



INVESTIGATIVE REPORT

David Cook, Inspector General

OFFICE: DEPARTMENT OF NATURAL RESOURCES (DNR)

TITLE: DNR THEFT

CASE ID: 2020-01-0025

DATE: February 10, 2021

Inspector General Chief Legal Counsel, Tiffany Mulligan, after an investigation by Inspector General Special Agent Jack Bedan, reports as follows:

The Indiana General Assembly charged the Office of the Indiana Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in the executive branch agencies of state government. Ind. Code §4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics (Code) violations within state government. Ind. Code §4-2-7-3.

On February 17, 2020, the OIG received a complaint alleging that a former Indiana Department of Natural Resources (DNR) employee, Jayme Smyth, misappropriated state resources for personal use. OIG Special Agent Jack Bedan investigated the complaint. He learned that the Indiana State Personnel Department (SPD) previously investigated the matter. As a result of the SPD investigation, DNR terminated Smyth from employment. At the time of his dismissal, Smyth was the Natural Science Manager at DNR's Cikana Fish Hatchery.

Special Agent Bedan learned that SPD received an anonymous complaint alleging that Smyth accessed the storage area of a DNR property in Martinsville, Indiana and removed parts from State-owned boat motors for personal reasons. The complaint further alleged that Smyth

returned the parts and reassembled the spare motors. Special Agent Bedan learned that during SPD's investigation, Smyth admitted to taking the parts and using them to diagnose an issue with his personal boat motor. Smyth told SPD that he intended to return the parts the day after he took them, but he became ill, which delayed his return of the parts.

SPD also obtained information from another DNR Employee (Employee). The Employee informed SPD that he noticed the missing boat parts and reported it to his supervisor (Supervisor). The Employee said he suspected Smyth stole the parts. The Employee checked the boat motors a week after he noticed the missing parts and found that the parts had been returned and the boat motors reassembled. SPD concluded that the allegations in the anonymous complaint were "substantiated."

As part of the OIG investigation, Special Agent Bedan interviewed the Employee. The Employee stated that he and another DNR staff member were putting away equipment in a locked storage barn when they noticed that the cowlings of DNR's outboard motors had been "popped open." The Employee stated that there was a tool kit on the floor by the boat motors. The tool kit was not state property. Upon further inspection, the Employee noticed that the starter assembly was off of one of the Mercury boat motors and some of the wiring was missing. The Employee stated that the Mercury boat motor was likely ten years old but still in good working order.

During his interview with Special Agent Bedan, the Employee also recalled a conversation he had with Smyth several weeks prior to finding the boat motor parts missing. The Employee stated that Smyth inquired about spare Mercury motors and if they were still in the storage building. The Employee said he told Smyth that the spare motors were needed as backup motors for the hatchery boats, and Smyth stated that the motors were old and no one needed them. The Employee said Smyth joked that he was going to steal one of the starter motors.

The Employee also stated that when he discovered the missing boat motor parts, they checked the locks on the storage barn and found they were all secured so they knew no one had broken into the barn. The Employee stated that five or six people had access to the storage barn. Smyth had a key for the locks to the storage building and other facilities.

The Employee said that he took the tool kit that was on the floor by the boat motors with him as evidence and notified the Supervisor of the theft. He also told the Supervisor that he suspected Smyth because of Smyth's earlier comments regarding stealing the boat motor parts. The Employee learned that the Supervisor talked with Smyth. The Employee returned the tool kit to Smyth because the Supervisor stated that the matter had been resolved and the boat motor parts had been returned.

Special Agent Bedan also interviewed the Supervisor. The Supervisor said he spoke with Smyth and told Smyth that he should not be using the boat motor parts. The Supervisor said that Smyth told him that he was going to put the boat motor parts on his boat to see if his boat motor worked and then he was going to return the parts.

Special Agent Bedan attempted to interview Smyth. Smyth told Special Agent Bedan that he took the boat motor parts to see if they would fit on his boat before he ordered the parts himself. He said that he returned the boat motor parts and he did not view his action as theft. Smyth declined to respond to further questions.

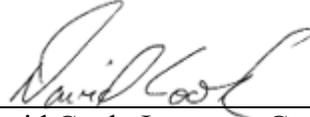
Special Agent Bedan contacted a parts manager at a boat repair facility to investigate whether a person would need to remove a boat motor part from another similar boat motor to determine the proper part that would need to be replaced. The parts manager said that it was not necessary because all a person would need to do is obtain the motor's serial number. The parts manager said an individual could then look up the part on the computer and order it themselves.

Also, Special Agent Bedan discovered that if an original starter was not working, any auto parts store could test it, and if an individual removed the starter from the motor, he or she could start the boat motor by pulling the cord to determine if the starter was bad.

The OIG submitted the results of this investigation to the Morgan County Prosecutor's Office. The Morgan County Prosecutor's Office filed charges against Smyth for theft, a Class A misdemeanor under Ind. Code §35-43-4-2(a), in Martinsville City Court. Accordingly, this investigation is closed.

Dated: February 10, 2021

APPROVED BY:

A handwritten signature in cursive script, appearing to read "David Cook", is written over a horizontal line.

David Cook, Inspector General