



**OFFICE OF**  
**STATE INSPECTOR GENERAL**

**JOB APPLICATIONS FALSIFIED,**  
**STATE PROPERTY MISUSED**

Report by

Inspector General Bill Lynch

Prepared for

Governor M.J. "Mike" Foster, Jr.

September 5, 2000

File No. 1-01-0001



State of Louisiana

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# Job Applications Falsified, State Property Misused

An administrative law judge for the Department of Health and Hospitals falsified two civil service job applications, and used his state telephone and computer for personal business, in violation of state law.

Joshua M. Bursh, II, 66, failed on one application to fully disclose his criminal history and said on another that he was working in Arizona when he actually was serving time in a Louisiana prison. Mr. Bursh was pardoned in 1994 for three felony crimes.

## Background

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Mr. Bursh has been an administrative law judge for the Department of Health and Hospitals, Bureau of Appeals for about six years. Since January, 1995, he has been a hearing officer on appeals to the agency made by clients or recipients. The job is a full-time, classified civil service position and requires a law degree or baccalaureate degree with six years legal or paralegal experience. It does not require a license to practice law.

In 1993, for about a year, Mr. Bursh was a substance abuse counselor for the agency.

Mr. Bursh earned an undergraduate degree from Grambling University in 1955 and a law degree from Arizona State University in 1970. He practiced law in Arizona until 1975, when he resigned from the Arizona State Bar Association in lieu of disbarment for misappropriation of money from clients and neglect of clients. There is no record of criminal prosecution for those offenses.

From September, 1978, until September, 1980, Mr. Bursh was incarcerated at Work Training Facility-North, a Louisiana state prison in Pineville, after having been convicted of theft by misappropriation of \$26,000 from a business account at Grambling University, where he was an administrator. After serving two years, he was released on parole.

From April, 1985, until March, 1988, Mr. Bursh was incarcerated at the Louisiana State Police Barracks after having been convicted of theft of funds from his employer, Central Louisiana Legal Services, where he worked as the deputy director. He was also convicted of parole violation.

After receiving a favorable recommendation from the Louisiana State Pardon Board, Mr. Bursh was pardoned Feb. 25, 1994, for the above convictions.

In 1997, Mr. Bursh was convicted in East Baton Rouge Parish of misdemeanor theft and was placed on unsupervised probation for six months.

## Falsified Job Applications

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Before being pardoned, on a Civil Service application dated Nov. 26, 1993, for DHH substance abuse counselor, Mr. Bursh disclosed his criminal conviction for theft from the Central Louisiana Legal Services. However, he failed to disclose the convictions for theft from Grambling University and parole violation. He attested with his signature that the information on the application was truthful.

Mr. Bursh admitted that he failed to fully disclose his criminal history and could not recall why he did not fully complete the application.

Alton E. Hadley, now an assistant secretary at DHH, recalled hiring Mr. Bursh as a substance abuse counselor in 1993. He said he was aware of Mr. Bursh's complete history at the time. He said he did not notice if Mr. Bursh's disclosure on his application was complete.

After being pardoned, on a Civil Service application dated Oct. 27, 1994, for DHH administrative law judge, Mr. Bursh said he was a hearing officer for an aluminum plant in Phoenix, Arizona, from 1971 until Dec. 30, 1979. He also said he was the director of Ebony House, a residential substance abuse treatment facility in Phoenix until Sept. 3, 1980. He attested with his signature that the information on the application was truthful.

However, as previously stated, Mr. Bursh was in prison in Louisiana from September, 1978, until September, 1980.

Mr. Bursh admitted the dates on those jobs were false. He said the part-time job at the aluminum plant actually ended in 1975, and the job at Ebony House actually ended in September, 1978, when he went to prison.

Also on that same application, Mr. Bursh said he was an Equal Employment Opportunity hearing officer for the Governor's Office for the State of Arizona from June 1, 1984, until Dec. 30, 1988. He said he earned up to \$34,500 annually and left the job because a new governor was elected.

However, as previously stated, Mr. Bursh was in prison in Louisiana from April, 1985, until March, 1988.

Mr. Bursh admitted that the job dates, job description, salary and reason for leaving were all false. He said he was never an EEO hearing officer in Arizona, but he did do a limited amount of consulting work while in prison for the actual EEO hearing officer. He said he provided the false information to account for his time in prison.

The director of the Bureau of Appeals in 1994, when Mr. Bursh applied for the administrative law judge position, was Gerard Torry. Mr. Bursh said that Mr. Torry had previously represented him before the Pardon Board and was aware of his history. After hiring him, Mr. Torry, an attorney, left DHH to enter private practice.

Mr. Torry did not respond to requests for an interview left on his answering machine.

La. R.S. 14:133, defines the crime of filing false public records as the filing for record, with knowledge of its falsity, any document containing a false statement or a false representation of a material fact.

La. R.S. 14:132, states that the crime of injuring public records includes the intentional falsification of any document filed in any public office.

The Civil Service applications state that any misrepresentation or omission may subject the applicant to dismissal from state service.

## Misuse of State Property

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For many years, Mr. Bursh has operated a private company called JMB II and Associates, a sole proprietorship. Mr. Bursh said through this company he represents clients as an advocate, helping them handle personal and business affairs.

However, Mr. Bursh included his state telephone number in his private business letterhead.

Mr. Bursh admitted this was improper. He said his use of his state telephone and telephone number in private business was limited. A review of Mr. Bursh's use of his state computer supported this.

However, the funds used to pay for the expense of the state telephone and computer usage were appropriated for state business and not for personal business use.

La. R.S. 42:1461, imposes on public officials a duty not to misuse public property.

Mr. Bursh also provided the Louisiana State Board of Parole with a written, personal recommendation for parole for a friend. The Dec. 14, 1999, letter included the recommendation over Mr. Bursh's signature, job title of administrative law judge and state telephone number.

Mr. Bursh's supervisor, bureau Director Trent Ivory said that, although Mr. Bursh was free to make such a personal recommendation, he should not have made it over his job title and state telephone number. Such correspondence implied that Mr. Bursh was acting with authority of the agency, Mr. Ivory said, and he did not have such authority. Mr. Ivory added he would not have approved of such a letter.

### *Conclusions:*

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1. Mr. Bursh falsified information in two Civil Service job applications, in violation of state law.
2. Mr. Bursh used his state telephone number, telephone and computer for personal business.

*Recommendation:*

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1. This report should be forwarded for review to the appropriate officials.

*Responses:*

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Responses from Mr. Bursh and DHH Undersecretary Charles Castille are attached. Subsequent to this investigation, Mr. Bursh resigned from his position at DHH, effective Sept. 5, 2000.

1-01-0001

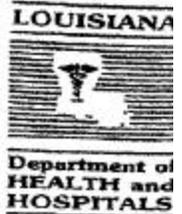
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M. J. "Mike" Foster, Jr.  
GOVERNOR

STATE OF LOUISIANA  
DEPARTMENT OF HEALTH AND HOSPITALS

August 28, 2000



David W. Hood  
SECRETARY

Mr. Bill Lynch  
Inspector General  
Post Office Box 94095  
State Capitol Annex  
Baton Rouge, Louisiana 70804-9095

Re: Job Application Falsified  
State Property Misused  
Your File No: 1-01-0001

Dear Mr. Lynch:

This will acknowledge receipt of your letter addressed to Secretary David W. Hood dated August 16, 2000 and enclosed draft of the report containing the findings regarding Mr. Joshua M. Bursh, II.

On behalf of the Department of Health and Hospitals, and Secretary Hood, we concur with the findings and your conclusions/recommendations.

Mr. Bursh is no longer an employee with this department. Enclosed is a copy of the SF-14 executed Friday, August 25, 2000 at 10:00 a.m.

Also enclosed is a copy of DHH Policy No. 8133-98 regarding criminal record checks of employees which is self explanatory. While this policy may not prevent all potential falsifications of the application form (SF-10), it will certainly reveal the criminal history of the employee. We feel that this policy will deter and prevent situations such as the one which is the subject of your report.

In conclusion Mr. Bursh is no longer a DHH employee and DHH's policy regarding criminal history record check should eliminate or minimize the occurrence of such incidents. Thank you for the opportunity to respond.

Sincerely,

Charles F. Castille  
Undersecretary

Date: August 27, 2000

To: Mr. Jim D. Wilsford  
Office of Inspector General  
Baton Rouge, LA

Topic: No. 1-01-0001  
Response to your draft

Thank you for allowing me the opportunity to respond to your draft of the above numbered investigative report. I appreciate the professional manner in which you conducted this investigation.

While the information contained in your draft is basically true, the following corrections are noted:

I. Under Background;

- a) I have been employed with Bureau of Appeals since January 1995.
- b) Released from Louisiana State Police Barracks on March 8, 1988.
- c) I served two years on first conviction (September 1978- September 1980)

I request that you consider eliminating the last paragraph on page one of Background material in that in the initial paragraph you indicate that the job with the Bureau of Appeals did not require a license to practice law. This paragraph while true, seem to be surplus negative material. In addition, the last paragraph of the Background material regarding the misdemeanor also seems to be surplus in that you and I agreed that I was not required to report this misdemeanor conviction under the current Civil Service Regulations.

As I indicated to you during the interviews, I cannot remember why the false information was included in the applications. It was certainly not my intent to gain an advantage by including this information in that both appointing individuals were totally aware of both of my convictions prior to my filing the applications for employment.

After discussing this matter with you, I recalled being hospitalized in the Veterans Affairs Medical Center in Houston, Texas from August 19, 1994 thru September 23, 1994 with a diagnosis of Major Depressive Disorder, Coronary Artery Disease, Type II Diabetes (out of control) and several other medical and social problems. I was released on Prozac along with other diabetic and heart medications. About the end of 1994, it was determined that the Prozac was causing me to act differently and not be able to react rationally at all times. I was going through these psychological problems when I completed the Civil Service application for the job with the

Bureau of Appeals. While I take responsibility for my actions, I now cannot conceive of a rational reason for not completing the application properly.

Because of the extensive medical complications I have endured since joining the Bureau, (Triple Bi-pass Heart Surgery, Shingles and Prostate Cancer) I have submitted my resignation to the Bureau of Appeals effective September 5, 2000.

Thank you very much for making this material a part of your report.

A handwritten signature in black ink that reads "Joshua M. Bush". The signature is written in a cursive style with a large initial 'J'.