# Office of Inspector General Annual Report 2020-2021

Nicole "Nikki" Fried
Commissioner of Agriculture

Angela H. Roddenberry
Inspector General

Office of Inspector General
(850) 245-1360

Building C, Suite 3C
2601 South Blair Stone Road
Tallahassee, Florida 32399

# Florida Department of Agriculture and Consumer Services

## Commissioner Nicole "Nikki" Fried

September 24, 2021

The Honorable Nicole Fried
Commissioner of Agriculture
Florida Department of Agriculture and Consumer Services
The Capitol, Plaza Level 10
Tallahassee, Florida 32399-0810

Dear Commissioner Fried:

In accordance with Section 20.055(8), Florida Statutes, I am pleased to present the Office of Inspector General's Annual Report for Fiscal Year 2020-2021. This report summarizes our audit and investigative responsibilities, activities, and accomplishments for the 12-month period ending June 30, 2021.

The Office of Inspector General is committed to promoting accountability, integrity and efficiency in state government by preventing and detecting fraud, waste, abuse and mismanagement within the department.

On behalf of my staff, I would like to thank you for your support and leadership, and department management and staff for their ongoing assistance and cooperation.

Sincerely,

Angela H Roddenberry

Angela H. Roddenberry
Inspector General

# CONTENTS

Executive Summary ..... 1
Introduction ..... 1
Responsibilities ..... 1
Mission, Vision, and Value ..... 2
Staff Qualifications ..... 2
Organizational Chart ..... 3
Audit Section ..... 4
Professional Standards ..... 4
Quality Assurance and Improvement Program ..... 4
Internal Engagements ..... 4
Assurance Engagements ..... 5
Consulting Engagements ..... 7
Follow-up to Prior Audits ..... 7
External Engagement Coordination ..... 8
Open Audit Findings From Prior Annual Reports ..... 12
Investigative Section ..... 13
Professional Standards and Accreditation ..... 13
Background Review ..... 13
The Investigative Process ..... 14
Complaints ..... 14
Investigative Activity ..... 14
Formal Investigations ..... 15
Investigative Case Summaries ..... 16
Disciplinary Actions ..... 18

# EXECUTIVE SUMMARY

The Florida Department of Agriculture and Consumer Services (department), Office of Inspector General (OIG), has prepared this annual report, which covers the period from July 1, 2020, to June 30, 2021, pursuant to the provisions of Section 20.055, Florida Statutes, (F.S.) commonly referred to as the Inspector General Act. The report is organized to reflect the responsibilities, activities, and accomplishments of the OIG. During this reporting period, we completed audit and investigative work.

The Audit Section conducted **27** internal engagements, follow-ups, and external engagement coordination. The engagements provided department leadership with an objective assessment of the issues, while offering specific recommendations to correct deficiencies and improve program effectiveness.

The Investigative Section completed **40** formal investigations and preliminary inquiries, along with numerous background investigations and referrals.

# INTRODUCTION

In Section 20.055, F.S., "An office of inspector general is established within each state agency to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government." In addition, the statute requires the Inspector General to prepare an annual report by September 30 of each year summarizing OIG activities during the preceding fiscal year.

## RESPONSIBILITIES

Section 20.055, F.S., requires the OIG to:

- Assess the reliability and validity of the information provided by the department on performance measures and standards and make recommendations for improvement, if necessary.
- Provide direction for, supervise, and coordinate audits and management reviews relating to the programs and operations of the department.
- Keep the Commissioner of Agriculture informed, recommend corrective action, and report on progress of corrective action concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the department.
- Conduct, supervise, or coordinate other activities carried out or financed by the department for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, department programs and operations.
- Receive complaints and coordinate all activities of the department as required by the Whistle-blower's Act, Sections 112.3187-112.31895, F.S.

Additionally, Section 570.092, F.S., requires the OIG to conduct criminal and administrative investigations relating to the department.

## Mission, Vision, and Value

The OIG promotes the effective, efficient, and economical operation of department programs. We strive to provide the highest quality work products and services that facilitate positive change. The OIG makes a positive difference through our commitment to integrity, accountability, and innovation.

## Staff Qualifications

Employees within the OIG possess a wide variety of expertise in areas such as auditing, accounting, investigations, and information technology. Employees continually seek to further enhance their abilities and contributions to the OIG and the department. Additionally, employees within the OIG participate in various professional organizations to maintain proficiency in their areas of expertise and certification. These accomplishments represent significant time and effort, reflecting positively on the employee as well as the department.

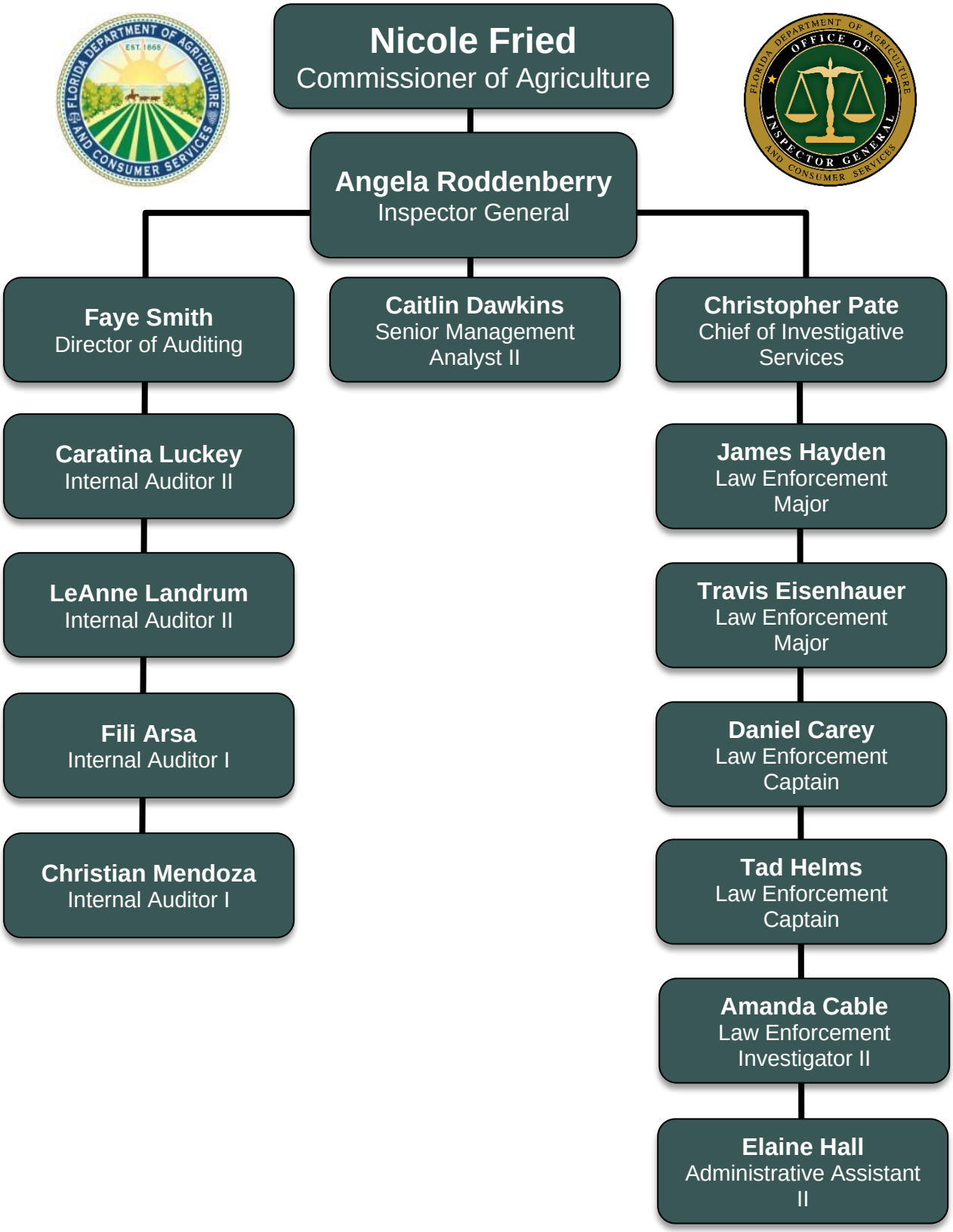
**Professional certifications maintained by OIG employees:**

Certified Data Privacy Solutions Engineer (1)
Certified Field Training Officer (4)
Certified Financial Crimes Investigator (1)
Certified Fraud Examiner (2)
Certified Information Systems Auditor (2)
Certified Inspector General (1)
Certified Inspector General Auditor (1)
Certified Inspector General Investigator (4)
Certified Internal Auditor (1)
Certified Internal Control Auditor (2)
Certified Law Enforcement Instructor (2)
Certified Law Enforcement Officer (6)
Certified Public Accountant (1)
Certified Public Manager (1)
Florida Certified Contract Manager (2)

**Professional association memberships held by OIG employees:**

Association of Certified Fraud Examiners
Association of Inspectors General
Institute of Internal Auditors
Information Systems Audit and Control Association

## Organizational Chart



# AUDIT SECTION

The Audit Section adds value and improves department operations through independent, objective assurance, and consulting engagements. The Audit Section assists the department in accomplishing its goals by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, controls, and governance processes. Additionally, the Audit Section coordinates with external auditors, tracks audit findings for follow-up, reviews department performance measures, and conducts a department-wide risk assessment.

## Professional Standards

Pursuant to Sections 20.055(2)(j) and 20.055(6)(a), F.S., internal audit activities are performed in accordance with the current *General Principles and Standards for Offices of Inspector General* and *International Standards for the Professional Practice of Internal Auditing*, as published and revised by the Association of Inspectors General and the Institute of Internal Auditors, Inc. respectively. Audit engagements involving information technology (IT) are also conducted in accordance with *Information Systems Auditing Standards*, as published by the Information Systems Audit and Control Association.

## Quality Assurance and Improvement Program

The Audit Section continues to implement and employ internal audit best management practices. These include partnering with management, increasing staff performance through the use of computer-assisted auditing techniques, developing staff professionally, and providing assurance and consulting services.

As part of the Quality Assurance and Improvement Program, the Audit Section:

- Reviews professional standards and internal policies and procedures;
- Participates in various training and development activities;
- Continues to improve audit techniques, tools, and technology; and,
- Performs an annual internal Quality Assessment Review (QAR).

Additionally, pursuant to Section 20.055, F.S., the Audit Section is evaluated every three years in an external QAR conducted by the State of Florida Auditor General (AG). The Auditor General is in the process of performing an external QAR for the 2020-2021 Fiscal Year (FY).

## Internal Engagements

The OIG initiated or completed **seven** assurance engagements, **one** consulting engagement and **seven** follow-ups during FY 2020-2021. The OIG also completed consulting activities that did not result in reports, such as participation in ongoing governance activities and various department workgroups. The Audit Plan lists engagements based on the OIG's annual risk assessment and/or special request by department management. The Audit Section completes follow-ups on engagements every six months (for 24 months) until either corrective action has been taken or the risk of not taking corrective action has been assumed by management. Engagements are designed to enhance internal controls or organizational governance.

The following table enumerates the assurance and consulting engagements for the FY 2020-2021 and is followed by a summary of each engagement.

| Report | Title | Type |
|---|---|---|
| IA 1920-04 | Internal Control and Security Audit of the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) Data Exchange Memorandum of Understanding (MOU) HSMV-0035-20 | Assurance |
| 2021-01 | 2020 Florida State Fair Attendance and Gate Admission Revenue Audit | Assurance |
| 2021-02 | Review & Attestation of FLHSMV Driver and Vehicle Information Database MOU No. HSMV-0539-18 | Assurance |
| 2021-03 | Audit of Revenue Collection Process of the Bronson Animal Disease Diagnostic Lab | Assurance |
| In Progress | 2021 Audit of Florida State Fair Attendance and Gate Admission Revenue | Assurance |
| In Progress | Internal Control and Security Audit of FLHSMV Data Exchange MOU No. HSMV-0242-20 | Assurance |
| In Progress | Internal QAR for FY 2020-2021 | Assurance |
| No Report Issued | Department's Performance Measures – Review of Validity and Reliability Statements | Consulting |

## Assurance Engagements

### IA 1920-04: Internal Control and Security Audit of the FLHSMV Data Exchange MOU No. HSMV-0035-20

The audit evaluated the department's internal controls governing the use and dissemination of personal data obtained under FLHSMV MOU No. HSMV-0035-20. Audit processes were performed to determine if the use of the FLSMV MOU data complied with the requirements of the MOU and applicable laws. Additionally, audit processes were performed to determine whether the internal controls in place were adequate to protect the FLHSMV MOU personal data from unauthorized access, distribution, use, modification, or disclosure. Information related this audit is exempt from public records as authorized by Section 282.318(4), F.S.

### 2021-01: 2020 Florida State Fair Attendance and Gate Admission Revenue Audit

The audit objectives were to determine if the reported 2020 Florida State Fair (Fair) attendance and gate admission revenue are fairly stated, and to assess the efficiency of the Fair's fiscal processes. Audit procedures included the performance of reconciliation of reported attendance counts and gate admission revenue to determine if the counts and revenue were fairly stated and other audit processes to evaluate the efficiency of the Fair's fiscal activities. The audit resulted in the following major finding.

**Finding:** Sellers Shortages and Do Not Rehire (DNR) Lists monitoring controls were inadequate to ensure appropriate and consistent disciplinary actions were being enforced when seller shortages exceeded established thresholds.

**Recommendation:** Fair management should ensure the following:

- Individuals placed on a DNR list should not be hired for subsequent Fairs;
- Yearly and cumulative DNR lists are reviewed and updated throughout the Fair event. All individuals added to the yearly DNR list are also added to the cumulative list and vice versa; and,
- A written notice is provided to sellers with shortages that exceed the established threshold. This notice should be acknowledged by seller signature and a copy maintained in the employee's personnel file.

---

### 2021-02: Review & Attestation of FLHSMV Driver and Vehicle Information Database MOU No. HSMV-0539-18

The review objective was to determine if the department has internal controls in place to protect FLHSMV Driver and Vehicle Information Database data, including confidential and sensitive data, from unauthorized, access, distribution, use, modification, or disclosure; and to evaluate internal control deficiencies discovered to ensure they are timely corrected, and measures implemented to prevent future occurrences. All identified issues were timely corrected and measures enacted to prevent recurrence.

---

### 2021-03: Audit of Revenue Collection Process of the Bronson Animal Disease Diagnostic Lab

The audit objective was to determine whether the Bronson Animal Disease Diagnostics Laboratory's (lab) revenue collection process complied with applicable F.S., department administrative policies and procedures, and lab standard operating procedures (SOPs). The audit processes resulted in the following major findings:

**Finding 1**: The lab had inadequate separation of duties (SODs) for their revenue collection process, and the reconciliation procedures used could be improved.

**Recommendation**: The lab should enforce appropriate SODs in their revenue collection process, whenever possible. In instances when SODs cannot be achieved, compensating controls should be implemented to reduce risk to an acceptable level. Therefore, compensating controls should be implemented in the lab's revenue collection process to compensate when a lab employee receives and processes the same lab revenue payment.

**Finding 2**: A review of the background screenings of lab employees performing revenue collection process duties disclosed monitoring and enforcement controls were inadequate.

**Recommendation**: Lab management should ensure level 2 background screenings are conducted and passed before employees perform revenue collection process duties.

---

### 2021 Fair Attendance and Gate Admission Revenue Audit (In Progress)

The audit objectives are to determine if the reported 2021 attendance and gate admission revenue are fairly stated, and to assess the efficiency of the Fair's fiscal activities.

### **Internal Control and Security Audit of FLHSMV Data Exchange MOU No. HSMV-0242-20** (In Progress)

The audit objectives are to determine if the department has appropriate internal controls, including policies and procedures, in place to protect FLHSMV driver license and motor vehicle personal data, including confidential and sensitive data from unauthorized access, distribution, use, modification, or disclosure; and to determine if the department's data security policies and procedures have been approved by a Risk Management Technology Security Profession; and to evaluate internal control deficiencies and issues discovered during audit to ensure they were timely corrected, and measures implemented to prevent future occurrences.

### **2020-2021 FY Internal QAR** (In Progress)

The engagement objectives are to determine if the FDACS OIG internal audit activities comply with applicable Association of Inspectors General Standards for Audits, Institute of Internal Auditors Standards and Code of Ethics, and applicable F.S.; and, evaluate OIG internal audit activities and make recommendations for improvements to the OIG internal quality assurance and improvement program to enhance accountability, transparency, and improve the internal quality assurance processes.

## Consulting Engagements

### **Performance Measures – Review of Validity and Reliability Statements** (No Report Issued)

The Audit Section conducts an annual review of the addition, deletion, or modification of the Long Range Program Plan Exhibit IV: Performance Measure Validity and Reliability statements (Exhibit), to assess the validity and reliability of the information contained in the Exhibit, and to make recommendations for improvement, if necessary.

## Follow-up to Prior Audits

The following table enumerates the follow-up engagements for the FY 2020-2021.

| Report | Title | Corrective Action(s) Status |
|---|---|---|
| IA 1819-01 | 24-Month Follow-Up (F/U): Division of Plant Industry Performance Measure Accuracy | Complete |
| IA 1819-03 | 24-Month F/U: Office of Agricultural Law Enforcement's Evidence Handling | Complete |
| IA 1819-04 | 24-Month F/U: Office of Energy's Performance Measure Accuracy | Complete |
| IA 1819-05 | 12- and 18-Month F/U: Purchasing Card Process | Partially Complete |
| IA 1920-02 | 18-Month F/U: Contract Monitoring | Partially Complete |
| IA 1920-03 | 18-Month F/U: User Account Review Audit of the Department's Mission Critical Applications | Complete |

## External Engagement Coordination

The Audit Section is the coordinator for external audits and reviews conducted by the State of Florida AG, the Office of Program Policy Analysis and Government Accountability (OPPAGA), federal auditors, and other governmental entities. The Audit Section also performs follow-up activities to determine the status of corrective action for findings contained in reports issued by the AG or the OPPAGA. The Audit Section coordinated **12** external audits/reviews conducted by state or federal agencies during FY 2020-2021 as reflected in table below.

| Agency | Report | Title |
|---|---|---|
| AG | 2021-182 | Financial Statements for FY Ending 6/30/2020 |
| AG | 2021-182 | Federal Awards Audit for FY Ending 6/30/2020 |
| AG | 2021-218 | Operational Audit of the Department's Information Technology General Controls for 2019-2020 |
| AG | In Progress | 2020 Operational Audit of the Administration of Mosquito Control Programs, Licensing, and Research |
| OPPAGA | N/A | 2021 Florida Government Program Summaries |
| OPPAGA | In Progress | 2021 Research on Food Deserts & Food Security Advisory Committee |
| OPPAGA | In Progress | 2020/2021 St. Johns River Water Management District Lands Managed by the Florida Forest Service |
| USDA | Complete | 2020 National School Lunch Program and School Breakfast Program |
| USDA | Complete | 2021 Commodity Supplemental Food Program and Emergency Food Assistance Program |
| USDA | Complete | Management Evaluation of Animal & Plant Health Inspection– Contract No. AP17PPQFO000C001 Plant Protection and Quarantine Program |
| USDA | In Progress | Management Evaluation of Animal & Plant Health Inspection – Contract No. AP18PPQFO000C019 Citrus Health Response Program |
| USDA | In Progress | Multiple State Audit of Animal & Plant Health Inspection Cattle Health Program Disease Incident Response |

### Office of the Auditor General

**Report No. AG 2021-182: Financial Statements for FY Ending 06/30/20 (Florida's Comprehensive Annual Financial Report for FY Ending 06/30/2020)**

The audit was on the state of Florida's Basic Financial Statements and included an annual fraud inquiry, financial noncompliance disclosure, legal representation letter, management representation letter, and a reconciliation of the State Expenditures. There were no findings noted in relation to the department's financial statements.

## Report No. AG 2021-182: Federal Awards for FY 2019-2020 Food Distribution Clusters (Florida's Comprehensive Annual Financial Report for FY Ending 06/30/2020)

The audit was to express an opinion on the department's compliance with requirements applicable to federal programs for funds awarded for fiscal year ending June 30, 2020. There was one finding noted.

**Finding:** FDACS procedures for preparing the Schedule of Expenditures of Federal Awards (SEFA) data form were not sufficient to ensure the accuracy of reported amounts. As a result, prior to audit adjustment, amounts reported on the State's SEFA were incorrect.

> **Recommendation:** FDACS should enhance procedures to ensure that the data reported on the SEFA form is reviewed by management prior to submission to the Florida Department of Financial Services.

## Report No. AG 2021-218: Operational Audit of the Department's Information Technology General Controls for FY 2019-2020

The audit focused on evaluating the effectiveness of selected IT controls in achieving management's control objectives in the categories of compliance with controlling laws, administrative rules, and other guidelines; the confidentially, integrity, availability, relevance, and reliability of data; and the safeguarding of department IT resources.

**Finding 1:** The department did not maintain an up-to-date network diagram that included all high-risk network devices or a complete and accurate server inventory list to facilitate the monitoring, testing, and evaluation of IT resources to ensure the confidentiality, integrity, and availability of department data and IT resources.

> **Recommendation:** Department management should maintain an up-to-date network diagram that includes all high-risk network devices and a complete and accurate inventory of servers to facilitate the monitoring, testing, and evaluation of IT resources.

**Finding 2:** Contrary to State law, the department's Information Security Manager (ISM) did not report directly to the Commissioner of Agriculture for information security duty purposes.

> **Recommendation:** Department management should take steps to ensure that, for information security duty purposes, the department ISM reports directly to the Commissioner in accordance with State law.

**Finding 3**: The department's Computer Security Incident Response Team (CSIRT) did not convene at least quarterly to review, at a minimum, established processes and escalation protocols. In addition, CSIRT members did not receive annual training to promote prompt and appropriate responses to cybersecurity events.

> **Recommendation:** Department management should update CSIRT policies and procedures to align to DMS rules and ensure that CSIRT quarterly meetings and annual training occur as specified in DMS rules.

**Finding 4:** Department and Division of Licensing (DOL) disaster recovery (DR) plans, annual testing, and related policies and procedures need improvement to ensure that critical Department and DOL operations may be timely resumed in the event of a disaster or other interruption in service.

> **Recommendation:** Department management should update DR policies and procedures to require annual testing of department and DOL DR plans and that department and DOL management ensure that comprehensive live exercises of all DR plans are conducted annually, the results of the testing are documented, and necessary modifications identified during testing are incorporated into the applicable DR plan.

**Finding 5**: Department and DOL controls need improvement to ensure that backups for department and DOL servers are appropriately performed and periodically tested for recoverability and that department off-site storage locations for backup media are geographically separated from the primary operating locations.

> **Recommendation**: Department management should enhance policies and procedures to include periodic recoverability testing of backups and department and DOL management ensure that all servers are timely backed up, backups are periodically tested for recoverability, and backup media is stored at locations geographically separated from primary operating locations.

**Finding 6**: Certain security controls related to logical access, physical access, tape encryption, vulnerability management, configuration management, user authentication, and logging and monitoring need improvement to ensure the confidentiality, integrity, and availability of Department data and IT resources.

> **Recommendation**: Department management should improve certain security controls related to logical access, physical access, tape encryption, vulnerability management, configuration management, user authentication, and logging and monitoring to ensure the confidentiality, integrity, and availability of department data and IT resources.

### 2020 Follow-up and Operational Audit of the Administration of Mosquito Control Programs, Licensing and Research

(In Progress)

The audit is focused on the operational controls during the period of July 1, 2018 through January 31, 2020 in relation to the administration of mosquito control programs, licensing, and research and includes a follow-up of the department's corrective actions to AG Report No. 2019-064.

## Office of Program Policy Analysis and Government Accountability

### 2021 Florida Government Program Summaries

This was an annual update of the department's information contained electronically on OPPAGA's web site.

### 2021 Research on Food Deserts & Food Security Advisory Committee

This is a Legislature-directed research project being performed by OPPAGA in relation to individuals having limited access to healthy foods ("food deserts") and the Food Security Advisory Committee.

### 2020-2021 St. Johns River Water Management District Lands Managed by the Florida Forest Service

This project is a Legislature-directed review of budgetary and operational efficiencies that could be realized through additional coordination efforts on certain lands owned by the St. Johns River Water Management District and managed by the Florida Forest Service.

## United States Department of Agriculture

### 2020 National School Lunch Program and School Breakfast Program

The United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) conducted a management evaluation (ME) of the National School Lunch Program, School Breakfast Program and functions related to USDA Foods in Schools. This ME provided FNS staff the opportunity to observe and evaluate FDACS' processes and procedures for complying with the requirements outlined in federal program regulations, FNS policy and FNS guidance. It also provided FNS staff an opportunity to provide FDACS with technical assistance regarding new regulations and policy interpretations that may be needed. The objectives of the ME were to assess the FDACS' compliance with its responsibilities for the administration of the programs as outlined in the applicable Code of Federal Regulations, FNS Instructions and policies.

### 2021 Commodity Supplemental Food Program and Emergency Food Assistance Program

The USDA FNS conducted an ME of the Emergency Food Assistance Program and the Commodity Supplemental Food Program. The ME provided FNS staff the opportunity to observe and evaluate the FDACS' processes and procedures for complying with the requirements outlined in federal program regulations, the FNS policy and FNS guidance. Additionally, the ME is an opportunity for regional staff to provide technical assistance regarding new regulations and policy interpretations that may be needed. The objective of this review was to assess FDACS' compliance with its responsibilities for the administration of the above programs as outlined in applicable Code of Federal Regulations, FNS Instructions and policies.

### Management Evaluation of Animal and Plant Health Inspection Service Contract No. AP17PPQFO000C001 PPQ Program for Compliance - Division of Plant Industry

The USDA's Animal and Plant Health Inspection Service (APHIS), Financial Management Divisions, Review and Analysis Branch is conducting a review of the agreement, AP17PPQFO000C001, for the period of December 1, 2016, through November 30, 2017. The purpose of this review is to ensure federal funds were used as intended and in accordance with applicable laws and federal regulations, and to enhance the USDA APHIS's management and oversight of the agreement life cycle to achieve program goals.

**Management Evaluation of APHIS Contract No. AP18PPQFO000C019 Citrus Health Response Program for Compliance – Division of Plant Industry**
(In Progress)

The USDA's APHIS, Financial Management Divisions, Review and Analysis Branch is conducting a review of the agreement, AP18PPQFO000C019, for the period of February 1, 2018, through January 31, 2019. The purpose of this review is to ensure federal funds were used as intended and in accordance with applicable laws and federal regulations, and to enhance the USDA APHIS's management and oversight of the agreement life cycle to achieve program goals.

**2021 Multiple State Audit of APHIS Cattle Health Program Disease Incident Response – Division of Animal Industry**
(In Progress)

The objective of this USDA audit is to evaluate APHIS' oversight of response activities related to cattle disease incidents for the tuberculosis, brucellosis, and bovine spongiform encephalopathy programs. The Florida State Animal Health office was selected for interview and fieldwork steps in relation to this audit.

## Open Audit Findings From Prior Annual Reports

Timely analysis and appropriate corrective actions should result from any significant findings and recommendations made in conjunction with internal or external assurance services. Many of the audit findings previously reported through the FY 2019-2020 Annual Report have been resolved. Internal Audit Report IA 1920-02 has two open findings and Internal Audit Report IA 1819-05 has two open findings that will be re-assessed during FY 2021-2022 follow-up activities. Follow-ups are conducted on open findings every six months until corrective action has been taken or the risk of not taking corrective action has been assumed by the department. Additionally, the AG is conducting an audit that includes the follow-up of findings disclosed in AG Report No. 2019-064.

# INVESTIGATIVE SECTION

The Investigative Section possesses extensive law enforcement experience, which provides a broad range of knowledge and professionalism while conducting statewide investigations of alleged criminal and administrative misconduct relating to the department. Investigators routinely conduct sworn interviews, collect items of evidence, implement technological investigative measures, and produce comprehensive investigative reports. Investigations may be broad in nature, requiring coordination with federal, state, or local law enforcement partners, or may concern narrow issues associated with the alleged actions of a single department employee. The Investigative Section works with federal and state prosecutors, when necessary, to prepare an investigation for trial, or communicates with the division and the Bureau of Personnel Management (BPM) in cases of administrative misconduct. Complaints can be received from any source, including department employees, whistle-blowers as defined by Section 112.3187, F.S., business entities regulated by or doing business with the department, or private citizens.

## Professional Standards and Accreditation

The Investigative Section conducts investigations in accordance with standards set by the Commission for Florida Law Enforcement Accreditation (CFA) to ensure the highest standards of professionalism are maintained. The OIG was initially accredited in 2010, and continues to maintain full accreditation status, with the most recent reaccreditation in 2019. The accreditation process is voluntary, with benchmarks consisting of compliance with 46 mandatory standards, a detailed on-site review by the CFA assessment team, and inspection of the OIG facilities. Proof of compliance is submitted annually with reaccreditation occurring every three years.

## Background Review

The OIG conducts pre-employment criminal history background reviews for the department. The OIG receives and reviews criminal history reports of applicants selected to fill positions of special trust. Criminal convictions which prohibit employment in a position of special trust are brought to the attention of the division for review and any action deemed appropriate. Pre-employment reviews conserve administrative and investigative time, money, and staff resources. During FY 2020-2021, the OIG conducted **539** background reviews.

# The Investigative Process

## Complaints

The OIG receives complaints and correspondence by letter, telephone, facsimile, email, online, or in person. All complaints, questions, and requests, whether received from a complainant or a division, are systematically reviewed and evaluated. In the event the issue is outside the purview of the OIG or does not pertain to the department, the OIG directs the complainant to the appropriate venue.

## Investigative Activity

OIG cases may fall into one of the following six categories, depending on the nature of the allegations and the evidence contained in the complaints.

**Formal Investigation**: Investigation in which a systematic collection and evaluation of evidence results in a conclusion or finding. Such investigations are conducted in accordance with law, Administrative Policies and Procedures, *Principles and Standards for Offices of Inspector General*, and/or CFA standards, and include violations of law, sexual harassment, discrimination, and whistle-blower investigations.

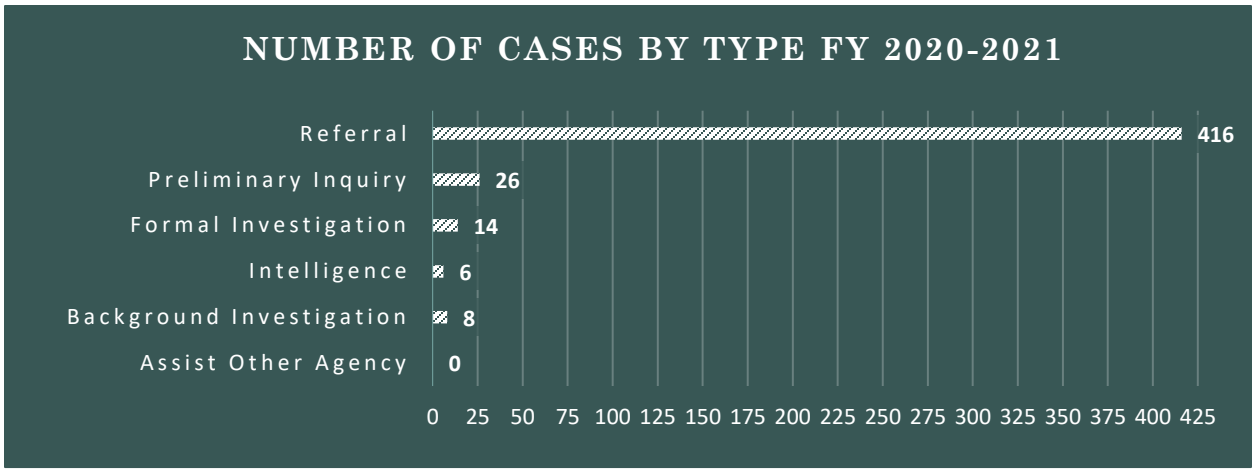
**Referral**: Documented complaint or allegation which does not initially warrant an investigation. These complaints are referred to the appropriate division director for resolution, often with a request the division inform our office of any action taken. The referral is a valuable tool which enables the OIG to ensure divisions are accountable and responsive to the complainant's concerns.

**Preliminary Inquiry**: Investigation conducted when it is necessary to determine the validity of a complaint and to expand upon initial information to determine if a formal investigation is warranted.

**Intelligence**: Information which does not meet the requirements to open a preliminary inquiry but has potential future investigatory or reference value.

**Background Investigation**: Investigation of the criminal history of an applicant or employee when the criminal history appears to conflict with the requirements of the position.

**Assist Other Agency**: Case which involves significant investigative activity in support of another state, federal, or local agency.



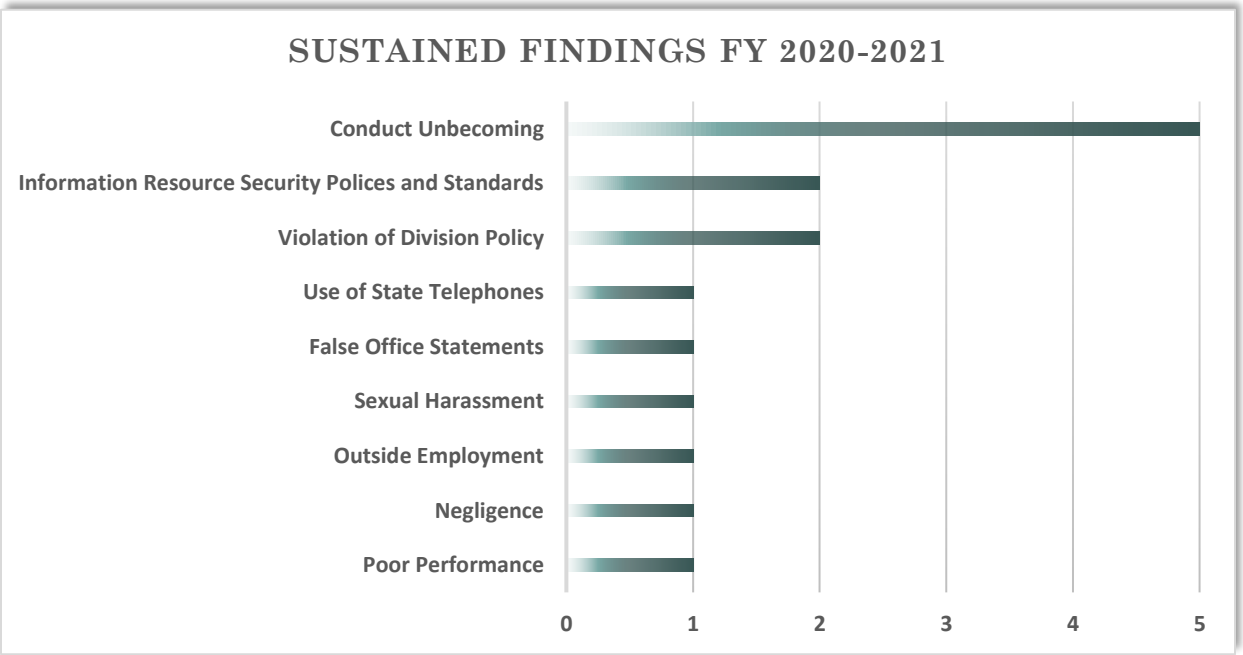
## Formal Investigations

Once a formal investigation is complete, an investigative report is issued and the results are forwarded to the Commissioner of Agriculture, appropriate managers, and the Bureau of Personnel Management for review and a determination of disciplinary action. The report gives an overview of the investigation conducted: the initial allegation(s), all individuals involved, a summary of the interviews conducted, and an overview of all evidentiary support.

If a violation of criminal statutes or federal laws is identified during the course of a formal investigation, the OIG will coordinate with state and federal prosecutors and other law enforcement agencies, when necessary, to appropriately address the violation and pursue formal charges, if applicable.

Based on an evaluation of the case in its totality, one of the following findings are reported for each allegation.

- **Sustained**: Evidence is sufficient to prove the allegation.
- **Not Sustained**: Insufficient evidence available to prove or disprove the allegation.
- **Exonerated**: Alleged actions occurred but were lawful and proper.
- **Unfounded**: The allegation was false or not supported by fact.
- **Policy Failure**: The alleged action occurred and could have caused harm; however, the actions taken were not inconsistent with department policy.



## Investigative Case Summaries

The following is a summary of the **14** formal investigations completed during the reported fiscal year.

**IG 2020-0003** was conducted concerning an allegation that an Office of Agricultural Law Enforcement (OALE) investigator provided false information in an investigative report. The allegation of Violation of Law or Agency Rules (VOLAR): False Official Statements, was **SUSTAINED**. The OIG recommended that OALE review and verify the findings of all late Employee Action Report cases by the investigator.

*Personnel Action: The employee was terminated.*

**IG 2020-0007** was conducted concerning an allegation that a Florida Forest Service (FFS) employee showed a pornographic image from his personal cellular telephone to female correctional inmates on a Florida Department of Corrections work-crew. The allegation of Conduct Unbecoming a Public Employee was **SUSTAINED**.

*Personnel Action: The employee resigned.*

**IG 2020-0016** was conducted concerning an allegation that a Division of Food Safety employee made a sexually inappropriate comment to his employees. The allegation of Conduct Unbecoming a Public Employee was **NOT SUSTAINED**.

**IG 2020-0022** was conducted concerning an allegation that a Division of Administration employee made a discourteous and inconsiderate comment to a co-worker. The allegation of Conduct Unbecoming a Public Employee was **SUSTAINED**.

*Personnel Action: The employee received a three-day suspension without pay.*

**IG 2020-0026** was conducted concerning an allegation that a Division of Animal Industry (DAI) employee provided false information in an inspection report. The allegations of a Poor Performance and VOLAR: Testing and Inspection at Poultry Farms, were **SUSTAINED**.

*Personnel Action: The employee resigned.*

**IG 2020-0027** was conducted concerning an allegation that an OALE officer harassed a private citizen. The allegation of VOLAR: OALE Policy and Procedure 1.02, Conduct, was **SUSTAINED.**

*The employee received a five-day suspension without pay.*

**IG 2020-0028** was conducted concerning an allegation that a Division of Marketing and Development employee engaged in inappropriate communication related to an employment opportunity. The allegations of Sexual Harassment and Conduct Unbecoming a Public Employee were **SUSTAINED**.

*Personnel Action: The employee was terminated.*

**IG 2020-0033** was conducted concerning an allegation that an FFS employee made disparaging social media posts related to race and gender. The allegation of VOLAR: Personal Security, User Accounts, Acceptable Use, and Social Media was **SUSTAINED**.

*Personnel Action: The employee resigned.*

**IG 2020-0038** was conducted concerning an allegation that an FFS employee made disparaging comments on social media related to race. The allegations of Conduct Unbecoming a Public Employee were **SUSTAINED**.

*Personnel Action: The employee was terminated.*

**IG 2020-0043** was conducted concerning an allegation that a Division of Plant Industry employee made inappropriate comments in the presence of co-workers. The allegation of Conduct Unbecoming a Public Employee was **NOT SUSTAINED**.

**IG 2020-0045** was conducted concerning an allegation that an OALE officer provided inaccurate information on his employment application. The finding of Negligence was **SUSTAINED**. The finding of VOLAR, to wit: False Official Statements, was **UNFOUNDED**.

*Personnel Action: The employee received a Written Reprimand.*

**IG 2020-0046** was conducted concerning an allegation that a DOL employee utilized his department-issued cell phone to send personal texts and make non-emergency personal telephone calls. The allegations of Conduct Unbecoming a Public Employee and VOLAR: Use of State Telephones were **SUSTAINED.**

*Personnel Action: The employee was terminated.*

**IG 2021-0002** was conducted concerning allegations that a DAI employee made sexually inappropriate comments to a co-worker and was engaging in outside employment without the required approval. The allegation of Sexual Harassment was **NOT SUSTAINED**, and the allegation of VOLAR: Outside Employment was **SUSTAINED**.

*Personnel Action: The employee received a Memorandum of Supervision.*

**IG 2021-0017** was conducted concerning allegations that an OALE officer attached a personally owned flash drive to his department-issued computer and displayed a video depicting a nude woman in the presence of coworkers. The allegation of VOLAR, to wit: Personal Security, User Accounts, Acceptable Use, and Social Media, was **SUSTAINED**.

*Personnel Action*: *The employee resigned.*

## Disciplinary Actions

Upon completion of an investigation, the results are forwarded to the Commissioner of Agriculture, appropriate managers, and the Bureau of Personnel Management for review and a determination of disciplinary action.

Employees found in violation of law or agency rule have been employed by the department for varying lengths of time. For FY 2020-2021, the number of employees and their time in service with a sustained violation during the fiscal year can be found in the following table.

2601 South Blair Stone Road
Tallahassee, Florida 32301
Phone: (850) 245-1360 Fax: (850) 245-1370
Email: OIG@FDACS.gov
www.FDACS.gov