainings for the chief's family and friends who wanted to obtain their CCW permits. Santos noted that he had conducted those courses as a favor.

CONCLUSION

On July 1, 2016, the Ohio Department of Natural Resources (ODNR) reported to the Office of the Ohio Inspector General a possible wrongdoing on the part of ODNR Law Enforcement Staff Officer Scott Santos.

ODNR's original allegation specified that Santos was conducting firearms training for outside agencies as a secondary employment, and used State time and equipment in the planning aspects of this secondary business activity. There was no allegation made by ODNR that any of the actual firearms training was performed during days or times Santos was working for the State of Ohio. The allegation also alleged that Santos,

... exercised privileges of his employment in order to gain unpaid private access to the firearms training range during a time when it was otherwise closed to the general public. In doing so, he avoided normal use fees that would have been collected from those who attended the training.

The Office of the Ohio Inspector General found no evidence to support that the firearms trainings conducted by Santos had occurred during days or times Santos was working for the State of Ohio. Additionally, investigators determined that the DWA range is closed to the public on Mondays and Tuesdays and the Ohio Division of Wildlife permits the use of the shooting ranges free of charge by outside law enforcement agencies for firearms training and/or qualification purposes.

However, the Office of the Ohio Inspector General found that Santos used State time and equipment in the planning aspects of this secondary business activity. Santos admitted to investigators that he had conducted firearms training as a secondary employment for investigators of the Ohio Auditor of State, officers of the Ashley Police Department, and deputies for the Hardin County Sheriff's Office, and the trainings and firearms qualifications occurred at the Delaware Wildlife Area shooting range. Investigators determined that Santos, during days and times he was working for the State of Ohio, had used State equipment and services to arrange and schedule these trainings and qualifications, and to obtain permits for use of the DWA range.

Accordingly, the Office of the Inspector General finds reasonable cause to believe 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 actions of Scott Santos to determine if administrative action or training is needed.

- 2) Review with all employees the department's Information Technology systems and service and secondary employment policies and restrictions.

REFERRALS

The Office of the Ohio Inspector General has referred this report of investigation to the Ohio Ethics Commission.



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NAME OF REPORT: Ohio Department of Natural Resources

FILE ID #: 2016-CA00024

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
September 14, 2017

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