

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF FORESTRY
FILE ID NO.: 2018-CA00042
DATE OF REPORT: OCTOBER 24, 2019

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

“Safeguarding integrity in state government”

The Office of the Ohio 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
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RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER: 2018-CA00042

SUBJECT NAME: Robert Boyles
Deputy Director

Matthew Morgan
Forest Manager 1

Charles “Dale” Egbert
Shawnee Forest Manager

Jonathan Bailey
Bridge Worker 2

AGENCY: Ohio Department of Natural Resources, Division of Forestry

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Violation of Policies;
Criminal Activity.

INITIATED: October 11, 2018

DATE OF REPORT: October 24, 2019

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On October 10, 2018, the Office of the Ohio Inspector General received an anonymous complaint against the Ohio Department of Natural Resources Division of Forestry (ODNR-DF), alleging that in the winter of 2017, a state logging crew harvested a “birds eye maple”¹ tree at one of the state forests. (Investigators discovered that, although “birds eye maple,” was specified in the complaint they received against ODNR-DF, the investigation actually involved curly soft maple.)

The complaint alleged Division of Forestry Assistant Director Robert Boyles instructed personnel to transport the tree to Shawnee State Forest, whereby the forest manager there was told to saw the tree into blocks of wood the size needed to make gun stocks. Once sawed, the wood was reportedly picked up by ODNR-DF Forest Manager 1 Matthew Morgan. The complainant alleged that the tree was valued at “several hundred dollars if not a thousand or more.”

BACKGROUND

Ohio Department of Natural Resources

The Ohio Department of Natural Resources (ODNR) is charged with overseeing the use, preservation, and conservation of the state’s natural resources through a wide variety of recreational and regulatory programs. The department’s areas of responsibility include Ohio’s wildlife, forests and other natural areas, state parks, inland lakes and waterways, geological and mineral resources, and the Lake Erie coastline. The department also regulates the issuance of hunting and fishing licenses and watercraft registrations, and enforces provisions of state law related to natural resources and conservation. Overall, the department is responsible for more than 640,000 acres of land and over 120,000 acres of inland waters.²

¹ Birdseye maple is a rare and mysterious characteristic found in hard maple. There have been theories as to how Birdseye maple forms, but no scientific evidence has been presented to verify the true roots of its existence. The one-of-a-kind figure is sought after in all cultures by a multitude of woodworkers, craftsman, and artists. Birdseye maple is excellent for custom pool cues, musical instruments, furniture, and small items such as jewelry boxes due to its unique and amazing figure. <https://www.bellforestproducts.com/birdseye-maple/>.

² Source: Biennial budget documents and ODNR website.

APPLICABLE LAWS AND POLICIES

Ohio Revised Code §102.03(D)

The Ohio Ethics Commission has stated that public employees are provided resources by their public agencies for the performance of their public jobs, and not for the public employees personal financial gain or benefit.³ Ohio Revised Code (ORC) §102.03(D) prohibits a public employee from using public time, facilities, personnel, or resources for personal financial gain.

ORC §102.03(D) also prohibits a public employee who engages in outside (non-state employment related) employment or business activities from using any state relationships to secure favorable treatment from another state employee regarding the private business interests.⁴

Ohio Department of Natural Resources Ethics Policy/Procedure

- It is the policy of the Department of Natural Resources to set forth rules to ensure all employees serve the State of Ohio in an ethical manner.
- Employees are prohibited from using state time, facilities, or resources to promote or conduct their private business.
- No employee shall use or authorize the use of the authority or influence of his/her office to secure anything of value for himself/herself, which is of such character as to manifest a substantial and improper influence upon him/her with respect to his/her duties.

Ohio Department of Natural Resources Policy #DNR-OLE-0013, *Suspected Illegal Activity*, states in part:

V. EMPLOYEE SERIOUS WRONGDOING PROCEDURE

5.0 Whenever any state employee becomes aware of wrongdoing by any state employee, that employee shall immediately notify the Department Law Enforcement Administrator and or the Chief Legal Counsel of the department. The notification may be oral but shall be submitted in writing within 24 hours.

³ See, Ohio Ethics Commission Advisory Opinions 89-004, and 96-004.

⁴ Id.

Ohio Department of Natural Resources Policy #DNR-ADM-0002, *Motor Vehicle Policy*, states in part:

Official State Business

A state-owned motor vehicle shall be operated to conduct official state business, and perform duties as assigned by their Chief. The unauthorized use of a state-owned motor vehicle may subject the driver to prosecution pursuant to ORC §124.71 and/or to disciplinary action pursuant to ORC §124.34, ODNR Policies, and/or the applicable labor agreement.

Use for Only Official Duty

State-Owned or state leased vehicles shall only be used for official state duties ...

Unauthorized Use Includes:

Transporting cargo or pets/animals which have no correlation to the performance of official state business.

Ohio Department of Natural Resources Policy #DNR-OHR-0016, *Disciplinary Policy*, states in part:

1.0 Employees of the ODNR are required to maintain high standards of behavior, conduct, and work performance befitting the trust and responsibility imposed on them as public servants. ...

9.0 ODNR Disciplinary Grid:

State-owned Equipment: Unauthorized or inappropriate use of a state vehicle, equipment, or resources.

INVESTIGATIVE SUMMARY

On November 7, 2018, investigators of the Office of the Ohio Inspector General met with Forestry Manager Charles “Dale” Egbert at Shawnee Forest State Park to discuss the complaint against ODNR-DF. Also present at the meeting was Division of Forestry Bridge Worker 2 Jonathan Bailey. Investigators asked Egbert and Bailey about a portable Wood-Mizer sawmill being utilized by the Division of Forestry. Egbert stated he was the operator of the Wood-Mizer

and that it was currently located in a pole barn at Shawnee Forest, which he agreed to show investigators. Accompanied by Bailey, Egbert took investigators to the location of the Wood-Mizer and gave a brief overview on the operation of the equipment. Investigators asked Egbert if he had any boards on site that he had cut with the Wood-Mizer. Egbert and Bailey took investigators to another area of the barn and showed them two stacks of wood cut with the Wood-Mizer. Egbert stated one of the stacks was cut from a Kentucky coffee tree and the other stack was from a curly⁵ soft maple tree. Egbert and Bailey also showed investigators a small pile of “skins”⁶ from the curly maple. Investigators asked if what they were being shown was all of the curly maple that had been cut with the Wood-Mizer. With Bailey beside him, Egbert stated, “Yes. This is all of it.” Investigators discovered that, although “birds eye maple” was specified in the complaint they received against ODNR-DF, the investigation actually involved the curly soft maple shown to them in the pole barn. Investigators notified Egbert that the curly maple wood was part of the complaint being investigated by the Office of the Ohio Inspector General, and requested the wood not be moved from its current location.

On November 15, 2018, investigators returned to Shawnee Forest to speak with Egbert. During the interview, Egbert stated there was an additional stack of curly maple lumber he previously failed to mention located in another pole barn on the premises. Investigators asked to see the additional stack of lumber and were taken to the second pole barn located on the premises. Investigators observed a stack of 22 boards, varying in length from approximately 8-10 feet and about 3 inches thick. The ends of the boards had been painted orange to slow the drying process of the green wood, and to prevent warping and splitting of the lumber. Investigators noted that Egbert appeared nervous when speaking with them about the stack of lumber. During questioning, Egbert admitted he did not forget to tell investigators about the additional lumber, but that, in fact, after investigators left the premises following their initial meeting on November 7th, he had called Forest Manager Matthew Morgan to inform him that investigators were asking about the curly maple. Egbert stated he had told Morgan to return the curly maple lumber Morgan had previously taken home with him from the second pole barn. Egbert told

⁵ Curly maple is not actually a species, but simply a description of a figure in the grain — it occurs most often in soft maples, but is also seen in hard maples. It is so called because the ripples in the grain pattern create a three-dimensional effect that appears as if the grain has “curled” along the length of the board. <https://www.wood-database.com/curly-maple/>

⁶ Outer pieces of log that usually contain bark and are not uniform in shape.

investigators Morgan immediately returned the lumber and put it in the pole barn. Egbert said he had not previously mentioned the boards Morgan took home because he did not want Morgan to get into trouble. Investigators asked Egbert if Assistant Director Robert Boyles was aware of the curly maple, and if he knew Morgan had taken it. Egbert replied, “I don’t see how he couldn’t have known.”

Egbert was asked if any inventory records were being kept on the lumber cut with the Wood-Mizer. Egbert acknowledged the only records kept of lumber being cut were for logs used in the construction of cabins.

Investigators contacted a local lumber company who estimated the total board feet for the boards found in the second pole barn to be approximately 690 board feet, with an estimated value of \$2,373 based on market prices reported on July 25, 2019.

Jonathan Bailey

On November 29, 2018, investigators interviewed Division of Forestry Bridge Worker 2 Jonathan Bailey. Bailey stated he assisted Egbert with cutting the curly maple using the Wood-Mizer, and that Egbert told him the wood would be used for making gunstocks.⁷ Bailey acknowledged the existence of the stack of curly maple located in the second pole barn, and said that Morgan told him he returned the wood stack to the pole barn from either his or his son’s house. Bailey stated he believed Morgan returned the stack on November 8, 2018, after work hours; however, Bailey noted he did not personally witness Morgan returning the lumber. Investigators reminded Bailey he had been present with Egbert on November 7th when Egbert was asked if the initial stack of curly maple and the skins shown to investigators were all that was cut. Investigators then asked Bailey why on November 7th he did not tell investigators about the curly maple from the second pole barn that Morgan had in his possession. Bailey answered, “You weren’t asking me.” Investigators asked Bailey if he wouldn’t have volunteered the information to them, and he replied, “Right.” When asked if he knew that Egbert was not telling investigators the truth on November 7th, Bailey answered “Yes.” Bailey was then asked if he

⁷ The stock to which the barrel and mechanism of a firearm are secured. <https://www.merriam-webster.com/dictionary/gunstock>

knew of any ODNR directors who were interested in the curly maple. Bailey answered, “Yeah. Dale (Egbert) told me Bob (Robert Boyles) told him to cut it into those dimensions for gunstocks.” Bailey added that ODNR Equipment Operator William “Patrick” Williams told him that in a conversation Williams had with Boyles, Boyles said he was aware of the curly maple.

William “Patrick” Williams

On November 29, 2018, investigators interviewed ODNR Equipment Operator 2 William “Patrick” Williams. Williams acknowledged he was familiar with the curly soft maple that was cut at Shawnee and he had heard the wood was to be used for gun stocks. Williams described the curly maple as “not marketable.” Williams said he knew Morgan was in possession of the curly maple lumber through a conversation he and Morgan had. Williams was asked if he was aware of any ODNR directors who were involved in the cutting of the curly maple. Williams stated he had a conversation with Boyles about the curly maple, in which Boyles asked him, “How did it (curly maple) turn out after it was sawed?”

Charles “Dale” Egbert

On November 29, 2018, investigators interviewed Shawnee Forest Manager Charles “Dale” Egbert. Egbert provided notes from a personal calendar showing he sawed the curly maple on November 30, 2017. Egbert stated he could not recall who provided him with the dimensions to cut the curly maple, but that Morgan had stated the wood was to be used to make a gun stock. Egbert said he did not ask any questions and just sawed the wood. Egbert explained that after investigators left the meeting at Shawnee on November 7, 2018, he used his cell phone to call Morgan to inform him that investigators were inquiring about the curly maple, and that Morgan needed to return the wood to Shawnee. Egbert stated it was his recollection that Morgan had possession of part of the curly maple and part of the wood was for Bob Boyles. Egbert stated that Morgan agreed to return the lumber, and it was returned by the following morning. Egbert said he believed the lumber was returned after work hours and acknowledged the facility is padlocked; however, he noted that the workers have a key to the lock.

Matthew Morgan

On November 29, 2018, investigators interviewed ODNR-DF Forest Manager 1 Matthew Morgan. Morgan stated he cut down the curly soft maple tree during a harvest and clearing job at Hocking Hills. Morgan told investigators the bottom of the tree was swelled, indicating it might be hollow. Morgan stated he believed the tree had been marked by foresters with an “X” indicating the wood was not marketable. Morgan said when he cut down the tree, he noticed it had “curl.”⁸ After removing the swell, Morgan determined the remaining logs were too short to sell, and therefore the tree would lay in the forest to decay. Morgan said he thought the wood could be used to make a nice gunstock, so he transported it with other logs to be loaded on a truck bed. Morgan explained that at the end of the day, he called Boyles to inform him they had found some curly maple. Morgan said he told Boyles, “Boy, it would be nice to have some gunstocks made out of it.” Morgan stated he believed Boyles would direct him to have the wood sawed and taken to Carpentry Supervisor Kenny Boggs at Pike Forest. However, Morgan said Boyles told him, “Well, just have Dale (Egbert) saw it for ya.” Morgan stated the logs were transported to Shawnee Forest by ODNR-DF Equipment Operator 2 Timothy Boggs, where they were then sawed by Dale Egbert. Morgan stated he then took a stack of the curly maple boards home with him.

Morgan stated, “I never gave it a thought of anything being wrong. I told everybody if they want some, they are welcome to it.” Morgan said that after investigators spoke to Egbert on November 7, Egbert called Morgan and cautioned, “Hey if you’ve got any of that, you better bring it back.” Morgan said he replied, “Lord Dale, I’d have never took it if I thought something was wrong.” Morgan stated that after receiving Egbert’s call, he immediately returned the stack of wood, with the exception of one board he had given away. After returning the stack, Morgan said he approached the person he had given the remaining board to and requested it back, then returned that board to the stack as well. Investigators returned to the pole barn where the 22 boards Morgan had returned were located, and also found the additional board for a total of 23 boards. Morgan stated that he believed from the conversation he had with Boyles, that he was permitted to take the curly maple wood home with him. Morgan told investigators he had no

⁸ Curl is a figure pattern in wood grain, commonly referred to as tiger stripe or ripple.
<https://www.woodmagazine.com/materials-guide/lumber/wood-figure/curl>

intention of selling any of the wood and was going to use it for personal projects or to share with others. Morgan noted that none of the wood had been used and everything was returned to the pole barn. Investigators asked Morgan if he had any conversations about the curly maple with Boyles since it was cut with the Wood-Mizer. Morgan said he told Boyles in prior telephone conversations that Egbert had sawed the wood and that he (Morgan) had some of it. Since returning the wood to the pole barn, Morgan stated he and Boyles had spoken, and that Boyles speculated about who possibly filed the complaint against them. Morgan said he told Boyles, “I never thought there was anything wrong with (taking) it,” and, “I’ll probably get shit-canned over it.” Morgan said Boyles replied, “Hell, we’ll probably both get fired.”

Morgan was asked if boards cut with the Wood-Mizer were counted for inventory. Morgan replied, “No,” but that since this issue arose, he believed it was something that should be done. Morgan said, in his opinion, inventorying the wood could, “... prevent something like this from happening again.”

Morgan told investigators, “What’s happened has happened. I’ll take responsibility for what I did. I feel bad for Dale. ... I’m not trying to sugarcoat it but you see so much go to waste.” Morgan said he believed the curly maple wouldn’t have brought \$ 0.30 at auction and therefore was going to be left behind to rot in the forest.

Robert Boyles

On January 10, 2019, investigators spoke to ODNR-DF Assistant Director Robert Boyles. Boyles was asked what he knew about the investigation involving the curly soft maple lumber. Boyles said he just knew “bits and pieces,” and that the day investigators first spoke to Egbert, Egbert called Morgan and Morgan called him (Boyles). Boyles said Morgan told him the inspectors were, “... looking at that maple up in the shop.” Boyles said he asked Morgan, “What maple?” and Morgan replied, “The maple we took out of Hocking.” Boyles said he continued, “I didn’t know we had any, Matt,” to which Morgan answered, “Yeah, I called you about it.” Boyles said he then stated, “Well I don’t remember but anyway what is it?” Morgan replied, “Well, it’s a piece of curly maple. I called ya and you said I could have it.” Boyles recalled stating, “What do you mean?” and he said Morgan reiterated, “You said I could have it so we

took it out and took it (in a dump truck) to Shawnee and sawed it.” Boyles said he replied, “Okay. What happened to the maple?” and Morgan answered, “Well, I got some of it.” Boyles stated he then asked Morgan, “Well what did Dale tell ya?” and Morgan replied, “Bring it back.” Boyles said he then stated, “Well then I think you ought to bring it back.”

Regarding the initial call Morgan said he made to Boyles notifying him that the curly maple had been cut at Hocking, Boyles told investigators, “I don’t remember the phone call at all ... It’s been a year ago.” Boyles continued,

Matt is a good friend. I mean I worked there so I know him but I don’t deal with him that much so. He’ll call me once in a while usually it’s something really bothering him so I’m sure I took his call and uh but I just don’t remember the conversation and if you’ve talked with Matt uh he’s ... Matt’s Matt. He doesn’t grasp a lot of things so. Not that he’s slow because he’s a very smart person but he doesn’t put the dots together sometimes and I wish to hell I could remember that conversation because he said I told him he could have it and in his mind, he thinks I said he could have it and I just don’t remember the phone call and what would have made him think that.

Boyles said he was certain that if Morgan had called him regarding the curly maple, he (Boyles) would have instructed Morgan to saw it and take it to the carpentry shop.

Investigators asked Boyles if Morgan told him, “This might make a good gunstock.” Boyles stated that until the day he received the call from Morgan, after Morgan was advised by Egbert to return the curly maple, Boyles didn’t know anything about the curly maple. Boyles was shown photographs of the Kentucky coffee tree lumber as well as the curly maple lumber. Boyles said, “I remember the Kentucky coffee tree.” Boyles was also shown a November 30, 2017, email chain between Egbert and Boyles, where Egbert wrote:

Bob,

What do you want me to cut out of the coffee tree logs? You may have told me before, but, I can't seem to find that information.

Also, we cut some nice pieces out of the curly soft maple logs. Some of the pieces have good pronounced curl and some spalting⁹ that will really make them unique.

Boyles replied:

5/4” and 8/4”

Investigators asked Boyles if he likely would have recognized the reference to the curly maple from the information about it in Egbert’s email. Boyles said, “Yeah, but I don’t even remember reading the curly maple.”

Boyles was asked if there were any policies or procedures in place that tracks wood being cut with the Wood-Mizer. Boyles stated the only documentation that existed would be the saw records. Boyles added, “And after all this started, I thought, I bet you Dale doesn’t do saw records. ... I don’t know what Dale does and I betcha nobody has ever instructed him to do sawing records.” Boyles was asked if there was a policy requiring that saw records be kept and maintained. Boyles stated, “I don’t think so.” Boyles said the portable saw (Wood-Mizer) was so new that there probably wouldn’t be any records.

Investigators asked Boyles if he recalled having a conversation in which Morgan expressed concern that he might be fired over this incident. Boyles stated he told Morgan, “... It can go any number of ways and it’s very serious.”

Boyles was asked if he recalled any conversation between he and Morgan in which Morgan might perceive he was permitted to take the curly maple home. Boyles replied, “No. I mean we all go through ethics training. I just don’t remember the conversation but I’m sure if he says he felt that way then he felt that way. I know the guy well enough.” Boyles was asked if he could recall any conversations with any other ODNR workers about the curly maple. Boyles shook his head to answer no.

⁹ Spalting is any color on wood caused by a fungus. <https://www.northernspalting.com/spalting-info/faqs/>

Timothy Boggs

On January 14, 2019, investigators spoke with ODNR Equipment Operator 2 Timothy Boggs. Boggs stated he was working with a state logging crew at Hocking Hills and was asked to transport the curly maple logs to Shawnee Forest so Egbert could see them. Boggs could not remember who made the request and he believed he transported the logs in the back of a small ODNR dump truck.

David Parrot and William “Patrick” Williams

On January 22, 2019, investigators received a call from ODNR-DF Forester David Parrot and Equipment Operator 2 William “Pat” Williams. Parrot stated they had information about the investigation. Parrot told investigators that both he and Williams had a short conversation with Boyles about the curly maple on August 10, 2018, during a “take your kid to work day” at the Columbus ODNR headquarters. Williams said Boyles asked him, “How did that maple turn out?” Williams said he told Boyles, “It cut up nice.” Parrot acknowledged he was present during the conversation. Williams stated it was obvious Boyles knew the discussion was about the curly maple at Shawnee. Parrot said the conversation turned lighthearted regarding the potential uses for the curly maple. Williams stated that when Boyles asked, “How did that maple turn out?” Williams jokingly replied, “Oh! Why don’t you tell us? We figured you had some of it at home making a gunstock with it.” Williams said Boyles replied, “No,” and that he, “... hadn’t got to see it yet.” Parrot acknowledged he was present at Shawnee when the curly maple was being sawed by Egbert, and he remembered the conversation among workers that the wood was to be used to make gunstocks.

On January 14, 2019, at the request of the Office of the Ohio Inspector General, the Ohio State Highway Patrol, Office of Criminal Investigations, Investigative Services took possession of the curly maple and transported it to the office’s Cincinnati location to be logged into evidence.

CONCLUSION

On October 10, 2018, the Office of the Ohio Inspector General received an anonymous complaint alleging that in the winter of 2017, a state logging crew harvested a “birds eye maple” tree at one of the state forests. The complaint alleged ODNR-DF Assistant Director Robert

Boyles instructed personnel to take the tree to Shawnee State Forest whereby the forest manager there was told to saw the tree into blocks of wood the size needed to make gun stocks. Once sawed, the wood was reportedly picked up by ODNR-DF Forest Manager Matthew Morgan.

On November 7, 2018, investigators interviewed Shawnee State Forest Manager Charles “Dale” Egbert and ODNR-DF Bridge Worker 2 Jonathan Bailey. Investigators asked Egbert about the use of a portable sawmill, and in response Egbert and Bailey showed investigators a portable Wood-Mizer sawmill in a pole barn on the premises. Investigators were shown two stacks of wood Egbert had sawed with the Wood-Mizer. Investigators were told by Egbert that one of the stacks was sawed from a curly soft maple tree.

Ohio Department of Natural Resources Policy #DNR-OHR-0016, *Disciplinary Policy*, states:

1.0 Employees of the ODNR are required to maintain high standards of behavior, conduct, and work performance befitting the trust and responsibility imposed on them as public servants. ...

9.0 ODNR Disciplinary Grid:

State-owned Equipment: Unauthorized or inappropriate use of a state vehicle, equipment, or resources.

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

At the initial November 7, 2018, meeting with the Office of the Ohio Inspector General, Egbert was asked, with Bailey present, if the stack of curly soft maple wood investigators were shown was all the wood sawed from the curly maple tree. Egbert confirmed to investigators that the stack of curly maple they were shown was all that had been sawed from the curly soft maple tree.

On November 15, 2018, investigators returned to Shawnee Forest and spoke to Egbert. Egbert informed investigators that at their November 7, 2018, meeting, he failed to mention a second stack of curly soft maple that had been sawed and was located in a separate pole barn. During questioning, Egbert admitted that on November 7, 2018, after investigators left Shawnee State

Park, he called Forest Manager Matt Morgan and advised Morgan to return any of the curly soft maple he had taken home with him. Egbert stated he lied to investigators to attempt to keep Morgan from getting in trouble. Investigators asked Egbert if Assistant Director Robert Boyles was aware of the curly soft maple lumber, to which Egbert replied, "I don't see how he (Boyles) couldn't have known."

Investigators contacted a local lumber company who estimated the total board feet for the sawed boards in the second pole barn to be approximately 690 board feet with an estimated value of \$2,373 based on market prices reported on July 25, 2019.

On November 29, 2018, investigators interviewed ODNR-DF Bridge Worker 2 Jonathan Bailey. Bailey told investigators he assisted Egbert with cutting the curly soft maple with the Wood-Mizer and during the cutting, Egbert told him the curly maple would be used for making gunstocks. Bailey admitted to investigators that on November 7, 2018, he failed to notify investigators that Morgan was in possession of a stack of curly maple because, "You weren't asking me." Bailey acknowledged he wasn't going to volunteer the information, yet was aware Egbert was lying to investigators during their initial meeting when Egbert claimed the stack of curly soft maple in the barn was all that was cut from the logs.

Ohio Department of Natural Resources Policy #DNR-OLE-0013, *Suspected Illegal Activity*, states:

5.0 Whenever any state employee becomes aware of wrongdoing by any state employee, that employee shall immediately notify the Department Law Enforcement Administrator and or the Chief Legal Counsel of the department. The notification may be oral but shall be submitted in writing within 24 hours.

Knowing Morgan was in possession of the curly soft maple, Egbert failed to notify the Department of Law Enforcement administrator and/or chief legal counsel for ODNR as directed by policy. Knowing Egbert was lying to investigators, and further knowing Morgan was in possession of the curly soft maple, Bailey failed to notify the Department of Law Enforcement administrator and/or chief legal counsel for ODNR as directed by policy.

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

During his interview with the Office of the Ohio Inspector General on November 29, 2018, Bailey told investigators that ODNR-DF Equipment Operator 2 William “Patrick” Williams shared a conversation with him that had occurred between Williams and Boyles, indicating that Boyles was aware of the curly soft maple sawed at Shawnee Forest.

Also on November 29, 2018, investigators interviewed Williams. Williams stated he had heard the curly soft maple lumber was to be used for gun stocks. Williams said Morgan shared that he had some of the curly soft maple lumber during a conversation they had. Williams was asked if he was aware of any ODNR directors involved in the cutting of the curly maple, and noted he had a conversation with Boyles about the wood. Williams stated Boyles asked, “How did it (curly soft maple) turn out after it was sawed?”

On November 29, 2018, investigators interviewed Forest Manager 1 Matthew Morgan. Morgan stated he cut the soft maple tree during a harvest and clearing job at Hocking Hills. Morgan explained the base of the maple tree was swollen and was being cut down to clear for growth of oak trees. Once the soft maple was cut, Morgan said he discovered it was a curly soft maple, and portions of the tree that were not rotten were hauled from the area. Morgan said he called Assistant Director Boyles and noted the curly soft maple would make a nice gunstock. Morgan claimed Boyles told him to take the tree to Shawnee Forest and have Egbert cut it for him. Morgan stated he took this statement as tacit approval that he was allowed to have the wood. Morgan was adamant in stating that if he thought he was not allowed to have the wood, he would have never taken it. Once the wood was cut, Morgan took home 23 boards measuring in lengths of approximately 8-10’ x 12” x 3”.

Ohio Department of Natural Resources Ethics Policy/Procedure states:

- It is the policy of the Department of Natural Resources to set forth rules to ensure all employees serve the State of Ohio in an ethical manner.

- Employees are prohibited from using state time, facilities, or resources to promote or conduct their private business.
- No employee shall use or authorize the use of the authority or influence of his/her office to secure anything of value for himself/herself, which is of such character as to manifest a substantial and improper influence upon him/her with respect to his/her duties.

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

The curly soft maple logs were cut by a logging crew at Hocking Hills and were transported in a state-owned dump truck by ODNR-DF Equipment Operator 2 Timothy Boggs to Shawnee Forest, in violation of ODNR Motor Vehicle Policy #DNR-ADM-0002, *Safety Requirements*, which states, in part:

Unauthorized Use Includes: Transporting cargo or pets/animals which have no correlation to the performance of official state business.

It was never alleged that Boggs was aware the transport of the curly maple logs to Shawnee Forest was for personal use. However, the instructions Boggs was given by Boyles or Morgan to transport the curly maple that was never intended for use by ODNR was against policy.

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

On January 10, 2019, ODNR-DF Assistant Director Robert Boyles was interviewed. Boyles denied telling Morgan to take the curly maple to Shawnee Forest and have Egbert cut it for him. Boyles, in fact, denied any knowledge of the curly maple until Morgan called him stating he was worried he (Morgan) would be fired. Boyles' statement is disputed in an email between Egbert and Boyles dated November 30, 2017, in which Egbert wrote to Boyles:

Also, we cut some nice pieces out of the curly soft maple logs. Some of the pieces have good pronounced curl and some spalting that will really make them unique.

When investigators asked Boyles if he could recall any other conversations he had with ODNR workers about the curly maple, Boyles shook his head to answer no. Boyles' recollection is disputed by two ODNR-DF employees, William "Pat" Williams and David Parrot, who told investigators they were both present when they had a conversation with Boyles about the curly maple wood.

Interviews with Boyles and Egbert further revealed that no records are maintained, and no policies exist for lumber sawed with the portable Wood-Mizer sawmill unless the lumber is used in the construction of cabins.

On January 14, 2019, at the request of the Office of the Ohio Inspector General, the Ohio State Highway Patrol, Office of Criminal Investigations, Investigative Services took possession of the curly maple and transported it to the office's Cincinnati location to be logged into evidence.

On February 1, 2019, Assistant Director Robert Boyles retired from the Ohio Department of Natural Resources, Division of Forestry.

On February 6, 2019, the Scioto County Prosecutor was contacted and declined to file charges in this case.

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 the individuals named in this report and who remain employed at the Ohio Department of Natural Resources to determine if additional training or administrative action is warranted.

2. Provide training to ODNR employees regarding the authorized and unauthorized use of state property/resources and evaluate whether existing policy needs to be further amended or clarified.

3. Since wood is a valuable commodity, implement an internal process within the Division of Forestry to track and inventory all milled logs and dimensional lumber (whether internally milled, externally milled, or purchased) on a quarterly basis.

REFERRAL(S)

The Office of the Ohio Inspector General is forwarding this report of investigation to the Scioto County Prosecutor, Hocking County Prosecutor, and the Ohio Ethics Commission for consideration.



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Natural Resources,
Division of Forestry
FILE ID #: 2018-CA00042**

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
October 24, 2019**

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