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## Division of Inspector General

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### REPORT NO. 2019-29

TO: Gay Lancaster, Director, Contractor Licensing Department

CC: The Honorable Chairman and Members of the Board of County Commissioners  
Barry Burton, County Administrator  
Jacob Stowers, Director, Strategic Planning & Initiatives  
Ken Burke, CPA, Clerk of the Circuit Court and Comptroller

FROM: Hector Collazo Jr., Inspector General/Chief Audit Executive

SUBJECT: Follow-up Investigation of PCCLB Release of Exempt Information

DATE: September 6, 2019

We have conducted a Follow-up Investigation of the Pinellas County Construction Licensing Board (PCCLB) Release of Exempt Information. The objective of our review was to determine the implementation status of our previous recommendations.

Of the four recommendations contained in the original investigative report, we determined that one has been implemented, two have been partially implemented, and one is no longer applicable. The status of each recommendation is presented in this follow-up report.

We appreciate the cooperation shown by the staff of the Contractor Licensing Department (CLD) during the course of this review.

### Scope and Methodology

We conducted an investigative follow-up of the PCCLB Release of Exempt Information. The purpose of our follow-up review was to determine the status of previous recommendations for improvement.



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The purpose of the original investigation was to:

- Determine whether the allegation that, “[Former] PCCLB Contractors Certification Field Investigator, (Respondent) released a PCCLB employee’s personal protected information exempt from public records,” was substantiated.

To determine the current status of our previous recommendations, we surveyed and/or interviewed management to determine the actual actions taken to implement recommendations for improvement. We performed limited testing to verify the implementation of the recommendations for improvement.

Our investigative follow-up was conducted in accordance with the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation and, accordingly, included such tests of records and other investigative procedures, as we considered necessary in the circumstances. Our follow-up testing was performed during the month of August 2019. The original investigative period was October 1, 2016, through May 18, 2017. However, transactions and processes reviewed were not limited by the investigative period.

### **Overall Conclusion**

Of the four recommendations in the report, we determined that one was implemented, two were partially implemented, and one was no longer applicable. We continue to encourage management to implement the remaining two recommendations fully.

### **Background**

Note that subsequent to our original investigation, the Florida Legislature amended a state law to revise the composition of the PCCLB and the terms of its board members. In addition, the PCCLB’s operations and staff became an operating department under the County Administrator, the CLD.

We received the original allegation from a PCCLB Contractors Certification Field Investigator who complained that a fellow investigator released his personal protected information exempt from public records.

The Division of Inspector General investigation of the allegation determined that the allegation noted above was unsubstantiated. However, we noted multiple opportunities for improvement related to employee training and maintenance of historical data.

## **Investigative Findings, Issues and/or Concerns**

### **1. The Respondent Violated County Rules And Ethics Requirements.**

The Respondent used County equipment to send non-work related images through County email, engaging in conduct unbecoming of a County employee. Per an Interlocal Agreement between the PCCLB and Pinellas County signed in 1994, PCCLB employees are required to abide by County policies, procedures, rules, and regulations as the employees are part of the Unified Personnel System. During the course of the investigation, the Respondent's County email records were reviewed. This review revealed the Respondent inappropriately used County email by sending various images of women, one noted as risqué, to their personal email addresses.

The Pinellas County Statement of Ethics states,

*"We, the employees of Pinellas County... To This End We Will... Use County funds and resources efficiently, including materials, equipment and our time."*

The Respondent committed the following infractions found in Pinellas County Personnel Rule 6. Discipline:

- D10 - Misuse or destruction of property or equipment.
- D20 - The employee has engaged in conduct unbecoming an employee of the County.
- D35 - Violation of Pinellas County Statement of Ethics.

Additionally, the Respondent violated the Pinellas County Electronic Media Use Policy, which states,

*"While limited personal use of County equipment is acceptable, excessive or inappropriate personal use of County equipment is prohibited... In any case, electronic media cannot be used for knowingly transmitting, retrieving, reproducing, or storing any communication that is: Obscene, sexually explicit or pornographic."*

When an employee conducts themselves in a way that violates County ethics and policies, both the PCCLB and the County's image may be negatively impacted in the event of a public records request, considering emails are subject to open records under the Sunshine Law.

### **We recommended PCCLB Management:**

- A. Based on the immediate action taken by management and the Respondent retiring on May 18, 2017, no management recommendation is necessary with respect to management considering disciplinary action as appropriate per the Pinellas County Personnel Rules.

- B. Educate staff on the appropriate use of County equipment and email in accordance with Pinellas County Personnel Rules and the Statement of Ethics.
- C. Educate staff on the appropriate conduct of a County employee in accordance with Pinellas County Personnel Rules and the Statement of Ethics.

**Status:**

- A. **No Longer Applicable.** Based on the immediate action taken by management, the Respondent retired from County employment on May 18, 2017.
- B. **Partially Implemented.** The CLD is in the process of formalizing a new Team Member Handbook. The requirement to adhere to all County policies and rules pertaining to the appropriate use of County electronic media will be referenced in the handbook. We encourage management to implement our recommendation fully by formalizing and distributing the Team Member Handbook, as it continues to run the risk of employees misusing County electronic media resources.
- C. **Partially Implemented.** The CLD is in the process of formalizing a new Team Member Handbook. The requirement to adhere to the Pinellas County Personnel Rules, Pinellas County Statement of Ethics, and Florida Code of Ethics for Public Officers and Employees will be referenced in the handbook. We encourage management to implement our recommendation fully by formalizing and distributing the Team Member Handbook, as it continues to run the risk of inappropriate employee conduct.

**2. The PCCLB Multifunction Printer Is Not Capturing Important Data.**

The audit tool for logging jobs within the PCCLB Konica Minolta multifunction printer is disabled. Multifunction printers, which have the ability to print, copy, scan, etc., are equipped with job log settings, which allows the machines to capture information such as usage, paper usage, operations, and job history for each user or account. The ability to pull historical jobs can be critical in certain events such as audits and investigations.

During our investigation, we attempted to review historical jobs on the PCCLB Konica Minolta multifunction printer to determine if protected information was scanned and/or emailed from the machine. However, we were unable to make this determination since the appropriate job log settings were not enabled.

**We recommended** PCCLB management enable the job log settings within the administrative settings menu on the Konica Minolta multifunction printer.

**Status:**

**Implemented.** The CLD enabled job logging on the Konica Minolta multifunction printer, as well as on its other multifunction printer.