

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF MEDICAID  
FILE ID NO.: 2018-CA00015  
DATE OF REPORT: APRIL 25, 2019

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*“Safeguarding integrity in state government”*

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Randall J. Meyer  
Ohio Inspector General



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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2018-CA00015

**SUBJECT NAME:** Thomas Dexter

**POSITION:** Project Manager 1

**AGENCY:** Ohio Department of Medicaid

**BASIS FOR INVESTIGATION:** Complaint

**ALLEGATIONS:** Abuse of Office/Position

**INITIATED:** March 2, 2018

**DATE OF REPORT:** April 25, 2019

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

On March 1, 2018, the Office of the Ohio Inspector General received a referral from the Ohio Department of Medicaid (ODM) alleging Project Manager 1 Thomas Dexter improperly solicited ODM vendor Sandata for an employment opportunity for himself and his spouse. It was alleged Sandata was "... concerned about retaliation for not giving Dexter employment based on the prominent role he holds over the contract" as project manager.

## **BACKGROUND**

### *Ohio Department of Medicaid*

The federal government requires states to name a "single state agency" to administer its Medicaid program. The Ohio Department of Medicaid (ODM) is the sole state agency for Ohio to administer Ohio's Medicaid program. The agency retains oversight and administrative control of the Ohio Medicaid program and assures federally set standards are maintained. ODM provides health care coverage to those with limited income; including pregnant women, families and children, adults, senior citizens, and individuals with disabilities. Many of those served by Medicaid obtain medical care at no cost; however, some recipients must pay copayments for certain services. Once enrolled, Medicaid participants gain coverage for such services as doctor visits, hospital care, well-child visits, home health, and long-term care. The Ohio Department of Medicaid is funded with federal, state, and local revenues.

## **APPLICABLE LAWS AND POLICIES**

### *Ohio Revised Code (ORC) §102.03(D) and (E)*

Ohio Revised Code §102.03, part of what is commonly referred to as the Ohio Ethics Code, states, in part:

(D) No public Official or employee shall use or authorize the use of the authority of 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.

(E) No public official or employee shall solicit or accept 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 §102.03 (D) and (E) prevents a public official from soliciting anything of value from entities doing business with the state. Interpretations of the Ohio Ethics Code made by the Ohio Ethics Commission (OEC) outline that solicitations of employment constitute a thing of value, and the prohibition on solicitation extends to individuals who share a close family relationship to the public employee.

*Ohio Department of Medicaid Standards of Employee Conduct IPP Number: ODM IPP 0003*  
The *ODM IPP 0003* "General Standards of Conduct" states, in part:

3. Personal Conduct – No employee shall accept or solicit bribes, gifts, money, favors from vendors or agencies/entities with which ODM has a regulatory or fiduciary relationship. ...

8. Nepotism

b. Employees will not authorize or use the authority or influence of his or her position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood, marriage or other significant relationship including business association.

### **INVESTIGATIVE SUMMARY**

On February 23, 2018, ODM Electronic Visit Verification Program Manager Kristy Wathen received notification from a Sandata employee that ODM Project Manager 1 Thomas Dexter was soliciting employment opportunities within the company for himself and his spouse. Sandata did not provide employment to the Dexters, and the company was reportedly concerned about retaliation from Thomas Dexter because of his significant role with the ODM/Sandata contract.

Sandata Associate General Counsel Morgan Eisenstein reported to ODM Deputy Legal Counsel Heather Sullivan that, "He [Dexter] submitted her [Deborah Dexter] resume and suggested that

we speak to her, as she would be an asset to Sandata. We did a courtesy interview and told him that while she was very impressive, we couldn't hire her due to conflict of interest concerns.”

On February 26, 2018, ODM's Sullivan contacted Sandata's legal counsel regarding the allegation and requested any documentation regarding the matter. On February 27, 2018, Sandata provided ODM with an email string containing emails between Thomas Dexter's personal email account and Sandata regarding employment opportunities for himself. Sandata also provided copies of emails sent to the company from Dexter that included his wife's resume and a suggestion that they speak with her.

The Office of the Ohio Inspector General conducted an analysis of ODM time records for Thomas Dexter. On January 9, 2018, records indicated that Dexter worked from 7:37 a.m. until 4:51 p.m. Investigators discovered an email sent from Dexter's personal email account at 4:12 p.m. on that day to Sandata employee Judy Ross inquiring about employment opportunities. On February 12, 2018, ODM time records indicated that Dexter worked from 7:31 a.m. until 5:00 p.m. Investigators discovered an email sent on this day at 8:47 a.m. from Dexter's personal email to Ross, again inquiring about the topic of employment opportunities.

The Office of the Ohio Inspector General also reviewed Dexter's ODM training records. The records show Dexter acknowledged receiving the ODM Standards of Employee Conduct on August 15, 2016. Dexter completed Ethics/HIPAA training on July 27, 2016, and September 9, 2017.

On January 2, 2019, investigators interviewed Thomas Dexter. During the interview, Dexter stated Sandata employees Judy Ross and Karen Brouillette informed him about an open position at the company. Dexter said he would not have applied for the position had he known he would have been fired or reprimanded by ODM. He also stated he wasn't trying to hide anything, and that he had an unblemished 30-year career. ODM had provided to investigators an email dated February 8, 2018, sent from Ross to Dexter. Ross stated:

You work for one of our most important clients. As a vendor, hiring someone from a client is generally not done and most definitely frowned upon ... You are of course

welcome to apply but based on the 2 items above, I'm not sure that this is going to be feasible.

Investigators spoke to Dexter regarding an email dated February 12, 2018, that he had sent to Ross. In the email, Dexter stated:

As far as the vendor client relationship, I can tell you the policy here is that I can come work for Sandata, but I can't work the Columbus account for 1 year. I actually did my research to find the policy.

When investigators questioned Dexter about what policy he was referring to, Dexter told investigators, "I thought I knew. I sat in the training. I'm not going to deny that I didn't sit in the training. I probably had all the information [ethics training] everybody else had." Dexter stated that there were "thousands of policies" and suggested he could not remember them all.

Investigators asked Dexter about his contact with the Ohio Ethics Commission (OEC) regarding his wife applying for a job with a vendor who was doing business with ODM. Dexter said he may have contacted OEC but he did not "... recall this but must have." Investigators read Dexter the email sent to him by OEC Staff Advisory Attorney Karen King. King stated:

Thank you for contacting the Ethics Commission. The Commission's policy is for staff to provide general information about the Ethics Law and Commission precedent whenever possible. In accordance with that policy, I have attached Commission publications that may provide you with general information regarding the Ethics Law.

<http://ethics.ohio.gov/advice/opinions/2009-02.pdf>

This is not an advisory opinion and does not reach any conclusions as to the specific facts you described. An advisory opinion of the Commission is a written document based on a written request disclosing the relevant facts. The Commission staff cannot provide verbal or written advisory opinions in response to questions posed on the telephone, in person, or in an email; questions involving the actions of someone other than the requester; questions involving events that have already occurred; or questions

involving matters that are not under the Commission's jurisdiction.

In the email, King also included two opinion letters<sup>1</sup> issued by the OEC. Dexter told investigators that he probably read only parts of the opinions. Dexter stated that OEC did not specifically tell him if it was permissible for his wife to work for Sandata.

Investigators asked Dexter if Sandata ever told him that they were concerned the company would lose business from ODM should they hire him. Dexter stated Sandata told him, "there could be a conflict of interest" and added, "I thought I knew the rules." Dexter said Sandata never told him definitively "No" that they could not hire him. Investigators read an email to Dexter dated February 20, 2019, from Judy Ross. The email stated:

Tom:

It's taken me a bit to get back to you. I had number of internal discussions around this.

Unfortunately, I don't think this is viable. I really feel badly about this so want to explain ...

- ODM is one of our most important customers. Sandata is not comfortable hiring someone from ODM. I believe you've had this discussion with Kenny already.
- The primary job of this individual in year one will be the ODM UATs. Having a hire that is restricted from working with ODM or on their projects would limit the position's effectiveness.
- While you MAY be able to work remotely, the position really needs to be in Port Washington a significant amount of the time and we aren't budgeted for this position to travel here on a regular basis.

Sorry ...

Judy

Dexter told investigators that he,

... sat in an ethics training once a year. There's a lot of information there. You take periodic quizzes from the information that you learned. If you're going to lose your job over these ethics violations, that needs to be pasted up on the walls in front of people all

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<sup>1</sup> Advisory Opinion No. 2009-02, Cordes, and Fought.

the time so they are reminded of it in plain black and white. Because you can lose your job there and not even know you did something wrong ... If I can provide a plain blank statement to them (OEC) ... then they need somebody in the room that when I write a clear statement or question and it's in plain clear English, someone should be able to provide an interpretation and give me a direct answer ... Maybe I got a direct answer and didn't want to hear it. I don't even remember the conversation that I had with them [OEC].

The Ohio Ethics Commission entered into a settlement agreement whereby Dexter accepted a public reprimand from the commission.

### **CONCLUSION**

The Office of the Ohio Inspector General received notification from the Ohio Department of Medicaid that ODM Project Manager 1 Thomas Dexter improperly solicited ODM vendor Sandata for an employment opportunity for himself and his spouse. ODM provided to investigators a series of emails between Sandata representatives and Dexter, discussing employment opportunities for Dexter and his wife. The Ohio Ethics Commission also provided emails to investigators whereby Dexter requested information as to whether his wife was allowed to work for Sandata.

The Office of the Ohio Inspector General interviewed Dexter and he admitted to investigators that while employed with ODM, he inquired about employment opportunities with Sandata for himself and his wife. Dexter confirmed that he had attended ethics training while employed with ODM but noted that he believed the rules were unclear as to whether he was allowed to seek employment with Sandata. Dexter did not recall asking the OEC if it was permissible for his wife to work for Sandata, but admitted telling Sandata that he had researched the issues regarding his employment and believed he was permitted to work for Sandata.

Sandata expressed concern to ODM that Dexter would retaliate against them "... for not giving Dexter employment based on the prominent role he holds over the contract."

Ohio Revised Code §102.03 (D) and (E) prevents a public official from soliciting anything of value from entities doing business with the state. Interpretations of the Ohio Ethics Code made by the Ohio Ethics Commission outline that solicitations of employment constitute a “thing of value,” and the prohibition on solicitation extends to individuals who share a close family relationship to the public employee.

ODM policy IPP 0003 states:

3. Personal Conduct – No employee shall accept or solicit bribes, gifts, money, favors from vendors or agencies/entities with which ODM has a regulatory or fiduciary relationship ...

8. Nepotism

b. Employees will not authorize or use the authority or influence of his or her position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood, marriage or other significant relationship including business association.

Investigators learned Dexter had submitted his wife’s resume to Sandata and suggested they speak to her about an employment opportunity. Dexter reportedly told Sandata that his wife would “be an asset” to the company. Sandata officials told ODM they felt obligated to conduct a “courtesy interview” with Deborah Dexter.

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

On February 26, 2018, ODM placed Thomas Dexter on administrative leave with pay. On March 1, 2018, Dexter was terminated from his employment with the Ohio Department of Medicaid.

**RECOMMENDATION(S)**

The Office of the Ohio Inspector General consulted with the Ohio Ethics Commission and determined the OEC entered into a settlement agreement whereby Dexter accepted a public

reprimand from the commission. Therefore, no recommendations are warranted for this report of investigation.

**REFERRAL(S)**

The Office of the Ohio Inspector General has determined that no referrals are warranted for this report of investigation.



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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Medicaid**

**FILE ID #: 2018-CA00015**

**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**  
**April 25, 2019**

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