

STATE OF LOUISIANA

OFFICE OF STATE INSPECTOR GENERAL



STATE POLICE COMMISSION FELONY THEFT AND ABUSE OF OFFICE

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STATE OF LOUISIANA

OFFICE OF STATE INSPECTOR GENERAL



STATE POLICE COMMISSION FELONY THEFT AND ABUSE OF OFFICE

Stephen B. Street, Jr.
State Inspector General

 Approved by:
Governor Bobby Jindal

October 13, 2008

File No. 1-08-0009

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 Brooke Duncan, former Commission Chairman

 Robert Mills, Current State Police
 Representative to the Commission

BOBBY JINDAL
GOVERNOR



STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

State of Louisiana
Office of the Governor
Office of State Inspector General

October 13, 2008

Honorable Bobby Jindal
Governor of the State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Re: Case No. 1-08-0009

Dear Governor Jindal:

This report addresses apparent felony theft, malfeasance in office, and access-device fraud by the executive director of the State Police Commission, and the oversight of the executive director and the Commission office. The report includes eight recommendations that if implemented would result in improved internal controls over the operations of the Commission office and its staff.

We provided drafts of the report to former Commission Chairman Brooke Duncan and to Commission Attorney William Norfolk for distribution and discussion with the remaining Commissioners. We received written responses from Mr. Duncan and the Commission's current State Police Representative, Commissioner Robert Mills, which are included as Appendix A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen B. Street, Jr.", written over a circular stamp or watermark.

Stephen B. Street, Jr.
State Inspector General

SBS/LS

Enclosure

Executive Summary

Debra Johnson, while executive director of the State Police Commission (Commission), used the Commission's state purchasing cards (P-Cards) to obtain more than \$11,839 in personal items. After an audit of the Commission's P-Card transactions revealed likely criminal offenses, we contacted the Louisiana Attorney General (Attorney General), who agreed to participate jointly with the Inspector General in further investigating the matter. On May 12, 2008 that investigation resulted in Ms. Johnson being arrested and charged with felony theft, malfeasance in office, and access-device fraud. The prosecution of Ms. Johnson is being handled by the Attorney General's Criminal Division.

Special Agents from the Attorney General seized three hundred and seventy-nine items from Ms. Johnson's home. Ninety-seven of those -- valued at \$11,839 -- were clearly identified as items purchased on the Commission's P-Cards between July 1, 2006 and April 2, 2008.

Ms. Johnson admitted to using the P-Cards to purchase many of the items that could not be clearly identified on our list of P-Card transactions. We also believe many of the other unidentified items were purchased using the P-Cards. However, the items were difficult to match to our list of P-Card transactions due to the nature of the items, such as cordless phones and laptop cases.

In addition to the theft, more than \$18,770 in items purchased on the Commission's P-Cards, such as computers and medicine, were either purchased for the personal use of employees, which is prohibited, or were unnecessary to the operations of the office. The Commission also paid for the personal use of internet air-cards and cell phones and their monthly services.

The investigation revealed that in 2001, Ms. Johnson sued the Commission alleging racial discrimination. It appears that fear of another such lawsuit by Ms. Johnson hampered the level of oversight by the Commission, making it possible for her to engage in systematic misconduct over a significant period of time without detection.

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Background

The Commission was created by constitutional amendment in 1990 to Article 10, Section 41, et seq. of the Louisiana Constitution of 1974 to provide an independent civil service system for the State Police Service. It is a seven-member body that has final authority over the administration of the State Police Service.

The State Police Service includes all regularly commissioned full-time law enforcement officers employed by the Department of Public Safety and Corrections, Office of State Police who are graduates of the State Police Training Academy of Instruction and vested with full state police powers and persons in training to become state police officers.

The Commission is empowered to make rules for the impartial administration and regulation of the State Police Service, to enforce and administer its rules and the Article, and to adjudicate appeals of actions taken by the Superintendent of State Police.

Six of the Commissioners are appointed by the Governor and the seventh is an employee representative elected by the classified members of the State Police Service. Each member serves a six-year term. When choosing an appointed member, the Governor must select from a list of three people nominated by the president of one of the state's major private universities. The Commissioners at the time of the events related in this report are listed as follows¹:

- Brooke Duncan, III, Chairman (Term Expired 12/05/07)
- Marshal Stevenson, Vice-Chairman
- Bridgett Brown
- Joseph S. Cage, Jr.
- Stephen H. Myers (Term Expired 12/05/07)
- Robert M. Mills, State Trooper Representative

Debra Johnson was the full-time executive director of the Commission. When she became the executive director in 1993, Ms. Johnson changed every employee position of the Commission from classified positions to unclassified positions.

Other persons employed by the Commission are as follows:

- Jodi Patterson, full-time assistant administrator,
- Debbie Givens, full-time personnel data systems manager,
- Allan Chevront, part-time Analyst, and
- Brittne Crumholt, part-time student worker.

Ms. Patterson is Ms. Crumholt's mother.

¹ Three new commissioners have subsequently been appointed, and two vacancies remain to be filled.

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Scope and Methodology

We conducted our investigation in accordance with *Principles and Standards for Offices of Inspector General* as promulgated by the Association of Inspectors General.

We began our investigation due to concerns raised by the Division of Administration about transactions charged to two of the Commission's P-Cards issued through the state's LaCarte Purchasing Card Program. The P-Cards were issued to Ms. Johnson and Ms. Patterson. The LaCarte P-Card is a Visa card issued by Bank of America for the State of Louisiana.

The scope of our investigation included auditing the Commission's P-Card transactions from July 1, 2006 to April 2, 2008. It also included review of expenditures for cell phones and internet air-cards used by Ms. Johnson, Ms. Patterson, and Ms. Givens.

Our investigation procedures included, but were not limited to reviewing:

- Applicable statutes, rules, and regulations
- LaCarte Purchasing Card bank statements
- Invoices for the items purchased on the P-Cards
- LaCarte Purchasing Card policies and procedures
- Property Reports from the Louisiana Property Assistance Agency
- An inventory of items purchased on the P-Card
- Personnel records
- Time and attendance sheets
- Time and attendance logs

We also conducted interviews with the Commission's employees, the Commissioners serving during the time period pertinent to this report, and administrative staff of other state agencies involved with the financial and operational support of the Commission.

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Felony Theft and Malfeasance In Office

Ms. Johnson purchased more than \$11,839 in personal items on the Commission's two purchasing cards (P-Cards). After an audit of the Commission's P-Card transactions revealed likely criminal offenses, we contacted the Louisiana Attorney General (Attorney General), who agreed to participate jointly with the Inspector General in further investigating the matter. On May 12, 2008 that investigation resulted in Ms. Johnson being arrested and charged with felony theft, malfeasance in office, and access-device fraud. The prosecution of Ms. Johnson is being handled by the Attorney General's Criminal Division.

Special Agents from the Attorney General seized three hundred and seventy-nine items from Ms. Johnson's home. Ninety-seven of those -- valued at \$11,839 -- were clearly identified as items purchased on the Commission's P-Cards between July 1, 2006 and April 2, 2008.

Ms. Johnson admitted to using the P-Cards to purchase many of the items that could not be clearly identified on our list of P-Card transactions. We also believe many of the other unidentified items were purchased using the P-Cards. However, the items were difficult to match to our list of P-Card transactions due to the nature of the items, such as cordless phones and laptop cases.

La. R.S. 14:67 defines theft as the, "misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential."

La. R.S. 14:134 defines malfeasance in office as "committed when any public officer or public employee shall: (1) Intentionally refuse or fail to perform any duty lawfully required of him, as such officer or employee, or (2) Intentionally perform any such duty in an unlawful manner."

La. R.S. 14:70.4 defines access device-fraud as "(A) No person shall without authorization and with the intent to defraud transfer an access device to another person. (B) No person shall without the authorization and with the intent to defraud possess an access device issued to another person."

For the period beginning July 1, 2006 through April 2, 2008, we audited transactions charged to the Commission's P-Cards that were issued to Ms. Johnson and Ms. Patterson through state's LaCarte Purchasing Card Program. The transactions showed an excessive number of purchases for computers, electronics, and accessories in comparison to the number of people employed by the Commission. Some of the excessive items included desktop computers, laptop computers, laptop cases, software, MP3 players, cordless phones, and a television.

Therefore, on May 12, 2008, our auditors went to the Commission's office to take an inventory of items purchased. Prior to arriving, we contacted the Attorney General and requested that they be on standby to assist us, if necessary.

Upon arriving at the office, Ms. Patterson and Ms. Givens were the only employees in the office. We took an inventory and found computers, laptops, cordless phones, the television, and a large number of other items purchased on the P-Cards missing from the office.

We then interviewed Ms. Patterson who informed us that she and Ms. Givens each had laptops and Ms. Crumholt had two laptops. Her laptop was in her vehicle and Ms. Givens' and Ms. Crumholt's laptops were at their homes. Ms. Patterson could not provide any additional information on the location of the other missing items.

We then asked the Attorney General for assistance. Special Agents interviewed Ms. Patterson who was initially regarded as a suspect and then released after the interview. Ms. Patterson's P-Card purchases were all reviewed and approved by Ms. Johnson, her supervisor. Ms. Johnson was fully aware of any items purchased by Ms. Patterson and the items' whereabouts.

Shortly after the interview with Ms. Patterson, Ms. Johnson arrived at the office. Special Agents then interviewed Ms. Johnson after advising her of her rights, per *Miranda*. With one of our auditors present, Ms. Johnson admitted to having items at her home for well over a year that were purchased on the P-Card, specifically the television. She also gave her consent for the investigators to search her home.

During the search of Ms. Johnson's home, Special Agents from the Attorney General seized three hundred and seventy-nine items believed to be purchased using the P-Cards, which they logged on Search Warrant Inventory forms. These forms were later compared to our list of P-Card transactions from July 1, 2006 to April 2, 2008.

Ninety-seven of the items seized valued at \$11,839 were clearly identified as purchases on our P-Card transaction list. In addition, to the television, computers, computer equipment, and electronic devices, the items seized that were clearly identified on our P-Card transaction list included seven versions of Microsoft Office, four versions of Microsoft Windows, and various other software programs totaling \$3,815.

The table on the following page shows items that were matched to our P-Card transactions list.

Items from Debra Johnson's Home Matched to Purchases on the P-Cards	
Description of Items	Cost
Samsung LNS3241DX 32" HDTV	\$ 997
HP Pavilion Laptop Computer	\$ 910
HP Pavilion Laptop Computer	\$ 1,000
HP All-in-One Photosmart C7180 Printer	\$ 400
Samsung 22" Widescreen LCD Computer Monitor	\$ 350
Altec Lansing MHP206 MUZX Flower In-Ear Earphones	\$ 60
Altec Lansing Soundbar	\$ 100
Ativa 20 Sheet Shredder	\$ 255
Belkin N1 Vision Wireless Router	\$ 180
HP Slimline Media Center Computer	\$ 530
Insignia Pilot 8gb Black MP3 Player	\$ 190
JVC UXG50 5-Disc CD Changer Mini Component System	\$ 140
Leather Case For Zune 30gb MP3 Player	\$ 50
Logitech - V20 Portable Notebook Speakers	\$ 70
Logitech Z-10 Interactive 2.0 Computer Speakers	\$ 155
Panasonic Lumix DMC-TZ3S - Digital Camera	\$ 300
Sony Bluetooth Wireless Headset	\$ 130
Sony Tabletop HD Radio	\$ 200
Seven Versions Microsoft Office, Four Versions Microsoft Windows and Various Other Software	\$ 3,815
Various Miscellaneous Items	\$ 2,007
Total Identified Purchases	\$ 11,839

The following pictures are a sample of items from the table above.



Samsung 32" HDTV set up in bedroom



HP Pavilion Laptop Computer



HP Pavilion Laptop Computer



HP All-In-One Photosmart Printer



Samsung 22' Computer Monitor



Ativa Shredder



JVC Stereo set up in bedroom



Insignia Pilot 8gb MP3 Player



Sony HD Radio



Panasonic Lumix Digital Camera

Ms. Johnson also admitted to using the P-Cards to purchase many of the items seized from her home that could not be clearly identified on our list of P-Card transactions. These items were apparently purchased outside of the scope of our audit. The following pictures are a sample of these items:



Dell XPS Laptop



ASUS Eee Laptop



HP Pavilion Slimline Computer



Westinghouse Flat Screen TV



30 GB Apple iPod



iRiver MP3 Player

The following table is a comparison of a sample of items seized from Ms. Johnson's home to items unaccounted for on our list of P-Card transactions that we believe Ms. Johnson purchased on the P-Cards. These items could not be clearly identified as items purchased on our list of P-Card transactions due to the nature of the items.

Comparison of Items Seized to Unaccounted Items on P-Card Transaction List		
Description of Items	Items Seized from Ms. Johnson's Home	Items on P-Card Transaction List Missing from Office
Telephones	6	22
Laptop Bags	16	9
Computer Mouse	11	11
Cell Phone Cases	11	19

The following pictures are a sample of items from the table above:



Telephones



Laptop Cases



Cell Phone Cases

Conclusion:

1. There is substantial and credible evidence that Ms. Johnson committed felony theft, malfeasance in office, and access-device fraud by using the Commission's P-Cards to make personal purchases with a value of more than \$11,839.

Recommendation:

1. The Commission should consider appropriate disciplinary action against Ms. Johnson, up to and including termination.
2. The matter should be referred for criminal prosecution. This has already been done, with the Attorney General's Criminal Division handling the criminal case against Ms. Johnson.

Prohibited and Unnecessary Purchases

More than \$18,770 in items purchased on the Commission's P-Cards, such as computers and medicine, were either purchased for the personal use of its employees, which is prohibited, or were unnecessary to the operations of the office. The Commission also paid for the personal use of internet air-cards and cell phones and their monthly services.

In addition, many of the purchases charged to P-Cards were apparently split to circumvent the LaCarte Purchasing Card Program Policy's \$1,000 single purchase limit requirements, and the Small Purchase Procedures required in executive order KBB 07-10.

The personal use of things of value to the state is prohibited by Article 7, Section 14 of the Louisiana Constitution of 1974, which states, "Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association or corporation, public or private."

Transactions for the Commission's two P-Cards issued to Ms. Johnson and Ms. Patterson were audited from July 1, 2006 to April 2, 2008, which showed an excessive number of purchases for computers, electronics, and accessories in comparison to the number of people employed by the Commission. Some of the excessive items included desktops, laptops, laptop cases, software, flash-drives, and cordless phones. In addition, we noted a purchase of \$659 in medication.

As noted in the background of this report, the Commission has only three full-time employees, one part-time employee, and one part-time student worker. However, our audit of P-Card transactions showed purchases for four desktops and nine laptops. Property records with the Louisiana Property Assistance Agency (LPAA) listed four desktops. However, the desktops listed in the property records did not match the ones purchased with the P-Cards.

On May 12, 2008, we conducted an inventory of the items purchased on the P-Cards at the Commission's office. Only one desktop from the LPAA property reports located in Ms. Johnson's office had been replaced with a desktop purchased on the P-Cards. The remaining desktops on the property reports were still in use by the employees.

Two desktops purchased on the P-Cards in June 2007 were unopened in the Commission's storage room. The remaining desktop purchased on the P-Cards was located at Ms. Johnson's residence during search and seizure conducted by Special Agents from the Attorney General's office.

Of the nine laptops purchased, one was used by Mr. Chevront as his office computer. A review of the data on his laptop showed that it was used for official state business. Two laptops were found during the search and seizure of Ms. Johnson's residence and one was in her vehicle. Ms. Patterson and Ms. Givens

each had a laptop, and Ms. Crumholt had two laptops. Ms. Patterson and Ms. Givens admitted to using the laptops for personal use. A review of the data on Ms. Crumholt's laptops showed that her laptops were used for personal use, as well. One laptop has not been recovered.

The office did not have any inventory records for the desktops or laptops purchased on the P-Cards and none of the equipment was tagged. Although the cost of the equipment was less than \$1,000 and not required to be tagged by LPAA regulations, it is a prudent business practice to have inventory controls in place, such as inventory lists and property tags, for computers and other technical equipment costing at least \$500 or more.

In addition to the desktops and laptops, Ms. Patterson had a printer and flash memory cards for cameras at her home. All the employees had flash drives for computers, which were used for personal use. Thirty-five flash drives had been purchased on the P-Cards. Most of the flash drives were not recovered.

Software purchased on the P-Cards totaled \$9,626, which included:

- 23 copies of various internet security software
- Microsoft Encarta encyclopedia software
- 16 copies of Microsoft Office which consisted of 7 different versions
- 11 copies of Microsoft Windows which consisted of 5 different versions
- 22 copies of PC tools software such as Registry Booster, Drive Erase Pro and Anonymizer Anonymous Surfing

Seven versions of Microsoft Office, four versions of Microsoft Windows, and various other software programs totaling \$3,815 were recovered during the search of Ms. Johnson's home.

A purchase for \$659 in medicine and first-aid supplies was also made on the P-Cards for the personal use of the Commission's employees. The medication and supplies were located in a cabinet of the office. In addition, to being prohibited because of the personal use, the purchase of medicine for distribution to Commission employees raises questions of potential civil liability for the Commission. The medicine purchased included such items as:

Benadryl	Mucinex
Robitussin	Tylenol
Prilosec	Phazyme
Pepcid	Zantac
Tylenol Cold	Dayquil

The table below lists only a sample of prohibited and unnecessary items totaling \$18,770 charged to the P-Cards between July 1, 2006 and April 2, 2008, excluding items positively identified from the search and seizure of Ms. Johnson's residence and items used for official state business:

Sample of Prohibited and Unnecessary Purchases					
Description of Items Purchased	Total Items Purchased	Total Cost of Items Purchased	Total Items Seized or Used in Office	Less Cost of Items Seized or Used in Office	Total Prohibited/ Unnecessary Purchases
Desktop Computers	4	\$ 2,270	2	\$ 1,110	\$ 1,160
Laptops	9	\$ 7,810	3	\$ 2,810	\$ 5,000
Laptop Cases	15	\$ 539	3	\$ 60	\$ 479
Flash Drives	35	\$ 2,199	1	\$ 80	\$ 2,119
Flash Memory Cards	24	\$ 1,089	6	\$ 308	\$ 781
Computer Keyboard/ Mouse Sets	21	\$ 1,456	1	\$ 33	\$ 1,423
Software	84	\$ 9,626	30	\$ 3,815	\$ 5,811
Phones	24	\$ 1,388	1	\$ 50	\$ 1,338
Personal Medication	Various	\$ 659	0	\$ -	\$ 659
Totals		\$ 27,035		\$	18,770

In addition to items purchased on the P-Cards, the Commission paid for air-cards and air-card services for Ms. Johnson, Ms. Patterson, and Ms. Givens. The air-cards allowed the employees access to the internet on their laptops. The internet air-cards and the monthly services were for their personal use.

Cells phones and cell phone services were also paid for by the Commission. Ms. Johnson had a Blackberry and a cell phone, Ms. Patterson and Ms. Givens also had cell phones. With the possible exception of Ms. Johnson's Blackberry, the purchase of the remaining cell phones and the cell phone services were for the employees' personal use.

Many of the purchases on the Commission's P-Cards between July 1, 2006 and April 2, 2008 were apparently split to avoid the LaCarte Purchasing Card Program Policy's \$1,000 single purchase limit and the need for price quotations required by the Small Purchase Procedures in executive order KBB 07-10.

The LaCarte Purchasing Card Policy states that the maximum single purchase limit for the LaCarte P-Card is \$1,000, and is not to be used to avoid appropriate procurement procedures.

Executive Order Number KBB 07-10 states that price quotations shall be solicited from three or more bona fide qualified vendors for purchases exceeding \$1,000 but not exceeding \$5,000. Commodities on state contract are exempt from this requirement.

Below is a sample of items purchased on the P-Cards that exceeded the \$1,000 single purchase limit and were not on state contract, and, therefore, required at least three quotations from bona fide vendors:

- **Circuit City** - On July 10, 2006, Ms. Johnson purchased a laptop for \$1,030, by charging \$1,000 on the P-Card and writing a personal check for the \$30 difference.
- **Best Buy** - On October 3, 2007, Ms. Johnson made two purchases within 16 minutes of each other totaling \$1,002 on her P-Card.

On December 13, 2007, Ms. Johnson and Ms. Patterson each purchased a laptop for \$1,000 on their P-Cards within five minutes of each other.

- **Furniture** - At the end of fiscal year 2007, Ms. Johnson and Ms. Patterson purchased \$6,795 in furniture on their P-Cards from Ashley Furniture over a five-day period. On three of five days, purchases were split between Ms. Johnson's and Ms. Patterson's P-Cards. The purchases included \$3,583 for 16 pieces of artwork and \$1,907 for 14 lamps.

Conclusion:

2. The Commission paid more than \$18,770 for items purchased for the personal use of its employees. This is prohibited by Article 7, Section 14 of the Louisiana Constitution of 1974.
3. Items purchased on the Commission's P-Cards were apparently split by Ms. Johnson and Ms. Patterson to circumvent the \$1,000 single purchase limit of the LaCarte Purchasing Card Program Policy and the Small Purchase Procedures.
4. Medication valued at \$659 purchased for distribution to Commission employees on the P-Cards was not only prohibited by Article 7, Section 14 of the Louisiana Constitution of 1974, but also raises the question of potential civil liability for the Commission.

Recommendation:

3. The Commission should take an inventory of all items purchased from July 1, 2007 to present in order to identify and recover any items purchased for the personal use of its employees.
4. The Commission should recover cell phones and internet air-cards from all employees, including Ms. Johnson, until it can identify those that are necessary to the operation of the office.
5. The Commissioners should recover all medication purchased by the office and implement policies prohibiting the future purchase and distribution of medicine to its employees.
6. The Commission should implement inventory controls of all computer and technical equipment costing at least \$500.

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Oversight of Executive Director

The instant case presents a unique and egregious set of facts that lead to the inevitable question of how the executive director of a commission was able to engage in systematic misconduct over such a significant period of time without detection. This question can be at least partially answered by going back to the year 2000.

Sometime in 2000, Ms. Johnson filed a complaint against the Commission with the Equal Employment Opportunity Commission, which was dismissed. However, Ms. Johnson was given the right to sue and did so in 2001, alleging merit increases were withheld due to racial discrimination. In 2002, the Commission settled with Ms. Johnson, paying her \$13,224 as compensation for general wages. Further, the Louisiana Office of Risk Management paid Ms. Johnson \$15,000 as compensation for general damages.

It appears that the aforementioned lawsuit and settlement – and fear of possible future lawsuits -- hampered the level of oversight, making it possible for Ms. Johnson to engage in the misconduct that is the focus of this report. Several examples of this are noted below.

Time and Attendance

During our investigation of P-Card purchases, we were told by every employee of the Commission that Ms. Johnson reported to the office for only a few hours a day two to three days a week. In addition, we were told Ms. Johnson did not accrue or take leave.

A log of Ms. Johnson's time in the office had been maintained by Ms. Patterson for an approximate 16-month period beginning August 18, 2005 through December 6, 2006. According to the log, Ms. Johnson reported to the office 375 hours (14.7%) of the total 2552 hours for which the office was open. Ms. Johnson completed and signed time and attendance sheets indicating that she worked 40 hours per week for the entire period. In addition, personnel records indicate that Ms. Johnson has not accrued or taken leave since she became executive director in 1993.

Brooke Duncan, the Commission's Chairman at the time, stated that he and the other Commissioners were aware Ms. Johnson was not reporting to the office, and believed she was working from home. He said neither he nor the other Commissioners gave her authorization to work from home, but they did not object to it and allowed her to come and go as she pleased.

Review and Approval of Budget and Expenditures

Other than the executive director, it appears there was minimal review of the budget or expenditures of the office, or Ms. Johnson's P-Card bank statements and transaction logs as required by the LaCarte Purchasing Card Program Policy. When asked, Chairman Duncan said that he gave a broad-brush

overview to annual budgets presented by Ms. Johnson, and only questioned whether she requested enough funds to cover all the testing required for the State Police and for the Commission's referee attorney, Bill Norfolk.

A review of Ms. Johnson's P-Card transaction logs showed that her subordinate, Ms. Patterson, was signing the logs attesting that she had reviewed and approved Ms. Johnson's P-Card transactions. The LaCarte Purchasing Card Program Policy requires the cardholder's supervisor to review and approve the bank statements or transaction logs. Chairman Duncan stated that he and the other Commissioners never reviewed or approved Ms. Johnson's P-Card bank statements or transaction logs. In addition, he stated that he was not aware that Ms. Patterson was approving Ms. Johnson's P-Card transactions nor was he aware of the requirements in the LaCarte Purchasing Card Program Policy.

Pay Increases

Over a six-year period between 2002 and 2008, Ms. Johnson's salary was raised from \$50,400 to \$108,472 (115%).

In 2005 and again in 2007, the Commission approved retroactive pay increases for Ms. Johnson. According to Chairman Duncan, the retroactive pay increases were given for years in which Ms. Johnson had not received merit increases.

For the first set of retroactive increases in 2005, Ms. Johnson received three 3% increases. The first 3% increase was retroactive to March 14, 2003, effectively giving Ms. Johnson a 22% increase for that year. The second 3% increase was retroactive to March 14, 2004, and the last increase was effective March 13, 2005. Ms. Johnson received a prior period adjustment payment of \$8,497 for the retroactive pay increases to 2003 and 2004.

For the second set of retroactive increases in 2007, Ms. Johnson received three 4% increases. The first increase was retroactive to March 13, 2005, effectively giving Ms. Johnson a 7% increase for that year. The second increase was retroactive to March 13, 2006, and the last increase was effective March 13, 2007. Ms. Johnson received a prior period adjustment payment of \$12,430 for the retroactive pay increases in 2005 and 2006.

Effective July 1, 2007, Ms. Johnson received a \$1,500 annual pay raise appropriated for all unclassified state employees and authorized by Executive Order KBB 07-15 and its amended order KBB 07-17.

Finally, effective March 13, 2008, the Commission approved a 4% pay increase Ms. Johnson.

The table below lists the details for each pay increase for Ms. Johnson and shows that her salary increased by 115% over the six-year period.

Debra Johnson's Pay Increases							
Date Approved	Type of Increase	Effective Date	Beginning Salary	Ending Salary	Rate Increase	Cumulative Rate Increase	Prior Period Payment
07/01/02	Appropriated Salary Upgrade	07/01/02	\$ 50,400	\$ 70,400	40%	40%	
07/01/02	Appropriated Salary Upgrade	03/13/03	\$ 70,400	\$ 83,530	19%	66%	
04/28/05	3% Retroactive Pay Increase, and Second Increase for 2003	03/14/03	\$ 83,530	\$ 86,128	3%	71%	
04/28/05	3% Retroactive Pay Increase, Prior Period Pay for 2003 and 2004	03/14/04	\$ 86,128	\$ 88,692	3%	76%	\$ 8,497
04/28/05	3% Pay Increase	03/13/05	\$ 88,692	\$ 91,390	3%	81%	
05/01/07	4% Retroactive Pay Increase, and Second Increase for 2005	03/13/05	\$ 91,390	\$ 95,056	4%	89%	
05/01/07	4% Retroactive Pay Increase, Prior Period Pay for 2005 and 2006	03/13/06	\$ 95,056	\$ 98,852	4%	96%	\$ 12,430
05/01/07	4% Pay Increase	03/13/07	\$ 98,852	\$ 102,984	4%	104%	
07/01/07	\$1,500 Appropriate Annual Raise for Unclassified State Employees	07/01/07	\$ 102,984	\$ 104,312	1%	107%	
04/16/08	4% Pay Increase	03/13/08	\$ 104,312	\$ 108,472	4%	115%	

These pay increases, given to Ms. Johnson over and above the amount of the settlement, appear excessive. The Commission should carefully consider this question, and re-examine the criteria it will use in the future to determine appropriate pay increases for its employees

Conclusions:

5. The lawsuit filed by Ms. Johnson and the subsequent settlement thereof, substantially hampered the level of oversight, and allowed her a free hand to engage in the misconduct that is the focus of this report. Specifically, Ms. Johnson was able to misappropriate over \$11,839 in items purchased on the P-Cards, as well as over \$18,770 wasted on items purchased for the personal use of Commission employees or on items that were unnecessary to the operations of the office. Further, Ms. Johnson's salary was doubled over a six-year period, despite substantial problems with time and attendance.

Recommendations:

7. The Commission should implement controls to:
 - a. Ensure all expenditures are legitimate and necessary to the operations of its office;
 - b. Detect time and attendance abuse; and
 - c. Determine appropriate criteria for pay increases to ensure they are not excessive.
8. The Commission should ensure that its executive director performs all job duties as directed or as required in State Police Commission Rule 3.1.

APPENDIX A

Management Responses

**Former Commission Chairman
Brooke Duncan**

Brooke Duncan III
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New Orleans, LA 70139
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October 9, 2008

VIA FEDERAL EXPRESS

Mr. Stephen B. Street, Jr.
State Inspector General
Office of State Inspector General
Office of the Governor
150 Third Street, Third Floor
Baton Rouge, LA 70801

Re: Case No. 1080009

Dear Mr. Street:

As invited by your office in correspondence dated July 18, 2008 and October 6, 2008, I submit this response to the Inspector General's revised draft report of its investigation into allegations involving the former Executive Director of the Louisiana State Police Commission. I no longer serve on the Commission, having resigned June 30, 2008, and therefore my response does not specifically address taking corrective action although I do offer suggestions for change.

At the outset, I want to take this opportunity to credit the good work done by the part-time unpaid citizen volunteers with whom I was privileged to serve on this Commission for the past seven years. Several of us continued to serve even when one governor after another failed to fill our expired positions (my term expired in 2005), so that the Commission would not be left without a quorum. We inherited a large backlog of trooper disciplinary cases; now, no trooper has to wait long for his day before us. We inherited a testing system marred by suspicion and distrust; now, testing is under the supervision of an outside contractor. We inherited a hostile relationship with the Louisiana State Troopers Association which we have successfully repaired. Quorums were rare. We worked with attorneys for State Police to help them prepare better cases, to avoid needless appeals. And each year the Legislative Auditor gave us his seal of approval.

We were not paid. Most of us took time away from our livelihoods to do this work. We got gas money and a per diem half that of legislators. No State Police badge, no blue light for the dashboard like some self-important officials. Just a desire to do something good for our state.

We generally met once a month for a few hours at a time, or for so long as a hearing might take. Some months, we had no meetings if there were no trooper hearings to be held. Since Commissioners had to travel from all around the state to attend meetings in Baton Rouge, we conducted other Commission business on days when we had hearings.

None of us were ever told, or had any reason to believe, that our role encompassed day-to-day administrative responsibility. There was absolutely no orientation, no briefing, no training. As structured, the Commission's day-to-day business was the province of the Executive Director. No part-time unpaid citizen volunteer would agree to participate in state government, with its arcane and strange rules and procedures, if required to micromanage every expenditure, each and every employee time record, and otherwise run the operations. That is what agency directors and their staffs do, presumably supported by other administrative agencies of state government.

It is our hope that anyone contemplating unpaid volunteer state service will study this report carefully. It is also our hope that the Governor will seriously consider the suggestions made in this response for supervising day-to-day administration of boards and commissions composed of part-time unpaid citizen volunteers.

Introductory Comments

It appears that former Commission Director Debra Johnson abused the trust of the Commission and the people of Louisiana by utilizing a state-issued credit card to purchase items unrelated to her work or the business of the Commission. But to place blame for Ms. Johnson's conduct on part-time unpaid citizen volunteers under the rubric of insufficient oversight is unjustified. The suggestion that we Commissioners ignored our duties is grossly unfair.

The draft report seems to blur the distinction between the roles of Commissioners and the Executive Director. Similar to other heads of state agencies, the role of the Commission's Executive Director is to "serve as the executive and administrative head of the State Police Commission and direct and supervise all of the Commission's administrative and technical activities functions." Commission Rules 3.1 (a). The Commission's role, by contrast, is not administrative in nature but instead primarily entails "improvement of personnel administration" in the State Police and hearing "appeals from employees and others who claim their rights under these Rules and the State Police Commission Article have been violated and to issue appropriate orders in such cases." Commission Rules 2.9. These role definitions have been in place since the inception of the Commission nearly 20 years ago. They are modeled after the role definitions of State Civil Service because of course the State Police Commission is itself a civil service body.

Scope and Methodology

Interestingly, the report states that the Inspector General's office "began our investigation due to concerns raised by the Division of Administration about [credit card] transactions...". I commend those within the Division of Administration charged with and responsible for overseeing expenditures from other state agencies and who sounded the alarm when suspicious purchases authorized by or initiated by Ms. Johnson appeared. As commendable as it is that the Division of Administration caught the inappropriate purchases, why did it take so long? And why did they not report their misgivings to the Commission itself? How did the Commission receive consistently clean bills of health from the Legislative Auditor?

None of us who have served on the Commission were ever instructed or oriented in the arcana of state procurement procedures or employee time-keeping requirements unique to state employment. No one ever gave us a manual or orientation regarding the rules, regulations, and executive orders for which your report seems to hold us responsible.

As will be more fully discussed below, it is unrealistic to hold part-time unpaid citizen volunteers accountable for the state's day-to-day administrative standards. Instead, vest those responsibilities with the Division of Administration, where I understand they are already assigned, who can then notify the Commission (any board or commission) when standards are not met.

The Inspector General's Findings and Recommendations

Finding 1: Felony Theft and Malfeasance in Office

Although Ms. Johnson has not been tried or convicted of any crimes, the draft report concludes she committed various crimes and that she should be immediately terminated by the Commission. Even assuming the criminal allegations against Ms. Johnson are absolutely true, she enjoys the due process rights of state employment. The Commission did in fact immediately suspend Ms. Johnson upon being informed of the allegations against her. The Commission did not immediately terminate her in order to avoid having her instigate a hearing which could interfere with the potential criminal prosecution against her. In several trooper disciplinary cases which we handled over the years, departmental discipline almost always was held in abeyance pending the outcome of criminal proceedings. Besides, until receipt of this draft report, no one had shared with us the details of the allegations against her. It is my understanding that the current Commission did recently terminate Ms. Johnson's employment.

Finding 2: Prohibited and Unnecessary Purchases

The draft report states that the audit of credit purchases reached back to July 1, 2006. It has not been divulged what caused the Division of Administration to become recently suspicious. While by no means suggesting a lack of diligence on the part of the Division

of Administration, it does need to be asked why a pattern of apparently inappropriate purchases went unnoticed. I emphasize that no criticism of the Division is intended but rather make this observation only in regard to whether a more prominent oversight role for the Division should be considered, especially for such small agencies as the State Police Commission.

Similarly, there is the suggestion that the Commission was deficient in not inventorying and placing property tags on all items costing more than \$500. Who would have conducted the inventory and peeled off adhesive tags to stick to computers and other equipment? The members of the Commission? How do other boards and commissions inventory their equipment—assuming they do?

Instead, consideration should be given to a procedure whereby anytime an agency purchases something worth \$500 or more, the Division of Administration notifies that agency to tag the item, perhaps even assigning the item an inventory control number as the Division processes the purchase. After all, the Division was and is in the best position to know what any agency is purchasing. Then, from time to time, spot inventory checks could be conducted by the Division, with any problematic results communicated to the Commission and/or the Inspector General for further action.

The report goes on to say that the Commission was exposed to liability because the office purchased over-the-counter headache, cold, and indigestion medications. I must admit having some difficulty figuring out how liability would have been created by stocking the office with items that every office in which I have ever worked kept handy for employees. The report also complains that these items were prohibited because they were for personal use. If that is so, then your office could be kept very busy for the rest of its existence hunting down such contraband likely to be found in many, many state offices. What about offices that buy bottled water, obviously for personal consumption, and more expensive per gallon than gasoline? Or Kleenex?

As I stated when I was interviewed by your office, and I will here reiterate, it does appear that an excessive amount of equipment was purchased for the office, some of which I am told is still in its original packaging—so as I said before, please have the Division of Administration come take what is not in use or necessary and distribute these items to other state agencies or offices that may need such equipment.

As for the finding regarding purchases of items in excess of \$1000 which you state violated an executive order, I trust your office does not seriously contend that we part-time unpaid citizen volunteers were supposed to have been aware of this executive order. Again, a more realistic and systematic approach would be to assign the Division of Administration with initial oversight of such major purchases. If an unsatisfactory answer were received from Commission staff, notify the Commission, and if the Commission should fail to act, then report the matter to your office or somewhere else.

Finding 3: Oversight of Executive Director

Here, the report states that we were “hampered” in our oversight of the Director because of her prior lawsuit against the Commission for employment discrimination and the fear of possible future litigation, thus “making it possible for Ms. Johnson to engage in the misconduct that is the focus of this report.” That is quite a leap of logic: the Director stole from the state because the Commission was afraid she might sue again. Here is a more logical theory. The Director was simply dishonest and had the means and opportunity to commit theft. It is an unfortunate fact of life that occasionally those in whom we place trust violate that trust.

Time and Attendance

The Executive Director is a salaried exempt employee under the Fair Labor Standards Act. An employer who compensates a salaried exempt employee based on hours of work converts that employee from a salaried exempt employee to an hourly non-exempt employee. Therefore, it would have been inappropriate under the FLSA to require the Director to record her hours for purposes of compensation.

As for the log maintained by Ms. Patterson of the Director’s time in the office, we have no knowledge of such a log and cannot comment on whether it is accurate and do not know why your office believes it is accurate or why the log was kept in the first place. If Ms. Patterson believed the Director was in violation of an executive order or some other rule or regulation, why did she not notify the Commission?

As your investigators were told, Ms. Johnson was permitted to work from home from time to time for medical reasons. As part of her job, she was also of the office meeting with State Police and other law enforcement officials, legislators, and other state officials. As for allowing “her to come and go as she pleased,” Ms. Johnson was the head of an agency, an executive so to speak, so of course we did not monitor when she was in the office or not, no more than it is supposed the Governor tracks the comings and goings of say, the Secretary of Labor.

Review and Approval of Budget and Expenditures

You depict the Commission, and me in particular, as seemingly disinterested and unconcerned with the Commission’s budget and expenditures, a distortion and mischaracterization of the facts and certainly not reflective of the interview I gave your office. In fact, as I told your staff, the Commission’s priorities were and presumably will continue to be ensuring a budget sufficient to pay for state police entry-level and promotional testing and for the costs of holding hearings on appeals by troopers accused of misconduct. Those are by far the fundamentally important functions of the State Police Commission. We set those priorities for the office to follow, and throughout my term on the Commission those priorities were always funded. In other words, this supposedly disinterested and unconcerned Commission somehow managed to make sure that the only real justifications for the Commission’s existence were satisfied. Over my

term as chair, we eliminated an historically heavy hearing backlog and revamped testing procedures and protocol to address the needs of State Police management while addressing concerns brought to our attention by the Louisiana State Troopers Association. Further, the Commission's expenditures never exceeded its budget during my time on the Commission.

You note that the Commission never reviewed or approved Ms. Johnson's P-card transaction logs; that her subordinate Ms. Patterson approved the transactions, despite the requirement in the LaCarte Purchasing Card Program Policy that a cardholder's supervisor should review and approve the logs. Once again, just how is it expected that we Commissioners were supposed to have been aware of the LaCarte Purchasing Program Policy requirements? If you want members of boards and commissions to know these things, give them a thorough orientation and indoctrination when they take office. You cannot hold part-time unpaid citizen volunteers accountable for standards or requirements never shared with them in the first place.

Pay Increases

Your report mistakes the reasons for Executive Director Johnson's compensation over the last several years. When I joined the Commission, it was defending itself against a discrimination lawsuit by Ms. Johnson and she had received no increase in pay for several years. In order to save the state the cost of litigating claims for which there might have been liability, it was decided in consultation with the Office of Risk Management, to reach a settlement with Ms. Johnson which included providing retroactive pay increases for years in which predecessor Commissions had denied her raises in pay.

We settled the lawsuit with Ms. Johnson to save the state legal fees for a legal battle, the outcome of which was not certain because of conduct that long preceded our tenure on the Commission and for which there was evidence to support her allegations. A significant and true contention in the litigation was that Ms. Johnson had received no pay increases for some years. As part of the settlement, she received retroactive increases which if viewed as a lump would appear large. Ms. Johnson was also successful one year in persuading the Legislature to fund a salary increase for Commission employees; the Commission did not raise her pay, the Legislature did. Finally, after another period in which she received no annual increases, she was provided with a retroactive increase. Other than the year in which the Legislature specifically allocated money for Commission staff salaries, the increases received by the Director were consistent with established norms in state government for satisfactory performance. As far as we on the Commission were concerned, the increases we gave were for cost of living. Your report calls the increases excessive. Allowing an employee to maintain parity with cost of living (3% to 4%) hardly seems excessive.

All of this was detailed in a lengthy written explanation I provided your office and which is attached hereto as part of this public record.

Concluding Remarks

I invite the State to restructure the function of the LSPC to provide the level of oversight your office seems to deem necessary. Assign oversight of administrative requirements to the Division of Administration with the expectation that when the Division of Administration spots irregularities, they decline approval and inform the Commission. If the Commission fails to act, then the Division of Administration can notify the Inspector General for further action. I suggest a system for part-time unpaid citizen volunteer boards under which the state does the micromanaging and brings to a board's attention any irregularities or deviations from mandatory procedures. Provide sufficient administrative support. Otherwise, no part-time unpaid citizen volunteer should agree to serve on these boards and commissions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brooke Duncan III". The signature is written in a cursive, somewhat stylized font.

Brooke Duncan III

Member, Louisiana State Police Commission, 2001-2008

Brooke Duncan

From: Brooke Duncan
Sent: Thursday, June 05, 2008 5:59 PM
To: cynthia.summers@la.gov
Subject: Information re: Debra Johnson retroactive pay increases

Attachments: FW: FISCAL YEARS 05/06, 06/07, AND 07/08 WHICH IS NOW DUE; Director compensation



FW: FISCAL Director
S 05/06, 06/compensation

Ms. Summers--

In our meeting you asked about the retroactive pay increases given to Debra Johnson in 2005 and 2007.

One of the claims Debra had made in her employment discrimination lawsuit against the Commission was that the Commission had failed to evaluate her or give her pay increases, which was in fact accurate for a number of years prior to and during the pendency of the lawsuit. In the settlement of her lawsuit in 2002 (a copy of which settlement you have), she received as part of a lump sum the amount of \$13,229 to compensate her for having received no raises in 1999, 2000, 2001, and 2002. The Commission also agreed to evaluate her performance going forward.

In the years following settlement of the lawsuit, we attempted with mixed success to have Debra participate with the Commission in a collaborative evaluation process. She always performed her core duties adequately—hearings were timely scheduled, subpoenas were issued as requested, and the promotional testing vendor carried out its contractual obligations as required. Requests for approval from State Police of certain trooper assignments and the like which may be approved by the director according to our rules were handled properly. However, it was our experience that she would neither initiate expansion of her role nor take on additional tasks the Commission suggested. For example, the Commission realized that our rules had been adopted wholesale from State Civil Service, including references to rules repealed by State Civil Service before the LSPC even existed. The Commission thought it would be helpful—and as I mentioned when we met—although not essential to revamp our rules. Debra never refused outright to take on this project, but she also simply never did it. Since revising the rules was not critical or absolutely necessary to our operations, the Commission did not insist but this did figure into future compensation decisions.

Thus, for the years 2003, 2004, and 2005, we did not initially award Debra any pay increases as we tried to work with her on developing an evaluation mechanism. She eventually requested a 4% increase but the Commission gave her 3%. As chair, I signed Personnel Action Request forms on April 28, 2005, assigning her retroactive increases for March 13, 2003-March 12, 2004; March 13, 2004-March 12, 2005; and March 13, 2005 forward. Our rationale was that Debra had continued to perform adequately though not exceptionally. Our hearing docket had remained current with no hearings awaiting our attention at any time and all testing was proceeding satisfactorily. To have denied her any increase was in our view a mistake as no increase would have indicated deficient performance.

Throughout the rest of 2005 and into 2006 and 2007, we continued in our efforts to implement an evaluation tool for our director. I might mention that during this period the Commission met only sporadically due to quorum problems and also fewer trooper appeals for us to hear. My fellow commissioners Bridgett Brown and Marshall Stevenson took on the task of sending various forms to Debra for her input. In early 2007 Debra finally assisted us with an evaluation of her performance. Based on our understanding that the average state employee raise at that time was 4%, we raised her pay 4% retroactively. Again as chair, on May 1, 2007 I signed the forms raising her pay 4% for March 13, 2005-March 12, 2006; March 13, 2006-March 12, 2007; and March 13, 2007 forward. See attached emails dated March 20, 2007 and May 23, 2007. Although the Commission considered capping her future pay, this was not done and she was raised the state average of 4% in April 2008.

If additional information is needed, please let me know.

Brooke Duncan III
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Cell (504) 453-3971
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Bio.: www.adamsandree.com/attorneys/attorney_bio.html?ID=53

Brooke Duncan

From: Stevenson, Marshall F. (Dr.) [REDACTED]
Sent: Friday, March 23, 2007 12:16 PM
To: Brooke Duncan
Subject: FW: FISCAL YEARS 05/06, 06/07, AND 07/08 WHICH IS NOW DUE

Brooke: Here is what Debra has completed for her evaluation. The Roman numerals represent the areas she was asked to assess. She also forwarded me the strategic plan and budget which I can share with you at a later date. I think for now we want to move so we are only dealing with trooper business in May if you know what I mean...

Thanks

Feel free to get back to her if you have follow up questions not addressed here (and copy me), or if there is some other category etc. that you would like to see added to the form

Marshall F. Stevenson, Jr.
Dean and Professor of History
Division of Social Sciences
Dillard University
New Orleans, LA

From: debra johnson [REDACTED]
Sent: Tuesday, March 20, 2007 9:55 PM
To: Duncan, Brooke; Stevenson, Marshall F. (Dr.)
Subject: FISCAL YEARS 05/06, 06/07, AND 07/08 WHICH IS NOW DUE

SELF-ASSESSMENT FORM
(to be completed by Director)
2005-2006
2006-2007
2007-2008

I. LEADERSHIP EFFECTIVENESS WITH STAFF

1. Improve the appeal and discipline process by eliminating at least thirty (30) days from the initial hearing date and fifteen (15) days from the return on commission's decisions.

2. Encourage the nationwide recruitment effort in order to certify more eligible applicants on the certificates for probational appointments to the position of Cadet.

3. Maintain a one (1) day turnaround on personnel actions such as position allocations, updates and details. Also return requested certificates in one day in most cases.

4. Maintain at existing levels for State Police Sergeant, Lieutenant and Captain testing requirements and adjust as necessary.

**II. MANAGEMENT EFFECTIVENESS
(staff and overall function of LASPC office)**

1. Appeals

Hear classified commissioned officers' complaints stemming from disciplinary actions and provide decisions that are consistent with the basic requirements of a merit system, the State Police Service article, the State Police Commission rules and existing jurisprudence.

2. Personnel Management

Promote effective personnel management practices for the Office of State Police to check and enforce compliance with the State Police Commission rules and to provide assistance with federal and state laws as appropriate or designated. Review, develop and implement State Police rules, conduct investigations when requested or directed, review contracts to avoid duplication of work by an outside contractor which could be performed by a Louisiana State Police Trooper, review performance appraisal programs and issue general circulars and transmittals.

3. Classification and Pay

Maintain an equitable and uniform pay system for all Louisiana State Police Commission officers, classified and unclassified.

Establish new positions when necessary and update positions as the job changes. Present all new pay plans to the Commission and once approved, prepare for the Governor's approval.

4. Examining

Enables the Office of State Police to meet their staffing needs by testing and certifying candidates for initial employment and also for promotional needs.

Statutory authority for Goals: LA Constitution, Article X, Part IV, Section 41-51.

III. PROFESSIONAL DEVELOPMENT

1. Participation in a Task Force designed to revamp the entire selection process for hiring Cadets and eliminating a considerable amount of time in order to attract additional applicants who are normally lost due to the approximate one year timeframe for hiring before the actual Academy begins.

2.

3.

IV. REALIZATION OF STRATEGIC PLANNING GOALS FOR PREVIOUS YEARS INCLUDING SECURING ADDITIONAL STATE OR EXTERNAL FUNDING

1. Secured an additional \$100,000.00 in state general funds for the FY 2006/2007.

2. Greater number of applicants testing for the position of Cadet.

3. Increase staff by one for the FY 2006-2007 to maintain some of the consistency timeframes established.

V. PLANS FOR GREATER EFFECTIVENESS

- 1. Additional training for staff and more cross training among staff members.**
- 2. Secure a percentage of funding from another source such as Riverboat Gaming, or some form of Transportation Services.**
- 3. Hire one or two individuals trained in State Accounting to handle Accounting needs in-house.**

NAME

TITLE

AGENCY/DEPARTMENT

DATE

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Brooke Duncan

From: Brooke Duncan
Sent: Wednesday, May 23, 2007 5:21 PM
To: bbrown [REDACTED]; 'Stephen H. Myers'; RMills [REDACTED]
Cc: 'Stevenson, Marshall F. (Dr.)'
Subject: Director compensation

As you may remember, we have been asking Debra for several years to assist us with an evaluation tool for us to use in measuring her performance. Bridget had worked on this and then Marshall took up the task. Marshall and I finally received from Debra several weeks ago a self-evaluation in which she outlined what she believed to be her accomplishments in the recent past. Marshall and I concluded that while her performance has been satisfactory, an increase in pay beyond the average increase received by other state workers was not justified. Our research indicated that most state civil service workers have been receiving 4% increases. Accordingly, we determined that a 4% increase was appropriate for Debra.

Because Debra had not had an increase in three years, we made the increase retroactive. Although this resulted in an increase of 12%, again, this was to catch her up for the last three years.

Debra is now well-paid--approx. 90K a year. (Recall that she was successful several years ago in persuading the legislature to give her additional funds for salary increases for her and her staff.) It seems appropriate to ask ourselves whether at this point we should consider a cap on compensation for our director--not a cap for Debra but for the position. Few management positions in state government are paid this well and we should take into account our director's responsibilities relative to those of other state government executives.

I wanted to take this opportunity to let you know about Debra's pay raise since our meetings have become less frequent. As for the question of a cap, I don't know if we need to take this up in a meeting, since the Commission sets the director's pay anyway, or simply come to an informal understanding that there should be no future increases unless clearly based on exceptional and outstanding performance. If anyone has any thoughts on this, please let me know.

Thanks.

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8/7/2008

**Current State Police Representative
to the Commission Robert Mills**

INSPECTOR GENERAL'S REPORT - CASE 108009- LA. STATE POLICE COMMISSION

TO: STEVEN B. STREET, JR.
LA. OFFICE OF THE INSPECTOR GENERAL

FROM: ROBERT MILLS – ELECTIVE TROOPER REPRESENTATIVE

SUBJECT: RESPONSE OF CASE # 108009

DATE: 8/8/2008

RESPONSE

I am in receipt of your draft copy concerning your office's investigation of the alleged acts of the Executive Director, Ms. Debra Johnson, and the lack of oversight regarding the Louisiana State Police Commission members. Per your request, I am tendering a response to your report.

After reviewing the first twenty pages of your report, I am shocked and disappointed concerning the alleged actions of the Executive Director. The abuse of trust, which was placed on her by the Commission and the commissioned troopers, is intolerable. According to Commission Rules, she was charged with the day-to-day administration of the Commission. On a daily basis, she was responsible for the purchase and procurement of goods/professional services, scheduling hearings, publishing annual reports (including pay plan studies), conducting rule violation investigations, and conducting entry level and promotional testing for State Police. For specifics, please refer to Ms. Johnson's job duties within the State Police Commission Rules under Chapters 3, 5, 7, 8, 12, 13, and 16.

As you are aware, the Commission is comprised of various persons that meet monthly and who each carry a single vote on matters. Six members are selected by the Governor and one member is elected by the classified members of State Police service. The Commission acts as one body but each member has a vote, or input, on related business matters. As a representative of the classified members, I have one vote and always voice my concerns on their behalf. The Commission members conduct public hearings and address related business matters. I do not agree with every decision that is made but at least I am allowed the opportunity to provide perspective and a voice. I welcome the Inspector General's Report because it reiterates those same areas of concern that I share.

1. Granting of merit increases for the Director without a Commission member vote.
 - a. I voiced my objection with the Chair and never approved any merit increases. This was done "after the fact" of learning of it being granted.
2. Granting of merit increases without disclosing an employee performance evaluation.
 - a. I have never seen an employee performance evaluation that was completed by any commission member, Director, or staff member.
 - b. The Director was tasked with assisting in developing performance criteria for her annual evaluation and she never participated. Without an employee performance

evaluation, a merit increase should not be given. I had discussions with the chair and vice-chair reiterating that no merit increases should be given.

3. The Director's failure to issue an annual pay plan study for commissioned officers.
 - a. The Louisiana State Troopers Association took the initiative and paid for these studies and would present them to the Legislature through the Department of Public Safety for consideration. To date, the LSTA continues to fund pay plan studies that represent trooper benefits.
4. The Director's failure to perform a revision of the State Police Commission rules to reflect actual job duties and responsibilities.
 - a. I asked for this to be an ongoing project since 2003 and it was not done.
 - b. The majority of rule revisions have been made at the request of the Department of Public Safety, Office of State Police concerning updates that needed to be resolved.
5. The Director's absenteeism rate.
 - a. After learning of several occasions that the Director was not in the office, I relayed the information to other Commission members. I was often told that FLSA would not require a record of time for a salaried employee. The FLSA would require a record of time for an hourly non-exempt employee. Often times, I was told that the Director's absence was related to illnesses that were rheumatoid in nature or that she suffered from lupus. It is my understanding that she does suffer from these ailments. During Commission member conversations, the "Americans with Disability Acts" was discussed in which it was assumed that the Director would invoke a defense; however, no action was ever taken for her to invoke the act.
6. The Director's failure to provide monthly summary reports.
 - a. The Director was tasked with providing business summary reports at the conclusion of each meeting. The report would allow the members an opportunity to review what type of business the Director was conducting each month and to provide a summary. This was requested in attempt to monitor her actions and provide an opportunity to address any trooper complaints concerning the staff. This report was made only once.

It is my understanding that you have set a deadline for responses as August 8, 2008. I have spoken to the Commission's referee/attorney regarding as to whether he intends to draft a response for the present Commission members. Mr. William Norfolk informed me that he was not authoring a response. As you are aware, Commissioners Duncan, Stevenson, Marshall and Brown resigned effective June 30, 2008. Mr. Joe Cage and I remain until our term expires on December 31, 2008. Three new members have been appointed by the Governor and are scheduled to meet and conduct business on August 28, 2008. If the new members have been provided with a copy of your report, I intend to present a motion to enter into executive session and discuss the recommendations and findings that are stated for corrective action.

In conclusion of this matter, I cannot act on behalf of the Commission, but on August 28, 2008, I am sure that we will author and adopt a corrective action plan to address the noted deficiencies. The corrective action plan will include the name(s) of the contact person(s) responsible for action with an anticipated completion date and status reports.

Respectfully,

A handwritten signature in blue ink, appearing to read "A. M. Smith 1841", is written over a faint, illegible printed name.

Thirty-seven copies of this public document were published in this first printing at a cost of \$193.52. The total cost of all printings of this document, including reprints is \$193.52. This document was published by the Office of State Inspector General, State of Louisiana, Post Office Box 94095, 150 Third Street, Third Floor, Baton Rouge, LA 70804-9095 to report its findings under authority of LSA-R.S. 39:7-8. This material was printed in accordance with the standards for printing by state agencies established pursuant to LSA - R.S. 43:31.

A copy of this report has been made available for public inspection at the Office of State Inspector General and is posted on the Office of State Inspector General's website at www.doa.louisiana.gov/oig/inspector.htm. Reference should be made to Case No. 1-08-0009. If you need any assistance relative to this report, please contact Bruce J. Janet, CPA, State Audit Director at (225) 342-4262.

REPORT FRAUD, WASTE, AND ABUSE

To report alleged fraud, waste, abuse, or mismanagement relative to state programs or operations, use one of the following methods:

- Complete complaint form on web site at www.doa.Louisiana.gov/oig/inspector.htm
- Write to Office of State Inspector General, P. O. Box 94095, Baton Rouge, LA 70804-9095
- Call the Office of State Inspector General at (225) 342-4262