



Ken Burke, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

Clerk of the County Court
Recorder of Deeds
Clerk and Accountant of the Board of County Commissioners
Custodian of County Funds
County Auditor


Division of Inspector General

510 Bay Avenue
Clearwater, FL 33756
Telephone: (727) 464-8371
Fax: (727) 464-8386
Fraud Hotline: (727) 45FRAUD (453-7283)
Clerk's website: www.mypinellasclerk.org

REPORT NO. 2017-13

TO: Gay Lancaster, Interim Executive Director
Pinellas County Construction Licensing Board (PCCLB)

Bernie McCabe, State Attorney
Sixth Judicial Circuit Court

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

DIST: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller

SUBJECT: Investigation of PCCLB Release of Exempt Information

DATE: September 20, 2017

The Division of Inspector General's Public Integrity Unit (PIU) received an allegation of Fraud, Waste, and Abuse. We investigated the following allegation related to the release of exempt personal information.

Shawn Meeks, PCCLB Contractors Certification Field Investigator (Complainant), alleges that Paul Roberts, PCCLB Contractors Certification Field Investigator, (Respondent):

- Released a PCCLB employee's personal protected information exempt from public records.

The complainant did not provide documentation to assist with the investigation.

To determine whether the allegation was substantiated, we reviewed policies, procedures, and any other records deemed appropriate. We also conducted interviews of 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*



An Accredited Office of
Inspectors General

General Standards Manual from The Commission for Florida Law Enforcement Accreditation.

The Division of Inspector General investigation of the allegation has determined that the allegation noted above was **unsubstantiated**. However, we noted issues during our investigation, which are detailed below.

We want to thank PCCLB management for their assistance and cooperation during this investigation.

Investigative Findings, Issues and/or Concerns

1. The Respondent Violated County Rules And Ethics Requirements.

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

The Pinellas County Statement of Ethics states,

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

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

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

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

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

When an employee conducts themselves in a way that violates County ethics and policies, both the PCCLB and the County's image may be negatively impacted in the

event of a public records request, considering emails are subject to open records under the Sunshine Law.

We recommend PCCLB Management:

- A. Based on the immediate action taken by management and the Respondent retiring on May 18, 2017, no management recommendation is necessary with respect to management considering disciplinary action as appropriate per the Pinellas County Personnel Rules.
- B. Educate staff on the appropriate use of County equipment and email in accordance with Pinellas County Personnel Rules and the Statement of Ethics.
- C. Educate staff on the appropriate conduct of a County employee in accordance with Pinellas County Personnel Rules and the Statement of Ethics.

Management Response:

- A. No management response required.
- B. Management Concur. Policies are being written to mandate orientation and ongoing education of all employees on the appropriate use of the internet and email, in accordance with Pinellas County Personnel Rules, as well as the Statement of Ethics.
- C. Management Concur. Staff will be oriented and educated regarding Personnel Rules and Statement of Ethics, and required to acknowledge in writing that they have read and understand both.

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

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

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

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

Management Response:

Management Concur. The job log will be immediately activated.