

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-CA00029
DATE OF REPORT: JANUARY 24, 2019

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: 2018-CA00029

SUBJECT NAME: Aristotle Mante

POSITION: Health Services Policy Specialist

AGENCY: Ohio Department of Medicaid

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Operating a Business or Private Interest on State Time

INITIATED: May 25, 2018

DATE OF REPORT: January 24, 2019

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On May 25, 2018, the Ohio Department of Medicaid reported suspected illegal activity to the Office of the Ohio Inspector General involving one of their employees. Concerns were originally brought to the Ohio Department of Medicaid (ODM) Human Resource Department in late March of 2018, after a review of the LinkedIn profile of ODM Health Services Policy Specialist Aristotle Mante. This profile identified multiple current outside employers Mante had not reported to ODM as required by ODM policy. On April 8, 2018, an image of Mante's agency-assigned desktop computer was made. During a review of this image, a number of documents were found that appear to be related to higher education and possibly his work at Strayer University.

BACKGROUND

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.¹

Applicable policies

The following rules, policies and procedures were reviewed as part of this investigation:

Ohio Revised Code (ORC) §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

¹ Biennial budget documents

of value that is of such a character as to manifest a substantial and improper influence upon the official or employee with respect to that person's duties.

The Ohio Ethics Commission (OEC) issues advisory opinions which elaborate on the interpretation of the Ohio Revised Code. OEC Advisory Opinion 96-004, interpreting ORC §102.03(D), prohibits a public official or employee who engages in private outside employment or business activity from:

- (a) Using public time, facilities, personnel, or resources in conducting a private business or while engaging in private outside employment including demonstrations for clients using public equipment.

ODM IPP 10002- Computer and Information Systems Usage policy states, in part:

- They may be used only for explicitly authorized purposes.
- Prohibited uses include using computers or information systems in association with the operation of any for-profit business activities or for personal gain.
- Prohibits sexually explicit images.
- Prohibits inappropriate graphics or picture files.
- Prohibits storing non-work, personal documents on any drive of a state-owned computer or network.

Internet Access Guidelines state in part;

- ODM will permit personal use of the Internet with reasonable restrictions as to the amount of time devoted to personal usage and sites visited provided such use does not adversely affect business or productivity.

ODM IPP 5003- Outside employment policy states, in part:

- No ODM employee shall accept or continue outside employment that in any manner conflicts with the employee's approved work schedule or duties at ODM.
- An employee may not use state resources for purposes other than state business as defined in various ODM policies. These include but are not limited to: ODM-IPP 2101 Payment Card Program; ODM-IPP 4100 Telephone Usage; and ODM-IPP 10002 Computer and

Information Systems Usage.

- Any employee seeking or involved in outside employment shall immediately notify ODM in writing of such outside employment by completing and submitting a ODM 01793 Notification of Outside Employment form. Assumption of outside employment by an employee without notification to the Agency may subject the employee to disciplinary action, up to and including dismissal.

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General reviewed the LinkedIn profile of ODM Health Services Policy Specialist Aristotle Mante. Under the experience caption, Mante listed that he was employed as a professor with Strayer University from September 2011; Indiana Wesleyan University (IWU) from January 2000; and as an independent consultant for Mante Capital Group from January 1990 to present. Mante began his employment with the Ohio Department of Medicaid on August 29, 2016. ODM Chief Legal Counsel Brianne Brown confirmed that Mante had not sought or received authorization from ODM to conduct outside employment.

On June 5, 2018, the Office of the Ohio Inspector General obtained from ODM a forensic copy of the hard drive which was collected from the state-issued computer assigned to Mante. The image was analyzed, and files were cataloged that related to misuse of state equipment or operating a business on state time. The analysis revealed Mante downloaded 97 files from Strayer University (strayer.edu) and Indiana Wesleyan (indwes.edu) between February 23, 2017, and March 19, 2018.

Additionally, the Office of the Ohio Inspector General obtained Mante's browser history from Strayer University and Indiana Wesleyan University that covered the time period from September 2, 2016, through August 20, 2018. There were 186 instances over 158 work days where Mante's user profile had logged into Strayer and/or Indiana Wesleyan University from a State of Ohio Department of Administrative Services IP address.²

² An Internet Protocol address (IP address) is a logical numeric address that is assigned to every single computer, printer, switch, router or any other device that is part of a TCP/IP-based network.

Mante emailed faculty and students, responded to student questions in online discussion groups, reviewed student assignments via online classroom portals, posted student grades, and uploaded assignments. Additionally, the search of Mante's hard drive discovered three Strayer University pay stubs for pay periods ending June 30, 2017, July 15, 2017, and August 15, 2017, and emails to and from Indiana Wesleyan regarding payment to Mante and his 2017 Federal and Ohio tax return. Additionally, the forensic analysis revealed 152 photographs of women, some nude or semi-nude.

Indiana Wesleyan University

IWU provided pay records, including W-2's, for classes taught by Mante from December 31, 2015, through March 29, 2018. IWU records indicated that Mante had been employed at IWU since October 16, 2014. IWU also provided Mante's class schedule and meeting dates and times from January 4, 2016, through March 15, 2018.

Strayer University

Strayer University provided pay records, including W-2's, for classes taught by Mante from January 1, 2016, through July 31, 2018. Strayer University also provided records listing courses taught by Mante from January 7, 2013, through July 2, 2018.

On October 18, 2018, Aristotle Mante was interviewed regarding his use of the ODM computer system in furtherance of his outside employment with Strayer University and Indiana Wesleyan University. Mante told investigators that as a health services policy specialist, he collected and analyzed data and had done so for two years. Mante confirmed that he was an adjunct professor for Strayer and IWU and had held that title since 2012, teaching classes when they were offered to him. Mante confirmed that he was paid by Strayer and IWU for the classes he taught. Mante said he could not estimate the amount of time he spent on his state-issued ODM computer performing work for Strayer and IWU, but said the amount of time was incidental and was completed during his breaks. Mante said he was aware of the ODM computer use policy, but argued the policy allowed him to use the computer and internet for personal matters while he was on breaks and if it did not affect his work.

Investigators showed Mante a copy of ODM's outside employment policy. Mante stated he was unsure whether he had seen the policy, but said that when he was first hired, he told "someone" that he occasionally taught a class and was told that it was not a conflict of interest and there was no problem. Mante said there were two other occasions in which he told ODM employees that he still occasionally taught a class and they also told him that it was not a problem. Mante could not and/or would not identify the three people he spoke to regarding his outside employment. When asked if he told these unknown people he was going to use a state-issued computer and internet to perform his outside employment while on state time, Mante said he did not recall. Mante also said he did not recall completing an outside employment notification form.

Investigators then questioned Mante about the other non-work related items, personal documents, and inappropriate pictures found on his computer. Mante could not explain why these documents were on his computer, but noted that he came from the private sector where it was not an issue.

CONCLUSION

Health Services Policy Specialist Aristotle Mante began his employment with the Ohio Department of Medicaid on August 29, 2016. Investigators determined Mante's use of a state-issued computer, internet and email system to conduct his outside employment with Strayer University and Indiana Wesleyan University began on September 2, 2016. Mante's employment with Strayer and Indiana Wesleyan universities predated his employment with the State of Ohio.

The user profile for Mante was logged into Strayer University and Indiana Wesleyan University from Mante's ODM-issued computer during times he was to be working for the Ohio Department of Medicaid. Mante emailed faculty and students, responded to student questions in online discussion groups, reviewed student assignments via online classroom portals, posted student grades, and uploaded assignments.

Mante claimed that the ODM Computer and Information Systems policy allowed employees to use their state-issued computer and internet for personal use. However, ODM Computer and Information Systems policy prohibits employees from using state-owned systems for outside

business activities for personal gain. Mante's use of the ODM Computer and Information Systems to conduct his outside employment with Strayer and Indiana Wesleyan universities for personal gain and storing non-work related personal documents and inappropriate graphics or picture files on his state-owned computer or network violated ODM Computer and Information Systems policy ODM IPP 10002.

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

Mante claimed that he had informed three unnamed ODM employees that he taught outside classes and that he was told that there would be no conflict. Again, investigators determined that the issue was not that Mante taught classes, but his violations occurred because he used the state-issued computer and internet for his personal profit and while on state time. Mante did not complete the outside employment notification form per ODM policy and subsequently, Mante had not properly sought nor received authorization from ODM for his outside employment with Strayer and Indiana Wesleyan universities. Also, ODM outside employment policy prohibits employees from using state resources for purposes other than state business, which Mante violated. Both of these actions were violations of ODM Outside Employment Policy ODM IPP 5003.

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 Medicaid to respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Department of Medicaid should:

1. Review the actions of Health Services Specialist Aristotle Mante to determine if administrative action is required.

2. Review with ODM employees the Computer and Information Systems Usage policy stressing how prohibited uses of the Computer and Information Systems are not included in the Incidental/Occasional personal internet usage.

REFERRALS

The Office of the Inspector General has referred this matter to the Columbus City Attorney's Office and the Ohio Ethics Commission for consideration.



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NAME OF REPORT: Ohio Department of Medicaid

FILE ID #: 2018-CA00029

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 24, 2019

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