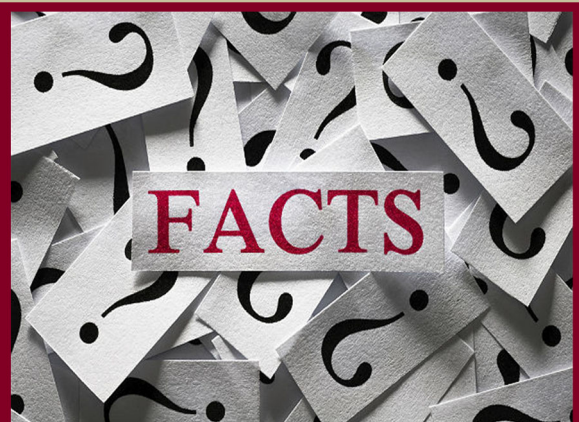




DIVISION OF INSPECTOR GENERAL
Ken Burke, CPA
Clerk of the Circuit Court and Comptroller
Pinellas County, Florida



INVESTIGATION OF CONTRACTOR LICENSING DEPARTMENT INVESTIGATOR ENGAGING IN CONDUCT UNBECOMING

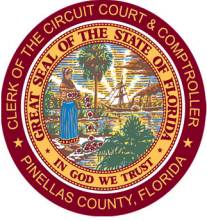


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REPORT NO. 2022-13
AUGUST 3, 2022



Ken Burke, CPA

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August 3, 2022

Michelle Krickovic, Director, Pinellas County Contractor Licensing Department

The Division of Inspector General's Public Integrity Unit has completed an investigation of the following allegations against Andrea Wagner (Wagner), Contractors Certification Field Investigator (Investigator):

1. Wagner failed to disclose secondary employment. **Unfounded.**
2. Wagner failed to disclose a prior arrest. **Unfounded.**
3. Wagner failed to disclose a conflict of interest. **Substantiated.**
4. Wagner made a business referral. **Substantiated.**
5. Wagner misused County time. **Substantiated.**
6. Wagner misused County equipment. **Substantiated.**
7. Wagner accessed investigation software for personal use. **Substantiated.**
8. Wagner falsified County records. **Substantiated.**
9. Wagner retaliated against complainants. **Substantiated.**
10. Wagner attempted to bribe another individual using her position in the County. **Substantiated.**

To determine whether the allegations were substantiated, we reviewed policies, procedures, and appropriate records. We also interviewed staff and other parties, as needed. Our investigation was performed according to the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation.



An Accredited Office of
Inspector General

Michelle Krickovic, Director, Pinellas County Contractor Licensing Department
August 3, 2022

The Division of Inspector General uses the following terminology for the conclusion of fact/findings:

- **Substantiated** – An allegation is substantiated when there is sufficient evidence to justify a reasonable conclusion that the allegation is true.
- **Unsubstantiated** – An allegation is unsubstantiated when there is insufficient evidence to either prove or disprove the allegation.
- **Unfounded** – An allegation is unfounded when it is proved to be false or there is no credible evidence to support it.

The recommendations presented in this report may not be all-inclusive of areas where improvement may be needed; however, we believe implementation of the recommendations will strengthen the current internal controls.

We appreciate the cooperation shown by the staff of the Pinellas County Contractor Licensing Department during the course of this investigation.

Respectfully Submitted,



Melissa Dondero
Inspector General/Chief Audit Executive

cc: The Honorable Chairman and Members of the Board of County Commissioners
Barry Burton, County Administrator
Tom Almonte, Assistant County Administrator
Jude Reazin, Code Enforcement Division Manager
Ken Burke, CPA, Clerk of the Circuit Court and Comptroller

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INTRODUCTION

Abbreviations

CLEAR	Thomson Reuters CLEAR
County	Pinellas County
GPS	Global Positioning System
IG	Division of Inspector General
Investigator	Contractors Certification Field Investigator
LN	LexisNexis Risk Solutions
PCCLB	Pinellas County Construction Licensing Board
PCSO	Pinellas County Sheriff's Office

Background

The Pinellas County (County) Contractor Licensing Department performs the operational functions for the Pinellas County Construction Licensing Board (PCCLB). The PCCLB regulates the construction and home improvement industry through uniform contractor competency licensing, code amendments, and code interpretations in Pinellas County.

The Contractor Licensing Department is responsible for day-to-day administration, records management, and licensing of contractors, as well as investigating complaints against licensed and unlicensed contractors in the County. The department supports the PCCLB, a Dependent Special District. The department is primarily funded through licensing fees, administrative fines, and citations.

Allegations

On April 13, 2022, Contractor Licensing Department management referred a complaint to the Division of Inspector General (IG) that Wagner, a Contractor Licensing Department Investigator, may have engaged in conduct unbecoming a County employee. After reviewing the complaint documentation and conducting witness interviews, the IG determined the following allegations:

1. Wagner failed to disclose secondary employment.
2. Wagner failed to disclose a prior arrest.
3. Wagner failed to disclose a conflict of interest.
4. Wagner made a business referral.
5. Wagner misused County time.
6. Wagner misused County equipment.
7. Wagner accessed investigation software for personal use.
8. Wagner falsified County records.
9. Wagner retaliated against complainants.
10. Wagner attempted to bribe another individual using her position in the County.

Investigative Activity

During the course of the investigation, we performed the following to obtain evidence to conclude on the allegations:

- Reviewed County policies and procedures and other relevant rules and regulations
- Reviewed the following documentation:
 - Emails
 - Text Messages
 - LexisNexis Risk Solutions (LN) data
 - Contract documents between Wagner and other parties
 - Global positioning system (GPS) records
 - CLEAR database records
 - Contractor Licensing Department citation records
- Interviewed County management and other witnesses
- Coordinated with the Pinellas County Sheriff's Office (PCSO) as needed

INVESTIGATIVE CONCLUSIONS

The Division of Inspector General uses the following terminology for the conclusion of fact/findings:

- **Substantiated** – An allegation is substantiated when there is sufficient evidence to justify a reasonable conclusion that the allegation is true.
- **Unsubstantiated** – An allegation is unsubstantiated when there is insufficient evidence to either prove or disprove the allegation.
- **Unfounded** – An allegation is unfounded when it is proved to be false or there is no credible evidence to support it.

Prior to beginning investigative activities, management referred the same allegations to the PCSO. The PCSO began an investigation into alleged bribery and official misconduct. These criminal allegations corresponded to the IG’s allegations 8 – 10. The IG and PCSO worked together, as necessary, to investigate these allegations. The PCSO’s investigation concluded with Wagner’s arrest on May 18, 2022 (case # 22-04868-CF).

During the course of the investigation, we determined the following facts to conclude on the allegations:

1. Wagner failed to disclose secondary employment.

Text messages from Wagner to another party indicated potential secondary employment, as follows:

Date/Time	Message Content	Sender
3/18/2020 10:51:16	<i>I'm in a bad spot right now I got laid off last night</i>	Wagner
3/23/2022 08:25:03	<i>I'm working two jobs from 4am to 10pm I'm on the go... It's just a lot and I have to s I'm trying to keep up with in-between my ropes just thin. I didn't sleep either thinking to much.</i>	Wagner
4/5/2022 18:19:30	<i>I've not hired anyone. I have two jobs. I'll figure out something tomorrow make some calls. I work from 7am to 11pm idk how I'm to drop my stuff to go interview people. I'll make calls. I have meetings all week. County attorney today you were blowing me up</i>	Wagner

We reviewed the County’s Unified Personnel Board Policy #5 Outside or Non-County Employment which requires the following:

“Prior to engaging in outside employment or other outside enterprise, an employee must obtain permission from his or her Appointing Authority by submitting a request to his or her Appointing Authority seeking approval for the outside employment or enterprise.”

In addition, the Contractor Licensing Department Handbook includes the following statement:

“All outside or non-County employment must be approved in advance by the Department Director and Assistant County Administrator and entered into OPUS for authorization.”

We reviewed Wagner’s personnel file and noted no documentation of outside employment. We obtained a Wage and Hour Report from the PCSO, which includes any current or prior employment. The only employment noted was the County.

During an interview with Wagner, Wagner indicated she was being untruthful in her text messages because she wanted the other party to believe she was busy. We concluded the allegation was **unfounded**.

2. Wagner failed to disclose a prior arrest.

During a witness interview, the witness indicated that Wagner had previously disclosed she was arrested for shoplifting at a Walmart store. We reviewed the County’s Personnel Rule 6. Discipline, which includes a list of infractions, one of which states:

“During employment the employee fails to report to management that he or she was arrested by the first scheduled work day immediately following the arrest.”

We reviewed a LN report for Wagner and noted no criminal history. The PCSO was able to determine that Wagner did shoplift from a Walmart store, but the officer on scene used the Adult Pre-Arrest Diversion program to handle the situation, which is not an arrest. We concluded the allegation was **unfounded**.

3. Wagner failed to disclose a conflict of interest.

As part of the complaint documentation received from management, a real estate purchase agreement was signed on August 13, 2020, by Wagner and a contractor, which created a conflict of interest since Wagner governed the contractor’s work.

The County’s Statement of Ethics states:


“Disclose or report any actual or perceived conflicts of interest.”

Additionally, the Contractor Licensing Department Handbook includes Administrative Directive 2-14 Conflict of Interest Disclosure Requirement which states:

Investigative Conclusions
Investigation of Contractor Licensing Department
Investigator Engaging in Conduct Unbecoming

“Any employee proposing to engage in work functions, operations or supervision of other employees or work that creates a conflict of interest or the appearance of a conflict of interest must disclose to their supervisor and recuse themselves from the functions (such as participating in work functions involving family, personal business associates and friends). The disclosure must be done in a way that memorializes that the employee has removed themselves from involvement or supervision of the work or has an approved action plan with established conditions and restrictions to manage any real or perceived conflict of interest.”

Text messages between Wagner and the contractor illustrate the result of the conflict of interest.

Date/Time	Message Content	Sender
5/15/2020 11:46:48	<i>Called out to ur jo site</i>	Wagner
5/15/2020 11:47:12	<i>What jobsite?</i>	Contractor
5/15/2020 12:26:17	<i>Certified Plumbing Contractor P & C PLUMBING LLC DBA CFC1427412 Cert Plumbing Current, Active 08/31/2020 License Location Address*: 4603 CHERYL CT PLANT CITY, FL 33567 Main Address*: PO BOX 575 DURANT, FL 33530-0575</i>	Contractor
5/15/2020 12:26:36	<i>This is the 11th plumbers info</i>	Contractor
5/15/2020 12:30:13	<i>K ty</i>	Wagner
5/15/2020 12:36:48	<i>Appreciate you helping</i>	Contractor
5/15/2020 12:42:04		Wagner
5/15/2020 12:43:12	<i>Thats a 1000.00 fine electric is 2000.00 1st offense 🤔🤔</i>	Wagner
5/15/2020 12:43:38	<i>R we being fond for that??</i>	Contractor
5/15/2020 12:43:38	<i>Find</i>	Contractor
5/15/2020 12:43:38	<i>No</i>	Wagner
5/15/2020 12:43:38	<i>Im saying if it was not me u would</i>	Wagner
5/15/2020 12:43:38	<i>Im going to bury it</i>	Wagner

During an interview with Wagner, Wagner indicated she was aware of the conflict of interest and disclosed it to her prior supervisor and to the current Contractor Licensing Department Director. We interviewed her supervisor and the current Contractor Licensing Department Director and neither one was aware of the conflict. Wagner did not follow County policy which required her to

memorialize the disclosure and remove herself from professional involvement with the contractor. We concluded the allegation was **substantiated**.

4. Wagner made a business referral.

We reviewed text messages between Wagner and a contractor, which included Wagner making a business referral to the contractor.

The County's Statement of Ethics states the following:

"Neither apply nor accept improper influences, favoritism and personal bias."

In addition, the Contractor Licensing Department Handbook includes the following guidance on neutrality:

"Staff will refrain from recommending specific contractors, journeymen or vendors."

We reviewed text messages between Wagner and a contractor, which included Wagner referring the contractor business.

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Investigator Engaging in Conduct Unbecoming

Date/Time	Message Content	Sender
1/18/2020 15:19:57	<i>Hey sorry this is Drea from the county licensing board. I'm sorry I lost your card and was in Illinois for a while my mom got sick. Anyway I have a couple who want to build a apt on their garage in kenwood and want to have a contractor who knows sustainable methods... I thought of u guys</i>	Wagner
1/18/2020 15:25:42	<i>I sent ur info</i>	Wagner
1/18/2020 16:21:09	<i>Thank you very much and</i>	Contractor
1/18/2020 16:21:30	<i>If you want to send there info I can reach out to them</i>	Contractor
1/18/2020 18:41:54	<i>Barry or u can ask for stacy as well. His number is 727-459-9047 or this number 727-826-4754. The location they are asking for an walkthrough is at their home and it is a two car garage at 3160 11th Ave. N in North Kenwood. They want to build a sustainable apt on top.</i>	Wagner
1/18/2020 18:45:44	<i>I sent a photo of ur card and told them u have done LEED projects. They were referred to me by someone I'd done work for in the past but I cant sell jobs or bid etc. While I'm with county... I'm really not to refer but as long as its between us I dont mind... I dont want them to get screwed over and they got a bid from a hack wydell Simmons who I've had run ins with so...</i>	Wagner

During an interview with Wagner, Wagner admitted she made a business referral. We concluded the allegation was **substantiated**.

5. Wagner misused County time.

We reviewed text messages between Wagner and a contractor, which discussed meetings to discuss properties they were working on together. In the text messages, Wagner referenced her vehicle was being monitored by GPS. During an interview with the contractor, the contractor stated Wagner indicated she would need to appear online for work, so the contractor offered use of their office with internet access. Text messages between Wagner and the contractor include discussions about some of the meetings:

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Investigator Engaging in Conduct Unbecoming

Date/Time	Message Content	Sender
3/28/2020 08:01:28	<i>I hate to bother u but I'm afraid I may have left my hotspot at ur office</i>	Wagner
3/28/2020 08:01:53	<i>No problem I'll be by there in 30</i>	Contractor
3/28/2020 08:01:58	<i>I'll check for ya</i>	Contractor
3/28/2020 08:09:24	<i>Ty got me worried</i>	Wagner

Date/Time	Message Content	Sender
5/6/2020 09:51:51	<i>I am open Whens best for you?</i>	Contractor
5/6/2020 09:53:18	<i>After lunch?</i>	Wagner
5/6/2020 09:54:04	<i>Need to bring comp</i>	Wagner
5/6/2020 09:54:06	<i>Lol</i>	Wagner
5/6/2020 09:54:25	<i>Ya after lunch works</i>	Contractor
5/6/2020 10:49:12	<i>Will u be there tomorrow? I can drive county car... i have a call in that area</i>	Wagner
5/6/2020 10:49:53	<i>Ya just shoot me a text 15 minutes before your on your way amd I'll be there</i>	Contractor

Date/Time	Message Content	Sender
11/18/2021 08:49:30	<i>I'll try to come back</i>	Wagner
11/18/2021 08:52:29	<i>Have to keep car moving if I don't have a complaint call.</i>	Wagner
11/18/2021 08:52:39	<i>Can't sit for long</i>	Wagner
11/18/2021 08:52:42	<i>Shit</i>	Contractor
11/18/2021 08:53:25	<i>Ok well I'll be there shortly if you can swing back around</i>	Contractor
11/18/2021 08:55:08	<i>It's just hard when they are tracking us close. I was there at 825</i>	Wagner

The County's Personnel Rule 6. Discipline includes the following in its list of infractions:

- Failure to perform assigned duties.
- Leaving work station without authorization.

The Contractor Licensing Department Handbook indicates the following:

"A Team Member who is unable to report to work when expected must notify their supervisor directly by telephone as soon as possible, prior to the beginning of their workday. If the supervisor cannot be reached by telephone, the Team Member

must call another member of the management team to report the delay in reporting to work or absence from work.”

The County switched GPS vendors in September 2021. We reviewed GPS data from the prior system (Synovia) and the new system (NexTraq). However, there was a period of time between November 2020 and September 2021 when GPS data was not available for review. Based on a review of available data from both systems, we noted the following dates and times when Wagner was at the contractor’s office during work hours:

Date	Arrival Time	Depart Time	Time At Location
5/7/2020	2:09:55 PM	2:53:04 PM	0:43:09
5/28/2020	1:56:49 PM	2:14:00 PM	0:17:11
6/11/2020	12:43:35 PM	1:02:28 PM	0:18:53
9/8/2020	12:55:18 PM	1:06:09 PM	0:10:51
10/8/2020	12:32:07 PM	1:21:51 PM	0:49:44
10/9/2020	1:59:37 PM	2:30:59 PM	0:31:22
10/12/2020	1:05:30 PM	1:52:36 PM	0:47:06
10/21/2020	11:25:27 AM	12:41:59 PM	1:16:32
11/18/2021	8:41:09 AM	8:48:43 AM	0:07:34
11/18/2021	9:22:02 AM	9:41:33 AM	0:19:31
Total Time at Location			5:21:53

In addition, on November 18, 2021, we noted approximately 1 hour and 25 minutes Wagner spent driving away from her regular work route in order to meet with the contractor.

During an interview with Wagner, Wagner indicated her prior supervisor allowed her to work from various locations during the period of time employees were working from home due to COVID-19. During an interview with Wagner’s prior supervisor, they stated no such arrangement was approved and employees were expected to work from home when not patrolling in their assigned areas. We concluded the allegation was **substantiated**.

6. Wagner misused County equipment.

In all instances when Wagner was misusing County time, she was using her County vehicle, and other County property, which would constitute a misuse of County equipment.

The County’s Personnel Rule 6. Discipline includes the following in its list of infractions:

- Misuse or destruction of property or equipment.
- Unauthorized use of County equipment of property.

In addition, the Contractor Licensing Department Handbook includes the following:

“Employees may not appropriate County property or County funds for their personal use.”

In allegation 7 below, Wagner was accused of and proven to have accessed investigation software for personal use. This also constitutes a misuse of County equipment. The County’s Electronic Media Use Policy states that electronic media cannot be used for private enterprise or personal gain.

During an interview with Wagner, Wagner indicated she was allowed to use her County vehicle to travel to alternate work locations. However, her supervisor indicated in an interview this was not true. We concluded the allegation was **substantiated**.

7. Wagner accessed investigation software for personal use.

During an interview with the contractor, they indicated a concern about knowledge that Wagner had about the contractor and threatening words used, such as knowing where the contractor and the contractor’s family lived and referencing the contractor’s prior career. The contractor was concerned because nobody knew about the prior career unless they personally knew the contractor approximately 20 years ago.

The County’s Code Enforcement Division has a Standard Use Procedure for Access to Thomson Reuters CLEAR (CLEAR), its investigation software. The procedure states:

“Subscribed user shall only access CLEAR for administrative or internal business purposes.”

We obtained Wagner’s search history in CLEAR for the prior year. The history showed that Wagner searched for the contractor’s name on March 24, 2022. The resulting report included the career history for the contractor.

In addition, during a review of Wagner’s County emails, we determined Wagner emailed a party to one of her cases which included the subject line, “I am not supposed to share this.” The email was a picture of Wagner’s computer with a LN report showing some information about another individual. We confirmed the report was related to the case but should not have been shared. During an interview with Wagner, Wagner indicated she needed the contractor’s date of birth from the CLEAR report for a police report she planned to file with the St. Petersburg Police Department. The reason for the police report was a personal dispute between Wagner and the contractor. Wagner did not recall the other incident when she emailed the LN report. We concluded the allegation was **substantiated**.

8. Wagner falsified County records.

The original complaint documentation provided by management included text messages from Wagner to the contractor indicating she would help the contractor avoid issues as she did in the

past. During an interview with the contractor, they indicated Wagner did not cite the contractor for an issue at one of the contractor's jobs.

The County's Personnel Rule 6. Discipline includes the following infraction:

- Intentional falsification of records.

After reviewing case information and witness testimony, we determined that Wagner falsified County records on two instances:

On March 12, 2020, a citizen filed a complaint against one of the contractor's business partners. On April 21, 2020, Wagner contacted the business partner via text message after confirming with the contractor that the business partnership existed. Wagner told the business partner she had to cite them because the complaint was valid; however, she told the business partner she could also cite the complainant for other violations. Wagner cited the complainant twice on April 22, 2020, when Wagner had a financial interest in the contractor. The citations against the complainant were later dismissed by the County and determined to be unreasonable.

On May 15, 2020, a homeowner filed a complaint against the contractor. The complaint involved unlicensed plumbing work by the contractor at the homeowner's residence. On June 9, 2020, Wagner noted in her case notes she returned to the residence to follow-up on the citation because she was in the area. Wagner noted she observed violations and cited the homeowner. Both citations were later dismissed by the County due to being unreasonable.

Investigative Conclusions
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Investigator Engaging in Conduct Unbecoming

During a review of text messages, we noted the following:

Date/Time	Message Content	Sender
5/15/2020 11:46:48	<i>Called out to ur jo site</i>	Wagner
5/15/2020 11:47:12	<i>What jobsite?</i>	Contractor
5/15/2020 12:26:17	<i>Certified Plumbing Contractor P & C PLUMBING LLC DBA CFC1427412 Cert Plumbing Current, Active 08/31/2020 License Location Address*: 4603 CHERYL CT PLANT CITY, FL 33567 Main Address*: PO BOX 575 DURANT, FL 33530- 0575</i>	Contractor
5/15/2020 12:26:36	<i>This is the 11th plumbers info</i>	Contractor
5/15/2020 12:30:13	<i>K ty</i>	Wagner
5/15/2020 12:36:48	<i>Appreciate you helping</i>	Contractor
5/15/2020 12:42:04	<i>😊</i>	Wagner
5/15/2020 12:43:12	<i>Thats a 1000.00 fine electric is 2000.00 1st offense 🤔🤔</i>	Wagner
5/15/2020 12:43:38	<i>R we being fond for that??</i>	Contractor
5/15/2020 12:43:43	<i>Find</i>	Contractor
5/15/2020 12:43:58	<i>No</i>	Wagner
5/15/2020 12:44:15	<i>Im saying if it was not me u would</i>	Wagner
5/15/2020 12:44:28	<i>Im going to bury it</i>	Wagner
5/15/2020 12:44:34	<i>Thank god!! I'll make sure that it do t happen again</i>	Contractor
5/15/2020 12:44:42	<i>You duh best!!</i>	Contractor
5/15/2020 12:46:23	<i>U mostly work in my area but if it was a WDH day for me it coulda been someone else 😏</i>	Wagner
5/15/2020 12:46:56	<i>Ill make report so no one else will go</i>	Wagner

Wagner documented this incident as a misunderstanding that involved payment issues between parties. The Contractor Licensing Department Director researched the report taken by Wagner and stated it was questionable to make a vague report a month after the complaint was received. Wagner did not cite the contractor and instead cited the homeowner. Wagner observed an

employee of the contractor completing the plumbing work, a clear citable violation by the contractor.

During an interview with Wagner, She indicated she did not recall the details of either case. We concluded the allegation was **substantiated**.

9. Wagner retaliated against complainants.

In both instances discussed previously in allegation 8, Wagner retaliated against complainants by citing them in response to complaints against the contractor or the contractor's business partner. In both instances, the citations against the complainants were dismissed for being unreasonable.

The County's Personnel Rule 6. Discipline includes the following infraction:

- The employee has engaged in conduct unbecoming an employee of the County.

We concluded the allegation was **substantiated**.

10. Wagner attempted to bribe another individual using her position in the County.

The original complaint documentation received from management included text messages in which Wagner attempted to bribe the contractor.

The County's Personnel Rule 6. Discipline includes the following infraction:

- The employee has engaged in conduct unbecoming an employee of the County.

Text messages included the following:

Date/Time	Message Content	Sender
4/12/2022 05:48:19	<i>If you come up with something that's far for borrowing my money so I can feel better about the past three years I've not been able to do anything for myself due to lack of funds... You having my life savings for free is not fair and why I lost trust. I will give you the deed and cut myself out so everything will be 100% yours at closing.</i>	Wagner

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Date/Time	Message Content	Sender
4/12/2022 05:53:11	<i>I just want to be treated fairly. I've been living pay check to paycheck, almost lost my jeep, lost a tooth I couldn't afford to replace, not traveled, had to pinch every penny. Had no safety net if I'd lost my job etc. I could have lost everything over this multi times. I went in trusting you to help me make some money that was the deal...</i>	Wagner
4/12/2022 07:36:52	<i>If your are asking for more money, you need to tell me what you think is fair?</i>	Contractor
4/12/2022 08:03:13	<i>I need to know by 12:00 today.</i>	Contractor
4/12/2022 08:13:11	<i>\$300k I go away</i>	Wagner
4/12/2022 08:18:30	<i>\$350k I'm driving i hit it wrong. I go away and sign whatever never to say anything</i>	Wagner
4/12/2022 08:18:41	<i>Not that I have spoken nasty of u</i>	Wagner
4/12/2022 08:19:33	<i>I will make a deal to turn a blind eye to your properties</i>	Wagner
4/12/2022 08:20:04	<i>Or work with u to avoid future issues like I did in the past</i>	Wagner
4/12/2022 08:21:31	<i>Your work is always in my area... So I'll stay away if complaints are made.</i>	Wagner
4/12/2022 08:22:36	<i>You get the deed you can own the permit 100% my name will no longer be on it.</i>	Wagner
4/12/2022 08:23:09	<i>You get total control... Go to closing everything is yours</i>	Wagner
4/12/2022 08:49:35	<i>I'll need to get with Matt</i>	Contractor
4/12/2022 08:56:07	<i>Like I said I'll sign whatever and in my eyes your construction business in my zone is your business.</i>	Wagner
4/12/2022 08:56:44	<i>If it's a administrative complaint that's not my jurisdiction I don't handle.</i>	Wagner
4/12/2022 09:36:58	<i>Just FYI I'll be in case review with county attorney all afternoon. I'm not ignoring</i>	Wagner

Investigative Conclusions
Investigation of Contractor Licensing Department
Investigator Engaging in Conduct Unbecoming

Date/Time	Message Content	Sender
4/13/2022 15:16:54	<i>I just want to settle everything and be done that's all I asked. I'll turn deed over to you and everything will be in your name.</i>	Wagner
4/13/2022 15:18:00	<i>Can we just settle on making ng things fair and I'll be done that's all I want. I lost trust and that's it.</i>	Wagner
4/13/2022 15:21:04	<i>I said I'd turn deed over u can put permit 100% in your name I don't want to be a part of anything.</i>	Wagner

During an interview with Wagner, she stated she did not intend to bribe the contractor but admitted she could see how the text messages were perceived as bribery. We concluded the allegation was **substantiated**.

INVESTIGATIVE FINDINGS

1. Thomson Reuters CLEAR Searches Were Not Monitored For Proper Business Use.

Contractor Licensing Department management has not been reviewing Investigators' CLEAR searches for legitimate business use. Investigators have access to CLEAR, which leverages public records technology to consolidate several sources of data into one central dashboard. Investigators can access information about people including address, driver's license number, email address, phone number, and social security number. CLEAR also provides data about an individual's assets, businesses, affiliations, and connections between individuals, incidents, activities, and locations.

Investigators use CLEAR to search individuals whom they may cite for potential violations. Although departmental policy requires investigators to enter a reference ID in each CLEAR search, the CLEAR system does not require the entry to gain access to search results. In addition, management is not periodically reviewing the searches to ensure they are valid searches for business purposes.

The Code Enforcement Standard Use Procedure for Access to CLEAR states:

"It is the subscribed user's responsibility to control access to their CLEAR internet site account....A reference ID code will be necessary with each use for research. The ID code will serve to associate a case number or purpose associated with the search of the database each time CLEAR is accessed....Subscribed user shall only access CLEAR for administrative or internal business purpose."

In 2017, the IG conducted an audit of the PCCLB, for which the Contractor Licensing Department now performs operational functions. At the time of the audit, Investigators were using LN for case research, and the IG recommended Investigators track the searches by maintaining a log of searches and associated case numbers and reconcile the searches with case documentation. When the Contractor Licensing Department began using CLEAR, CLEAR had the capability to capture a reference ID in the system; however, management has not reconciled the searches to case data.

By not verifying the use of CLEAR, employees may use the tool for non-business purposes, without management's knowledge.

Wagner resigned from the County, effective May 10, 2022. Therefore, no management recommendation is necessary with respect to disciplinary action.

We Recommend Management:

Regularly review CLEAR searches to verify searches are conducted for business purposes only.

Management Response:

Management Concurs. Pinellas County Code Enforcement is the County’s primary account holder for the Thomson Reuters CLEAR background information system. This program is utilized for the purpose of investigating ordinance violations, as well as enhanced officer safety. CLEAR has proven to be a vital asset to the success of the organization and our community. Moreover, the Code Enforcement Division was nationally recognized and awarded for the creative use of the program to assist Pinellas County citizens.

Upon implementation of CLEAR, the Code Enforcement Division developed a local user agreement and acknowledgment form. All users are required to read and sign the form ensuring they have a complete understanding of the requirements set forth by law and the expectations of the County. Through the course of the Inspector General’s investigation into misuse of the program, it was determined that the Division could improve the user agreement form and help ensure staff are utilizing CLEAR for business purposes only, whereby performing regular audits of staff accounts and searches.

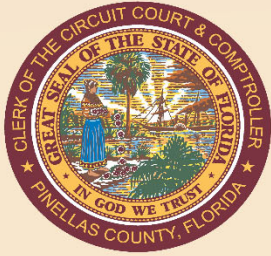
In response to the Inspector General’s recommendation, the Code Enforcement Division has updated the user agreement and included an “Audit” section of the standard operating procedures and acknowledgment form. Management will conduct regular audits of user activity and address any violation in accordance with County Personnel Rules.

DEPARTMENT STANDARD USE PROCEDURE FOR ACCESS TO CLEAR

Section IV. Auditing:

“Management and/or Supervisors shall conduct regular audits and reviews of CLEAR user searches to ensure all associated inquiries are conducted for business purposes only. Any direct and/or ethical violations of the user agreement will be addressed in accordance with the County Personnel Rules.”

On behalf of Code Enforcement and Construction Licensing Investigations Team, management would like to extend a special thanks to the Clerk of Court, Mr. Ken Burke, and the Inspector General’s Investigations section for their response and recommendation.



DIVISION OF INSPECTOR GENERAL

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